

February 3, 1990

To Dennis Rathbun
From Henry Myers *HM*

Re: February 2 Answer to January 18 Question VIII (I)

The answer to Question VIII-A-1 implies the following:

- the NRC does not itself possess a listing of specific deficiencies identified at Browns Ferry 2 since 1983;
- the NRC, however, does have access to TVA's listing of deficiencies identified since 1987;
- there is no such listing for deficiencies identified between 1983 and 1987;
- the Design Baseline and Verification Program (DBVP), which "re-established the design basis of the plant and evaluated the plant configuration to ensure conformance to the plant design basis," was an activity that somehow substituted for the failure to maintain a list of design and construction deficiencies identified between 1983 and 1987;
- the DBVP identified "a limited number of original construction design deficiencies."

This gives rise to the following questions:

Why is there no listing of deficiencies identified between 1983 and 1987?

What happened to the design basis that it needed to be re-established? When did the design basis enter a state such that it needed to be re-established? Does the NRC possess a document that describes the Browns Ferry 2 design basis as it existed at the time of issuance of the OL? What exactly does it mean to re-establish the design basis?

How did the DBVP substitute for the failure to maintain a listing of design and construction deficiencies identified between 1983 and 1987?

What specific design and construction deficiencies were identified by the Browns Ferry 2 DBVP?

Does the NRC staff intend to imply that the findings of the Browns Ferry DBVP include the design and construction deficiencies that were identified between 1983 and 1987?

If a Commissioner were to ask for a listing of specific deficiencies (i.e. mechanical, electrical and system design deficiencies; weld defects; cable installation defects [including those resulting from improper installation procedures, inadequate separation, inadequate environmental qualification, etc.]; hanger defects resulting from improper design and/or installation; QA program and implementation deficiencies; etc) what would he receive and how long would

it take NRC staff to provide it?

The answer to Question VIII-A-2 implies the following:

- the NRC does not itself possess the corrective action documentation relating to the specific deficiencies identified since 1983;
- the NRC, however, does have access to TVA's corrective action documentation.

The answer to question VIII-B-3 appears to state that the Commission will base its restart decision on NRC inspection reports and Safety Evaluation Reports. Since the discussion in such reports is abbreviated and conclusory, the Commission will not have sufficient information to allow an assessment of the validity of staff conclusions to the effect that problems have been corrected to the extent that the plant complies with applicable NRC requirements. In fact, because of the lack of available listings of deficiencies and the precise status of corrective actions, the Commission will not even know the specifics of what deficiencies were found, what has actually been fixed and what has been left to the future.

The answer to Question VIII-C implies that Browns Ferry 2 complied with NRC regulations at the time of issuance of its Operating License; the answer indicates that the bulk of the non-complying conditions at Browns Ferry 2 arose after the issuance of the OL. This gives rise to the following questions:

- What data exists to support the staff's conclusion that the major deficiencies identified at Browns Ferry 2 result from TVA's failures that occurred after issuance of the OL?
- Was Browns Ferry 2 issued an OL pursuant to Section 104 of the Atomic Energy Act? If so, does the Commission's response that the problems at Browns Ferry arose only after issuance of the OL rest on the fact that the OL was issued pursuant to Section 104 rather than Section 103?
- Is it the NRC staff position that the TVA/Browns Ferry 2 design and construction organizations conducted themselves in accord with NRC regulations while somehow the operating organization did not do so?
- If NRC staff believe that TVA's design and construction organizations conducted themselves in accord with NRC regulations at Browns Ferry, how do they explain the failure of these same organizations to do so at Watts Bar? [Watts Bar will not receive an OL until 6 or more years after TVA certified readiness for fuel load, and more than 13 years after the November, 1977 fuel load date estimated by TVA in 1973.]