



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W., SUITE 2900
ATLANTA, GEORGIA 30323-0199

January 6, 1997

MEMORANDUM FOR: Caudle A. Julian, Technical Assistant
Division of Reactor Projects

FROM: Curtis W. Rapp, Senior Reactor Inspector *Curt Rapp*
Special Inspections Branch
Division of Reactor Safety

SUBJECT: RESPONSE TO DECEMBER 24, 1996, E-MAIL

This memorandum is in response to your E-mail dated December 24, 1996 (Attachment 1). On December 2, 1996, I sent you E-mail stating that the St. Lucie special inspection report was issued despite my differing professional opinion. Specifically, on November 22, 1996, I told you directly that I would not concur on the St. Lucie special inspection report because the conclusion concerning NI indications was not technically correct. I explained that any NI indications below 30% power were not accurate because the NI drawers had not been fully calibrated. Furthermore, because the characteristics of the new detector were unknown, the affected NI channel was unreliable until the detector's characteristics curve was generated from data obtained during power ascension and the channel recalibrated. I also suggested a simple wording change to the conclusion that would avoid these technical issues and resolve my concern. I wrote the same comments on my markup copy that I gave to Mr. Harold Christensen as you requested. You said that the conclusion was part of Mr. Mark Miller's input and you would discuss my concern with him. However, you did not inform me of the results of this discussion before the report was dispatched.

Your delay in responding to my December 2, 1996 E-mail raises significant questions as to your true intentions. In your E-mail you attempt to convolute the actual issue of addressing my differing professional opinion by focusing on observations by the St. Lucie operators that I never questioned. In fact, during my first inspection at St. Lucie an operator involved personally told me that they had questioned NI response early during power ascension. This was one of the factors that prompted me to recommend to Mr. Paul Fredrickson, Chief, Special Inspections Branch, and Mr. Kerry Landis, Chief, DRP Branch 6, that a more detailed inspection of the NI replacement was warranted. However, Mr. Landis decided that the resident inspectors would conduct any additional inspections. Your attempt to redirect attention away from my differing professional opinion and involve facts that I never disputed speaks directly to your lack of sincerity.

As a further demonstration of your lack of sincerity, you insist that I wanted parts of Mr. Mark Miller's input deleted from the report. In this regard, the only part of the report that I questioned was an extensive system description that I felt was not needed to support the violations. If it were decided to keep this system description in the report, I commented that the system description was not an inspection finding or observation and should properly be identified separately as a system description. I also made this same comment on the markup copy I

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Attachment 1

C. Julian

gave to Mr. Christensen. This was offered as an editorial comment and did not have any bearing on the technical issues I raised during our November 22, 1996 discussion.

Additionally, you disingenuously fain ignorance of the report or the technical issue in question. However, in your E-mail you repeatedly acknowledge that we personally discussed a technical issue concerning the St. Lucie special inspection report on November 22, 1996. You knew fully and completely which report and technical issue was referred to in my December 2, 1996 E-mail.

I am particularly concerned that your E-mail is intended to promote a "chilling effect" in the open discussion of technical issues and differing professional opinions. You elected to delay your response until December 24, 1996 and then only after the regional office had closed for the Christmas holiday. You had sufficient opportunity to either verbally discuss this issue with me or respond via E-mail. You even failed to respond after the December 10, 1996, enforcement conference. Until your December 24, 1996 E-mail, the only "response" that I received was a copy of the report placed in my mail box with my name highlighted on a new concurrence page. No indication of what action I should take was noted on that copy of the report nor did you, or any regional manager, feel compelled to discuss this issue with me personally. Your E-mail gives the appearance that regional management is only paying lip service when inspectors are encouraged to raise differing professional opinions.

Your E-mail closes by stating that the December 10, 1996, enforcement conference has rendered "... the 5% question to be moot." This fails to address the real issue that I had a differing professional opinion on technical conclusions drawn from an NRC inspection where I had materially participated. Instead of dealing with my differing professional opinion, you dismissed the issue and the report was issued without my concurrence. In fact, my concurrence was marked as "N/A" even after I had informed you, as a member of regional management, that I would not concur on the St. Lucie special inspection report as written. You also stated that DRS, not DRP, issued the report and that you were simply trying to expedite the report. It is mandatory for regional management to properly resolve an inspector's differing professional opinion regardless of which division actually issues the report.

I expressed a differing professional opinion and proposed a way to resolve my concern. However, instead of taking that concern seriously you, as a member of regional management, chose to address it adversely.

Attachments: As stated

cc: L. Reyes
J. Jaudon
C. Casto
M. Miller