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HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON ENERGY AND POWER

OF THE
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE
WASHINGTON, D.C. 20515

March 23, 1979

The Honorable Joseph M. Hendrie
Chairman
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

I am writing in regard to the Commission's recent action in ordering the shutdown of five nuclear power plants following the discovery of an error in the seismic computer model codes used by Stone and Webster Engineering Company in designing the restraints of certain secondary pipe systems. I commend the Commission for its prompt and forceful response to the disclosure of this error, and, while I hope that action will be taken to insure that such an incident will never be duplicated, I trust that if the need ever arises again, the Commission will, without hesitation, take vigorous action to insure that all reactors are constructed and operated in a manner that fully protects the public health, safety and the environment. The prompt enforcement of all regulations not only insures vigilance upon the part of all licensees, but also enhances the public's ability to rely on the Commission to effectively regulate the nuclear industry.

There are, however, certain matters regarding this event which are of concern to me. First, witnesses testifying before other committees of Congress on behalf of Stone and Webster Engineering Company have argued that safe alternative responses were available to the Commission. Principle among these are: (1) reducing the authorized power output of the plants; (2) establishing an earthquake watch, and (3) increasing the number of personnel at the plants in order to provide an additional capability to scram the plant in the event of an earthquake. I request that you provide me with an evaluation of the feasibility and potential effectiveness of each of these alternatives, the statutory or regulatory authority, if any, for each, and the precedent, if any, for each alternative.

Second, I am aware that considerable attention has been focused on the possibility that similar errors may exist in other computer codes. I request that you advise me of the magnitude of this possibility, and describe the actions which are being taken by the Commission to discover such problems and correct them.

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The Honorable Joseph M. Hendrie
March 23, 1979

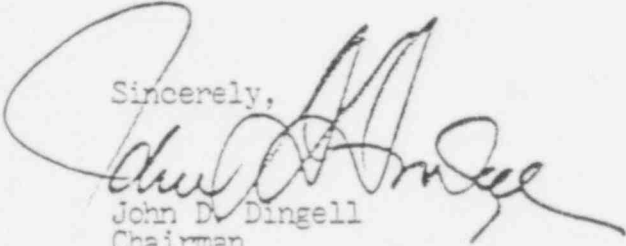
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Third, I am concerned about the promptness of Stone and Webster Engineering Company in discovering the existence of this problem and reporting it to the Commission. I, therefore, ask that you advise me of the action the Commission has taken to address this issue and provide me with an estimate of when such action will be complete.

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I am fully aware of the legal problems resulting from the Pillsbury case relating to the Commission's ability to discuss a matter under consideration or upon which the Commission must soon act, and therefore, wish to emphasize that I am merely asking for information, and am not asking that the Commission discuss the merits of its action. I am, however, concerned about the legal implications of the Commission's appearances before numerous subcommittees during which the details and merits of the Commission's actions were discussed. As the Commission will soon be presented with the staff's review of the situation and be presented with recommendations for future action regarding this problem, I am curious as to what effect these past appearances will have on the Commission's ability to act upon these recommendations. Consequently, I ask that you provide me with a legal analysis of the Commission's present ability to act in view of past public appearances regarding this issue. Furthermore, if, in your opinion, any of the questions I have asked compound the existing problem, please bring the matter to the attention of Michael J. Ward, the Subcommittee Counsel, so that a mutually satisfactory resolution can be achieved.

I look forward to your prompt response.

With every good wish,

Sincerely,



John D. Dingell
Chairman

JDD:Jlc

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