

From: Eugene Kelly  
To: RSB1 - Richard Berkley  
Date: 7/25/97 1:50pm  
Subject: UPDATE ON FITZ ALLEGATION 97-33/126 -Reply

Based on the initial evaluation performed by Doug Dempsey and Frank Arner during 7/8 thru 10 onsite, and for the half dozen or so facets of this allegation we looked at, we would not have a regulatory or safety concern with stopping our inspection at this point. Each of the issues we looked at :

1. were appropriately captured via DER in the corrective action process
2. had adequate corrective actions in place or underway
3. did not present an apparent violation (given our depth of review at this point)
4. had little apparent safety consequence
5. roughly half of the DER's are still open, and do have technical implications
6. don't present any obvious broader implications

While we stand ready to finish our inspection if necessary, I could support a decision to essentially refer the individual's concerns to NYPA. This is because my preliminary assessment ( based on limited field work) is we'll not gain any new or significant regulatory insights from our issues. Based on my narrow view of the entire package, its still difficult to grasp the central and fundamental theme ( e.g. flawed DER's, slow corrective action, reluctance to enter low level issues into the process, etc.)....this is also based on reading portions of a recent OI interview.

Therefore, I believe we've gone far enough into the DRS/SEB issues at this point to stop, if so directed. What otherwise remains for SEB is another week of inspection... Doug is still planning that effort for tentatively the week of 9/8 , although other options are being explored... to finish sufficient field work to get to "the bottom" and write a coherent report.

CC: JTW1, LEN, JFR

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