



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

December 12, 1995

Ms. Jeannine Honicker  
362 Binkley Drive  
Nashville, Tennessee 37211

Dear Ms. Honicker:

I am responding to your letter of October 11, 1995. The staff of the Nuclear Regulatory Commission has evaluated the concerns you expressed about our Inspection Report (IR) 50-390, 50-391/95-47.

As background, it is important to understand where the report and the Design Baseline Verification Program (DBVP) Corrective Action Program (CAP) fit into the overall process for making the licensing decision for the Watts Bar Nuclear Plant. The DBVP CAP was specifically established to correct inconsistencies between the licensing and design-basis documentation, as well as inconsistencies between actual plant configurations and the as-constructed drawings. This CAP is one of 28 CAPs and special programs developed by TVA to correct deficiencies identified in the mid-1980s. As such, it deals with a portion of the total hardware and programmatic problems that had to be resolved before a licensing decision could be made. The report in question is one of over 60 Watts Bar inspection reports issued so far this year. We issued over 80 Watts Bar inspection reports last year.

In your letter, you expressed concerns about our evaluation of Corrective Action Tracking Documents (CATDs) and the impact on personnel raising safety concerns related to the CATDs. I have enclosed a portion of NUREG-0847, Supplement 13 to the Watts Bar Safety Evaluation Report. This document describes the relationship between the employee concerns raised in the mid-1980s, the CATDs developed, and our inspection and review of this activity. This document provides both a historical and a current NRC perspective and should address your questions about the interaction between NRC and TVA with respect to resolving specific employee concerns, and the relationship of these concerns to the CATDs. The employee concerns on which CATDs were based, were made in confidence to a TVA contractor hired to interview all Watts Bar employees, not to the NRC. TVA was not given the name that corresponds with the employee concern. Therefore, it would be inappropriate for the contractor or NRC to release the names of these individuals to you. Supplement 17 to the Safety Evaluation Report, discussed later in this letter, should also provide you an overview of how CATDs and CAPs fit together.

With respect to your comments on the conclusion reached in the inspection report that the DBVP CAP had been "adequately implemented," this CAP had been inspected, as the report stated, several times in the last few years. We determined through those previous inspections and the inspection documented in IR 95-47 that the programmatic objectives of the DBVP CAP had been met. The unresolved item identified in IR 95-47 was a specific technical issue requiring resolution by TVA. By identifying an item as unresolved and assigning it a unique identification number, the NRC assures that the item will be inspected in the future. The inspector followup items identify

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specific items to which NRC intends to devote inspection resources but that are not associated with violations of NRC regulations. These items did not invalidate the conclusion that the DBVP CAP objectives had been met. It should be noted that the unresolved and inspector followup items are not linked to specific employee concerns. The three items have subsequently been inspected by the NRC staff, found to be acceptable, and the inspection is being documented in IR 50-390, 391/95-72. This IR will be issued in November 1995. The 230 items were licensee identified, and TVA was correcting them. Our sample is considered sufficient to assure that the scope and effectiveness of TVA actions were sufficient in closing these items. The previous inspections included reviews of several plant systems for design adequacy. On the basis of these inspections and the samples evaluated during this inspection (selected as representative of the remaining work), the NRC staff determined that the overall DBVP CAP objectives had been met and that no further evaluation of TVA corrective actions for this CAP was necessary.

In your letter, you questioned the resolution of the technical issues in several of the CATDs reviewed during the inspection documented in IR 95-47. Before discussing the specific CATDs, a few general comments covering several of these items are warranted. First, our statement that the employee concerns were resolved at the end of each section that reviewed a CATD referred only to those employee concerns related to that CATD. Second, your letter questions why the NRC does not conduct 100-percent inspections. NRC regulations require licensees to implement complete quality assurance programs, and the staff verifies through audits and samples that licensees have effectively fulfilled this quality mandate. The amount of review performed by the NRC staff is directly related to the safety significance of the system, component, or activity and to the past performance of the licensee. At the time of the subject inspection the NRC had already conducted approximately 40 inspections of the implementation of over 300 CATDs at the Watts Bar facility. Starting in 1994, with the addition of the Lookback Project, the NRC gained confidence that TVA's CATD program implementation was successfully resolving the employee concerns contained in the Employee Concerns Special Program. For several of the CATDs in the subject report, the fact that TVA was actively correcting problems in a specific area and that NRC had inspected a significant sample of the work accomplished under the CATD and found it acceptable satisfied the NRC that devotion of resources to follow up on completion of the small amount of remaining work would not provide a justifiable safety benefit.

You also questioned the use of the term "generally adequate." This term is used to describe activities that meet regulatory requirements based on inspection findings. It does not imply that every single licensee activity or action has been inspected by the NRC and found to be perfect. An activity may be acceptable in an overall sense even though one or more problems are identified (and redressed) from time to time. NRC findings of "general adequacy" characterize the inspected programs and performance as acceptable.

