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# UNION OF CONCERNED SCIENTISTS

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DOCKETED  
USNRC

'84 SEP -4 <sup>12:18</sup> August 31, 1984

Nunzio J. Palladino, Chairman  
James K. Asselstine, Commissioner  
Frederick M. Bernthal, Commissioner  
Thomas M. Roberts, Commissioner  
Lando W. Zech, Jr., Commissioner  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555

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BRANCH

50-289-SP

RE: TMI-1 Restart; Waiver of Subcooling Criteria and Other Outstanding Issues

Gentlemen:

By memorandum of the Secretary dated July 27, 1984, you circulated to the parties SECY-84-237 with enclosed safety evaluation on the subject of GPU's proposal to reduce the applicable subcooling criteria for TMI-1 from 50°F incorporated in the Commission's August 9, 1979, Order and Notice of Hearing to 1.6°F. The NRC staff's safety evaluation is based almost entirely on calculations and analyses done by GPU. Since GPU's proposal would also violate a condition of operation set by the Appeal Board (SECY-84-237, p.1), you solicited the comments of all parties and set a deadline of August 24, 1984 for response. UCS made detailed comments and submitted them by the deadline.

I subsequently received a letter from GPU Counsel dated August 24, 1984, which announces that GPU has no comments on the staff's safety evaluation, but it "will be filing with the Staff shortly a revised analysis which supercedes the GPU Nuclear analyses assessed in the Staff's Safety Evaluation." In other words, the staff's safety evaluation and the underlying detailed calculations which we have just spent days reviewing, evaluating and preparing written comments upon are about to be "superceded" shortly by GPU. Surely GPU knew of this before August 24, 1984, yet it proceeded to withhold the information until after the deadline had passed for comments. It would have taken only a simple telephone call to the Secretary and the parties to alert them to the fact that the analyses are being "superceded." Its astonishing failure to do so is illustrative of GPU's arrogance.

Perhaps more importantly from the Commission's point of view, GPU does not shrink from unequivocally asserting that the Commission is "obligated" to order the restart of TMI-1 and claims that the plant is ready to restart. Apparently, GPU is not reciprocally obligated to timely provide the Commission with the information necessary to reach a rational decision on a safety issue

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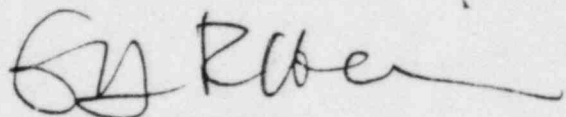
so basic and longstanding as the one in question. It is inexcusable that GPU still does not know the accuracy of the TMI-1 subcooling meter when installation of this instrument is a short-term requirement dating from 1979.

In this connection, it is similarly remarkable that, when directed by the Commission in CLI-84-11 to certify the qualification status of TMI-1 safety equipment for radiation only, the Staff has been unable to do so as of yet because GPU has been unable to provide it with the necessary data. Considering that the Commission ruled on June 30, 1982 that the staff had data demonstrating that all plants, including TMI-1, had either fully qualified safety equipment or had valid justifications for continued operation, and considering that radiation qualification is just a small part of overall environmental qualification, this data should clearly have been readily available two years later when requested by the Commission.

A final case in point is UCS's petition for show cause regarding the TMI-1 emergency feedwater system. The petition was filed in January, 1984 and was based entirely on documents already in the possession of the NRC at that time. Yet the NRC has yet to resolve the issues raised therein, in large part because GPU cannot come up with the necessary information and analyses.

GPU cannot credibly continue to assert that the Commission is "obligated" to allow restart nor can the Staff continue to state that the plant can safely operate when such fundamental safety questions, none of which are new, are not answered.

Sincerely,

A handwritten signature in dark ink, appearing to read 'ER Weiss', with a long horizontal flourish extending to the right.

Ellyn R. Weiss  
General Counsel

cc: TMI-1 Service List