

Mr. Howard Spaletta
475 Amy Lane
Idaho Falls, Idaho 83406

February, 1993

Dear Mr. Spaletta:

In a letter to former Senator Steve Simms dated November 18, 1991, Mr. James M. Taylor, NRC Executive Director for Operations, committed to provide a copy of TVA's final report on Watts Bar welding issues and a copy of the NRC staff's evaluation. Enclosed is a copy of TVA's letter dated January 9, 1993, transmitting the document entitled "Watts Bar Nuclear Plant, Unit 1, Welding Corrective Action Program Plan, Final Report". Enclosed also are pertinent pages from the staff's Inspection Report 50-390 and 50-391/93-02 showing, among other things, the staff's acknowledgement of receipt of the final report. The staff is performing a final inspection of TVA's implementation of the Welding Corrective Action Program and will document findings in an upcoming inspection report. When that inspection report is published in the spring of 1993, I shall send you a copy.

The provision of the enclosures, and the final inspection report (to be provided) will complete the staff's commitment. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,
Original signed by
Peter S. Tam, Project Manager
Project Directorate II-4
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosures:

1. TVA letter dated January 9, 1993
2. Partial Inspection Report 50-390
and 50-391/93-02

Distribution w/o enclosures

Docket File (w/incoming) (50-390)	NRC & Local PDR (w/incoming)
T. Murley/F. Miraglia	W. Russell
J. Partlow	S. Varga
G. Lainas	F. Hebdon
F. Gillespie	C. Smyre
P. Tam (w/incoming)	V. Nerses
M. Sanders	NRR Mail Room (YT0910207)
B. Clayton	C. Norsworthy
P. Frederickson	E. Merschoff
M. Callahan	J. Lee

ACRS-1

OFC	PDII-4/LA	PDII-4/PM	PDII-4/D		
NAME	MSanders <i>ms</i>	PTam:as <i>PS</i>	FHebdon		
DATE	2/24/93	2/24/93	2/24/93		

DOCUMENT NAME: 0910207

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

November 18, 1991

The Honorable Steve Symms
United States Senate
Washington, D.C. 20510-6200

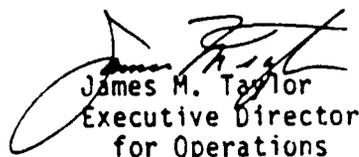
Dear Senator Symms:

I am responding to your letter of October 15, 1991, concerning the U.S. Nuclear Regulatory Commission (NRC) staff's involvement and information regarding Mr. Howard Spaletta. Mr. Spaletta's concerns pertain to a report generated by EG&G Idaho for the U.S. Department of Energy (DOE) under a Tennessee Valley Authority (TVA) contract.

The NRC staff has reviewed the subject report (Weld Evaluation Project (WEP) Report for Watts Bar Nuclear Plant, Unit 1, of February 17, 1988), and has documented detailed review results in a letter of August 12, 1988 (Enclosure 1). The NRC staff also reviewed the concerns raised by Mr. Spaletta and prepared an Allegation Evaluation that was forwarded to Mr. Spaletta by letter dated July 10, 1989. A copy of the evaluation is enclosed (Enclosure 2). In general, the NRC staff agreed with the concerns raised by Mr. Spaletta, because the same observations were made during the staff's review of the WEP report. These issues were discussed in a meeting with the TVA on October 11, 1988 (summary dated February 9, 1989 is Enclosure 3). TVA is preparing a final report on welding issues, including a response to the concerns raised in the NRC's August 12, 1988 letter and October 11, 1988 meeting. This report, when issued by TVA, will be available in the NRC Public Document Room and will be reviewed by the staff. We will provide Mr. Spaletta with a copy of the report and our evaluation.

On July 29, 1991, the NRC Office of Investigations (OI) personnel met with Mr. Spaletta in Idaho Falls. The staff will contact Mr. Spaletta regarding status of this action when it is complete.

Sincerely,


James M. Taylor
Executive Director
for Operations

Enclosures:

1. Letter dated August 12, 1988
2. Allegation Evaluation
3. Meeting Summary of October 11, 1988

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1/6



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

FROM: ORIGINAL DUE DT: 06/01/92 TICKET NO: 0910207
SEN. STEVE SYMMS DOC DT: 11/01/91
NRR RCVD DATE: 12/13/91

TO:

MURLEY

FOR SIGNATURE OF: ** YEL **

MURLEY

DESC:

ROUTING:

FOLLOW-UP TO GREEN TICKET 0007116 TO HOWARD
SPALETTA

MURLEY
MIRAGLIA
PARTLOW
RUSSELL
GILLSEPIE
SMYRE

A NED TO: CONTACT:
DRPE VARGA

Please review the due date immediately:

If the due date does not allow adequate time to respond to this ticket, you may request a revised due date. The request must have prior approval from the appropriate Associate Director or NRR Deputy Director and must include a valid justification. Contact NRR mailroom with the new due date (Celeste Smyre, ext-21229).