With respect to the CATDs in paragraph 2.3.1 of IR 95-47, the references to FSAR discrepancies identified in PAC/AQ and DBVP inspections were to items discussed in the previous inspection reports listed. These discrepancies were minor as shown in the letters transmitting the inspection reports to TVA and

in the inspection report executive summaries. The NRC used these inspections to ensure the commitments in the FSAR of how Watts Bar was to be constructed were transmitted into the documents used by the designers to design the actual hardware configuration of the plant. Some field inspection was accomplished during these inspections to verify that the design requirements that were transmitted through the design drawings were implemented in the construction of the plant. In addition to the PAC/AQ and DBVP inspections the NRC has conducted a significant number of system walkdown inspections which have consistently agreed with the conclusion that the design and construction of the plant agree and are consistent with the descriptions in the FSAR. The complete reports are available in the Public Document Room. Your questions involving the employees and their concerns are addressed in the enclosed Supplemental Safety Evaluation Report extract discussed above.

For the CATDs in paragraph 2.3.2 of IR 95-47, there are several important points to note. First, the NRC staff found TVA's resolution of the major issue in these CATDs, the electrical calculation program, to be adequate. As discussed above the NRC first addressed the programmatic nature of the calculation programs. Several Integrated Design Inspections were conducted to verify that TVA had properly implemented the FSAR and NRC regulations through the calculation program. The calculations identified some situations where plant modifications were necessary. These modifications included some electrical circuit breaker setting changes, changes in the load sequence settings for the diesel generators, and replacement of some electrical cable to meet load carrying requirements. NRC inspections of these corrective actions have shown that they have been adequately completed. In relation to the subject CATD on breaker settings, an isolated problem was found on the NRC followup inspection that resulted in a minor hardware setting change that had little safety significance.

With respect to paragraph 2.3.3 of IR 95-47, as previously discussed, the term "in general" used with "adequate" means that this activity meets NRC regulatory requirements and is being satisfactorily implemented.

As discussed in paragraph 2.3.4 of IR 95-47, the resolution of this CATD involved removal of the reference to the National Electric Code (NEC). The Watts Bar Final Safety Analysis Report (FSAR) is the document by which TVA commits to those codes and standards to which the plant must adhere for design and construction activities. The FSAR commits to appropriate Institute of Electrical and Electronics Engineers (IEEE) standards for electrical construction of the plant, not to the NEC. The IEEE codes are the standards to which nuclear power plant electrical systems are designed and constructed. The NRC approves the FSAR in a Safety Evaluation Report (NUREG-0847) and supplements thereto. The NEC itself in section 90-2 (enclosed) states that it is not applicable to power plants. However, a licensee is free to use portions of the NEC where they believe it is appropriate to describe to their design personnel how to conduct an activity as long as it does not supersede or modify a code of record. If they want to modify a code of record they must advise NRC in writing and obtain NRC acceptance. In this particular case, the CATD was issued because TVA had not followed the procedure which required use of a section of the NEC. TVA found that what was actually done was more conservative than the NEC. TVA admitted by issuance of the CATD that they

should previously have changed the procedure to remove the less conservative NEC reference rather than not following it. Excerpts from Subcategory Report 26500 which describe the issues raised by CATDs 23702-WBN-02, 04, and -05 are enclosed per your request.

TVA action on the CATD reviewed in paragraph 2.3.5 of IR 95-47 had not been completed when the inspection took place. As discussed previously, the fact that TVA was actively correcting problems in this area and that NRC had inspected a significant sample of the work accomplished under the CATD and found it acceptable satisfied the NRC that devotion of resources to follow up on completion of the small amount of remaining work would not provide a justifiable safety benefit. There are no accidents that could occur due to the deficiencies associated with this issue. TVA action on this CATD has now been completed.

In paragraph 2.3.6 of IR 95-47, the NRC corrective action followup was deferred from review of the CATD to a specific construction deficiency report (CDR), which is a report to the NRC required by regulations. The NRC inspection program requires the staff to followup on construction deficiency reports. The inspection of the CATD confirmed that the corrective action for the CDR would resolve the associated employee concerns. The NRC has subsequently inspected the subject CDR for resolution, found TVA's actions to be acceptable, and is documenting the results of that inspection in IR 50-390, 391/95-72.

You also indicated a concern about the treatment of and feedback to employees who raised safety concerns in the mid-1980s and, specifically, about the individuals status as "whistleblowers." "Whistleblower" is not an official term, however, for any person who brought a complaint to the NRC (i.e., an allegor), we have followed their issues to resolution and attempted to provide them with written feedback. For "whistleblowers" who chose a different avenue to raise issues, the NRC does not provide them with followup. If a "whistleblower" makes a complaint of harassment, intimidation, or retaliation to the Department of Labor, the NRC will open a case and follow up as appropriate.

Although your letter focuses primarily on one specific inspection report, you appear to be more concerned with the licensing of the Watts Bar facility. We have recently completed an overall assessment of quality for Watts Bar, documented in Supplement 17 to NUREG-0847 mentioned above. I understand that the staff's project manager, Peter Tam, has sent a copy of this supplement to you. Supplement 17 documents the comprehensive and lengthy process we have followed in order to ensure that any licensing decision made for Watts Bar will be based on facts and inspection results. If you have any additional questions after reading the enclosure and Supplement 17, please contact Peter Tam at (301) 415-1451.

Sincerely,  
Original signed by  
William T. Russell, Director  
Office of Nuclear Reactor Regulation

Enclosure: As stated  
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