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May 29, 1992

FREEDOM OF INFORMATION ACT REQUEST
FOIA-92-259
Rec'd 6-2-92

Donnie H. Grimsley, Director
Division of FOIA and Publications
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION ACT REQUEST

Dear Mr. Grimsley:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, as amended, the Southern Environmental Law Center (SELC) hereby requests copies of records relating to a 1992 Notice of Violation issued to the Tennessee Valley Authority for quality control problems at the Watts Bar Nuclear Plant, as described in a recent article in the Chattanooga News-Free Press (copy enclosed). In particular, SELC would like to obtain copies of the following documents:

- the Notice of Violation;
- the two letters sent by Luis A. Reyes, Director of NRC's Division of Reactor Projects, to the Tennessee Valley Authority, as described in the article;
- any NRC inspection reports accompanying the NOV or generated as a result of NRC inspections of Watts Bar QA/QC activities conducted during 1992;
- any response from TVA to the Notice of Violation, letters or reports;
- any minutes, notes or correspondence taken at or related to the February 1992 meeting between NRC, TVA and others regarding quality control problems at Watts Bar; and,
- any follow-up memoranda, reports or correspondence pertaining to quality assurance and quality control problems at Watts Bar.

We also request that you waive search and duplication fees, pursuant to 5 U.S.C. 552(a)(4)(A)(iii), as amended, "because (disclosure) is likely to contribute significantly to public understanding of the operations or activities of the government and is not in the commercial interest of the requester."

The Southern Environmental Law Center is a 501(c)(3) non-profit organization working to protect public health and the environment in the southeast. SELC is working throughout the South to reform energy policy to emphasize cost-effective energy conservation as a viable alternative to construction of new power

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plants. SELC intends to use the requested material in its review of energy policy and environmental issues in Tennessee and to evaluate TVA's nuclear program.

The subject of this request clearly concerns government activities, in this case TVA's construction of nuclear power plants and the NRC's oversight and regulation of nuclear power plant construction. Disclosure of the requested information will just as clearly contribute significantly to public understanding of both the construction activities and the inspection and regulation of those activities. We will use the requested information to evaluate TVA's nuclear power plant construction program and compare the cost of that program to the cost of energy conservation and efficiency resources. There has been no significant public debate on these cost comparisons in Tennessee, despite their clear significance to public health and the environment.

We have no commercial interest in the information and will gain no commercial advantage from its use.

In the event that you deny the fee waiver, we will pay reasonable search and duplication charges, up to a maximum of $50.00. If the charge is likely to exceed $50.00, please contact us before proceeding. We reserve the right to appeal any denial of fee waivers.

As you know, the Freedom of Information Act provides that if portions of a document are exempt from release, the remainder must be segregated and disclosed. Therefore, we request that you send us all segregable portions of any documents that are being withheld. In addition, we request that you identify and describe in detail any documents or portions of documents that are being withheld and explain the basis for withholding them, including reference to specific exemptions to the Freedom of Information Act. We reserve the right to appeal your decision to withhold any materials.

If you have any questions regarding this request, please contact me at (804) 977-4090. Thank you for your assistance, and I look forward to your prompt reply.

Sincerely,

Richard A. Parrish
Staff Attorney

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Enclosure

NRC Claims TVA Violations On Watts Bar N-Plant Work

By VICTOR MILLER
News-Free Press Staff Writer

TVA has received a Notice of Violation from the Nuclear Regulatory Commission about the troubled Watts Bar Nuclear Plant, identifying problems with the "same work plan for electrical cable installation" that resulted in a stop-work order at the plant in December 1990.

Construction on the two-reactor plant located near Spring City, Tenn., was begun in the early 1970s. The plant has yet to be licensed by the NRC.

Following the December 1990 work stoppage, TVA decided to get out of the construction and modifications business and hire contractors for such work at its facilities.

The NRC concurred with the resumption of Watts Bar construction restart activities last November after TVA engaged Ebasco Constructors Inc. and Stone and Webster Engineering Corp. to work at Watts Bar.

In one of two letters sent to TVA following NRC inspections, Luis A. Reyes, director of the NRC's division of reactor projects, notified the federal agency that results of an NRC inspection from Jan. 17 through Feb. 28 indicated that "certain of your activities appeared to be in violation of NRC requirements."

These included:

- The problems with the work plan for the electrical cable installation.
- Problems indicating deficiencies in the plant's quality control program for documentation of work activities completed since the restart of construction.
- Improper work instructions and evaluations that deleted testing requirements required by the code of the American Society of Mechanical Engineers.

Mr. Reyes said, "These deficiencies indicate a need to increase efforts in the areas of management overview and attention to details during your slow, monitored restart process."

The NRC requested a response to the letter. Mr. Reyes said, "After reviewing your response to this notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements."

An NRC staff report resulting from the inspection said, "These violations indicate a lack of management overview of field activities and a lack of attention to details."

The second letter to TVA from Mr. Reyes on an NRC inspection from Feb. 10-14 and from Feb. 17-20 identified eight "apparent" violations concerning TVA's Material Improvement Program at the plant which Mr. Reyes said "are being considered for escalated enforcement action."

"The purpose of the program is to prevent material of unknown quality from being installed in the plant, without an engineering review and re-inspection to verify acceptability," Mr. Reyes said.

"As evidenced by the findings of this inspection your program has failed to accomplish that purpose.

"Additionally," he said, "we are concerned that the program controls for the material receipt inspection area were reduced after construction restart without notification of the NRC, contrary to one of the conditions which were agreed to prior to construction restart approval."

"Your program to control this

notification of the NRC warrants management attention. An NRC investigation of the apparent violations discussed in the inspection report is continuing."

Barbara Martocci, a TVA spokeswoman in Knoxville, said the agency is in the process of responding to the letters from the NRC.

She said, "TVA, and particularly site management, is very concerned about what was discovered, and they have taken corrective measures.

"Watts Bar management is certainly very concerned about this, because it is something that they (the NRC) saw before, and are looking into in great detail, because they (Watts Bar management) don't want the project to be looked at as a problem with quality."

Ms. Martocci said, "A great deal of these problems are caught through our own review and closure process, but there are some that are not and those are the things they (TVA management) are looking into very carefully."

She said, "The management of Watts Bar did meet with the NRC in February before these notices came out and since that time have taken aggressive action to correct the deficiencies that were identified."