

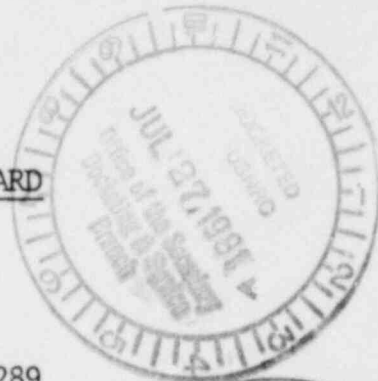
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

Docket No. 50-289  
(Restart)

COMMONWEALTH OF PENNSYLVANIA'S AMENDED  
PROPOSED REPLY FINDINGS OF FACT AND  
CONCLUSIONS OF LAW ON MANAGEMENT ISSUES



INTRODUCTION

At the July 9, 1981 session of the evidentiary hearing, the Board received into evidence a letter from Ernest L. Blake, Jr., Counsel for Licensee, to Robert Adler, Esquire [Attorney for the Commonwealth], dated July 7, 1981. Licensee Ex. 59; Tr. 23, 003. This letter contained commitments from Licensee on the staffing of operations personnel at TMI-1. Counsel for the Commonwealth requested and received permission to amend the Commonwealth's proposed reply findings on management issues to propose Licensee's commitments as conditions for the restart of TMI-1. Tr. 23, 008-09. The deadline for filings on this issue was later established as July 23, 1981. Tr. 23, 111-12.

The Commonwealth's proposed amended reply findings follow. For purposes of clarity, the complete text of the Commonwealth's amended findings is reproduced. Amended portions are marked in the left-hand margin. By implication, the Commonwealth withdraws proposed reply findings 4-10.

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I. NEGOTIATIONS BETWEEN LICENSEE AND THE COMMONWEALTH OF PENNSYLVANIA

1. The Commonwealth of Pennsylvania submitted proposed findings of fact and conclusions of law on management issues on May 15, 1981. Rather than filing proposed findings and conclusions on all management issues in the proceeding, the Commonwealth elected to "advise the Commission" pursuant to its rights under 42 U.S.C. §2021 and 10 C.F.R. §2.715(c) "on specific management issues on which the Commonwealth perceives deficiencies that need to be remedied." Commonwealth's Proposed Management Findings at 2. The Commonwealth submitted proposed findings and conclusions in the following area: I. Burden of Proof on Management Issues, II. Additional Training Requirements (including Licensed Operator Reexamination, NRC Evaluation of Operator Performance, Simulator Training, Training for Senior Management Personnel, Training in Anticipated Transients Operator Guidelines, and Training in Class 9 Accidents), III. Operational Resources (including Shift Staffing Requirements, Operational Personnel, and Radwaste Staff Requirements), and IV. Staff Review of Financial Qualifications. Although the Commonwealth in general indicated that it believed that Licensee had met its burden of proof on all other management issues in the proceeding, it did not adopt the findings and conclusions proposed by any other party and reserved its right to participate as a full party on appeal.

2. After the filing of the Commonwealth's proposed findings and conclusions on management issues, Licensee proposed that an extension be granted for proposed reply findings to issues raised by the Commonwealth, so that Licensee and the Commonwealth could engage in discussions and negotiations on these issues. In light of the general policy of the Commission favoring the settlement of disputes between parties, this

extension was granted. Tr. 21, 844-54. The Board is pleased that the discussions between Licensee and the Commonwealth were highly productive. As a result of these discussions, and based upon commitments made by Licensee to resolve many of the concerns raised by the Commonwealth, the Commonwealth first agreed to withdraw its proposed findings and conclusions with respect to the following issues: II. Additional Training Requirements (all subissues) (§§35-117) and III. Operational Resources (Radwaste Staff Requirements only) (§§150-154). See Letter from Ernest L. Blake, Jr., Counsel for Licensee to Robert W. Adler, Attorney for the Commonwealth (June 22, 1981). Licensee Ex. 56. Later, based on additional discussions and commitments by Licensee, the Commonwealth agreed to withdraw its proposed findings and conclusions with respect to the following issues: III. Operational Resources (remaining subissues) (§§118-149). See Letter from Ernest L. Blake, Jr., Counsel for Licensee, to Robert W. Adler, Esquire, Attorney for the Commonwealth (July 7, 1981). Licensee Ex. 59. With respect to the Commonwealth's original management findings, only IV. Staff Review of Financial Qualifications remains. This issue is addressed infra.

3. The Board finds that the agreements reached by Licensee and the Commonwealth constitute fair and reasonable solutions to the issues raised in the Commonwealth's proposed findings. The Board recognizes, however, that the Commonwealth possesses no enforcement mechanism to ensure that Licensee's "commitments" are honored, short of a motion to show cause, which is subject to the Staff's discretion. 10 C.F.R. §2.206. Accordingly, the withdrawal of the Commonwealth's findings was contingent upon the agreement by Licensee not to object to the imposition of Licensee's commitments as license conditions for the restart of TMI-1.