Please do not carry concurrence packages to Directors office without first going through the NRR mailroom.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

1/ors

ACTION

EDO Principal Correspondence Control

FROM: Sen. Steve Symms

DUE: 11/01/91

EDO CONTROL: 0007116
DOC DT: 10/15/91
FINAL REPLY:

TO: Chairman Selin

FOR SIGNATURE OF: Executive Director

** GRN **

CRC NO: 91-1028

DESC: ENCLOSURES LETTER FROM HOWARD SPALETTA RE SAFETY RELATED CONCERNS AT THE WATTS BARR FACILITY

ROUTING:

Taylor
Sniezek
Thompson
Blaha
Ebner, RII

DATE: 10/22/91

ASSIGNED TO: NRR CONTACT: Murley

SPECIAL INSTRUCTIONS OR REMARKS:

REF. EDO 6623
MARK ENVELOPE ATTN: TOM LECLAIRE.
REPLY IN DUPLICATE AND RETURN INCOMING WITH

*NRR Action Received 10/22/91
Action assigned to: DRPE &*

*Murley
Miraglia
Russell
Partlow
Gillespie
A mype*

DUE TO
BY 10/7

*Eileen EDO-7116
You wanted new due date to open another ticket (yellow) for follow up. Per Fred Hebdan the new date due should be June 1 1992.
Carol X21403*



CHAIRMAN

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

June 5, 1989

PDR 50-340
50-391
Advance
Copy

PDR: per J. Rathje

Mr. Steven A. White
c/o Deborah B. Charnoff
Shaw, Pittman, Potts and Trowbridge
2300 N Street, N.W.
Washington, D.C. 20037

Dear Mr. White:

In my letter to you of December 13, 1988, I indicated that, although you as an individual are not an NRC licensee and the licensee, TVA, did not contest the violations, we would review your counsel's November 21, 1988 reply to the October 21, 1988 enforcement action. We have now completed our review of that response, as well as your request that we rescind the Notice of Violation (NOV) or, in the alternative, grant you a hearing on the NOV. As a result of our deliberation, the Commission has decided that the NOV should not be rescinded but that it should be recast. You will find our restatement of the violation attached to this letter. We have concluded that your request for a hearing should be denied.

We believe that this restatement of the NOV focuses more precisely on the Commission's concern about the unqualified remarks in the June 5, 1986 letter regarding the review of the Nuclear Safety Review Staff's (NSRS) perceptions leading to the development of the March 20, 1986 letter. While there are disagreements between you and the NRC staff over the significance that should be ascribed to the usage of certain words in the June 5 letter, the assertions in the letter appear to us to require far more explanation to clarify or qualify the limits of these assertions. We believe the June 5 letter overstates the nature and thoroughness of the review of the NSRS perceptions.

The issuance of the NOV was intended to emphasize that it is not acceptable for a licensee to overstate a position to influence the staff, and we do not believe that a retraction of the NOV is warranted. However, in this context, it should be understood that while TVA was cited in the NOV for a material false statement, the term "false" does not necessarily mean that an erroneous statement is made deliberately to deceive. We want to emphasize that the NRC did not find that either you or TVA deliberately made statements to deceive the NRC.

PUBLIC INFORMATION
48:06
TIME REQUESTED

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ACRS-1

Mr. Steven A. White

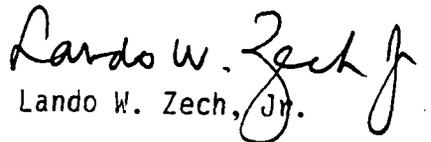
- 2 -

Concerning your request for a hearing, the Atomic Energy Act does not provide a right to a hearing in this matter. The Commission's regulations do not provide a formal hearing, even for licensees, for violations not associated with a civil penalty or order. In these cases, consideration of written correspondence is adequate to resolve differences. The circumstances of this matter are not such that you would be entitled to a hearing as a matter of due process. We have also carefully considered your request under our discretionary authority, and based on your submittals and our evaluation of them, we have concluded that a hearing is not necessary to appropriately consider the issues in this matter nor is it warranted in the public interest. Thus, the request is denied.

Our decision not to withdraw the NOV should not be taken as minimizing our recognition of the success of the efforts you had made in turning around the nuclear program at TVA.

Commissioner Curtiss did not participate in this response.

Sincerely,


Lando W. Zech, Jr.

cc: Service List for Watts Bar

RESTATEMENT OF THE VIOLATION CONTAINED IN THE
NOTICE OF VIOLATION OF OCTOBER 21, 1988, ISSUED PURSUANT TO 10 CFR 2.201

Contrary to Section 186, TVA, in its June 5, 1986 letter, by not being sufficiently accurate in its phraseology concerning the review of the enclosures to the March 20, 1986 letter, misled the NRC staff as to the nature and thoroughness of the review of the Nuclear Safety Review Staff's (NSRS) "perceptions" in that:

- (1) The letter suggests that a more comprehensive and structured review of the NSRS perceptions was conducted by the two "groups" described in the letter than actually occurred; and
- (2) The letter does not readily suggest that the second "group of highly experienced non-TVA experts" consisted merely of a number of individuals who, without any particular understanding that they had been gathered as a unit to review the results of the Lundin group's review, had reviewed drafts of the March 20, 1986 letter and responses to the NSRS perceptions.

The statements were material to evaluation of TVA's response to the question NRC believed it had raised in its January 3, 1986 letter, which had a bearing on the resolution of safety issues regarding the licensing of Watts Bar and caused the NRC staff to expend additional resources to determine the actual situation existing at Watts Bar with respect to the NSRS "perceptions".

This is considered a Severity Level II violation.