Licensee Ex. 56, at 5; Licensee Ex. 59, at 4. Moreover, Licensee agreed to make these commitments a matter of record in this proceeding. Tr. 22, 166; 23, 003. The Board agrees that this approach is appropriate. Therefore, the Board directs that the following commitments of Licensee be enforced by the Staff as license conditions for the restart of TMI-1:

(1) Prior to restart, Licensee shall demonstrate to the NRC Staff that Licensee has examined on the subject matter identified in Commission Order Item 1.e. (i.e., Category T examination), the four remaining individuals of the thirty-six whom Licensee has certified for NRC licensed operator examination prior to restart, and the Staff shall include in its certification to the Commission that Licensee has complied with this condition. The Staff is directed to review all Category T examinations utilized by Licensee for these thirty-six individuals prior to restart. No operating license shall be issued to an operator who has not passed an NRC-approved Category T examination;

(2) Prior to restart, Licensee shall demonstrate to the NRC Staff that all of its licensed operators have received at least three additional days of training covering the TMI-2 accident subject matter, and the Staff shall include in its certification to the Commission that Licensee has complied with this condition;

(3) Prior to restart, Licensee shall demonstrate to the NRC Staff that all of its operators who have not previously held NRC licenses have successfully completed at the B&W simulator an NRC-administered examination, in addition to the written examinations and the operating examinations at TMI-1, and the Staff shall include in its certification to the Commission that Licensee has complied with this condition;

(4) Prior to restart, Licensee shall demonstrate to the NRC Staff that Licensee has available for use at TMI-1 a cathode ray tube (CRT) part-task simulator which displays temperature and pressure, and the Staff shall include in its certification to the Commission that Licensee has complied with this condition;

(5) Prior to April 1, 1982, Licensee shall prepare for bids and distribute specifications for a TMI-1 exact replica simulator anticipated to be installed in 1985;

(6) Prior to restart, Licensee shall demonstrate to the NRC Staff that Licensee has contracted for a basic principles trainer for TMI-1 anticipated to be installed in 1982, and the Staff shall include in its certification to the Commission that Licensee has complied with this condition. Following availability of this trainer, Licensee shall provide for each operator as a part of annual requalification training at least one week training per year on this trainer in addition to the week each year at B&W's simulator, at least until Licensee's exact replica simulator is available.

(7) Prior to restart, Licensee shall demonstrate to the NRC Staff that members of Licensee's senior management who have joined Licensee since July 1, 1979, and who are designated to act as Emergency Directors or as Emergency Support Directors, have received a formal training course addressing site-specific plant design features, and the Staff shall include in its certification to the Commission that Licensee has complied with this condition.

(8) Licensee shall conduct training of all of its operators in ATOG prior to ATOG implementation.

(9) Prior to restart, the Staff shall impose and enforce the following license conditions for the operation of TMI-1:

(a) At all times when the plant temperature is above 200°F (cold shutdown), Licensee will man all shifts at TMI-1 with a minimum of one NRC-licensed SRO, who will act as Shift Supervisor or as Shift Foreman, a second individual, either NRC-licensed as an SRO or NRC-licensed as an RO and trained as an SRO, who will act as Shift Supervisor or as Shift Foreman, and a minimum of two NRC-licensed ROs who will act as Control Room Operators.

(b) Licensee shall employ all reasonable efforts to ensure personnel will be scheduled on a six-shift rotation, so long as there is a sufficient number of qualified individuals who normally stand shift watches to man six shifts, each of which meets (a), above (6 SROs and 18 ROs, recognizing that SROs may act as either SROs or ROs).

(c) In the event there is an insufficient number of qualified personnel who normally stand shift watches available to meet (b), above, Licensee shall schedule its normally on-shift plant operating personnel on a five-shift schedule, each of which meets (a), above, unless additional relief is granted pursuant to (e), below.

(d) In the event there is an insufficient number of qualified operators who normally stand shift watches available to meet (c), above, Licensee may employ on shift qualified and licensed individuals from its organizations who do not normally stand shift watches, in addition to those operators who do normally stand shift watches, to meet (c), above.



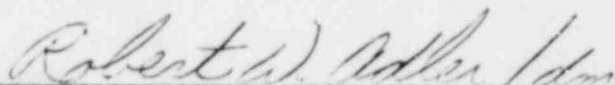
(e) In the event there is an insufficient number of qualified operators in Licensee's organization to meet (d), above, for any period longer than 10 consecutive days, Licensee shall inform the Commonwealth and the NRC and seek from the NRC their concurrence to man TMI-1 shifts and operate TMI-1 for a limited period of time with available qualified and licensed personnel, specifically bearing in mind the then-current and applicable NRC criteria or guidance on overtime policies.

(f) At all times when TMI-1 is operating at power levels above 20% rated power and there is only one licensed SRO on shift, the SRO-licensed individual on shift shall remain within the control room (including the shift supervisor's office) or within the plant at a location from which the control room is accessible in less than five minutes. Further, at all times when TMI-1 is operating at power levels above 20% rated power and the SRO-licensed individual on shift is not in the control room (including the shift supervisor's office), Licensee shall ensure that the control room (including the shift supervisor's office) is manned by a minimum of 2 ROs, acting as Control Room Operators, a third individual with an RO license and SRO-trained, and by the on-shift STA.

(g) Licensee shall employ all reasonable efforts to maintain at all times sufficient numbers of individuals in training to become licensed operators in order to account for possible future attrition of licensed operators. To this end, Licensee shall employ all reasonable efforts to maintain in training at all times that number of trainees which, when combined with the actual

numbers of NRC-licensed SROs and ROs in Licensee's organization, will total at least 30. Licensee shall report to the Commonwealth and the NRC at least annually whenever this condition is not met, and shall describe to the NRC the corrective actions being employed by Licensee to achieve compliance.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Robert W. Adler".

ROBERT W. ADLER  
Attorney for the Commonwealth



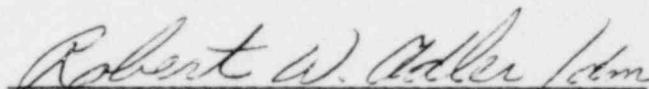
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CERTIFICATE OF SERVICE

I hereby certify that copies of the attached "Commonwealth of Pennsylvania's Amended Proposed Reply Findings of Fact and Conclusions of Law on Management Issues" were served on the parties on the attached service list this 23rd day of July, 1981, by deposit in the U.S. mail, first class postage prepaid.

  
ROBERT W. ADLER

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