



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

October 10, 1989

MEMORANDUM FOR: James M. Taylor  
Acting Executive Director for Operations

FROM: Thomas E. Murley, Director  
Office of Nuclear Reactor Regulation

SUBJECT: DIFFERING PROFESSIONAL OPINION CONCERNING COMANCHE PEAK'S  
FUEL LOAD READINESS AND SALP REPORT

References: (1) Unsigned Anonymous Memorandum to the Chairman, dtd  
October 4, 1989  
(2) NRC-Manual Chapter-4125, Differing Professional Views  
or Opinions

On October 6, 1989, I received a copy of Reference (1) which asserts that Comanche Peak is not ready for fuel loading, that the SALP report is neither factual nor complete, and implies that NRC inspection reports and other documents have been edited so as to create an untrue impression of the plant. A copy of the memorandum is enclosed (Enclosure 1). Upon a quick review of the memorandum and after consultation with the NRR cognizant senior managers, it was decided to treat the content of the memorandum as a Differing Professional Opinion (DPO), even though the memorandum does not contain all the necessary ingredients as specified in NRC Appendix 4125, paragraphs B.4 and B.5.

In light of the defects in the DPO submittal, I dispensed with the NRR Standing Review Panel process (4125-034) and convened a meeting of the NRR senior managers as an Ad-Hoc DPO Panel, of which the Chairman of the NRR Standing Review Panel is a member, to decide on the appropriate course of action.

As a result of the DPO Panel's review of the memorandum, we have taken or are taking the following actions.

1. Comanche Peak Is Not Ready for Fuel Loading

I agree that Comanche Peak is not ready for fuel loading and no decisions have been made as to the readiness of the plant. Regarding the readiness for fuel-loading, prior to receipt of Reference (1), the staff initiated certain actions, in addition to the required inspection and licensing activities, to help determine if and when the plant will be ready for fuel loading. Independent from the normal NRC Comanche Peak Regulatory Oversight organization (ADSP), a special Operational Readiness Assessment Team (ORAT) had been scheduled to conduct an operational readiness assessment at Comanche Peak. The team is being lead by Mr. Chris Vandenberg, Senior Operations Engineer, from the Division of Reactor Inspection and Safeguards, and will receive its management direction from Mr. Brian Grimes, Director, Division of Reactor Inspection and Safeguards. A copy of the Inspection Plan is enclosed for your information (Enclosure 2). In addition, on October 3, 1989, Mr. Chris Grimes, Director, Division of

October 10, 1989

Comanche Peak Projects, sent a memorandum to NRC personnel associated with Comanche Peak regulatory activities to determine if any cognizant staff had safety concerns which had not yet been or are being resolved (Enclosure 3). The results of these two activities, combined with the normal inspection and review activities, will be used in arriving at a staff determination regarding Comanche Peak readiness.

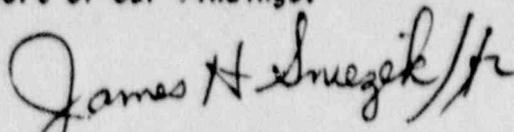
2. SALP Report Is Neither Factual Nor Complete

The SALP Report is in draft and is currently under review. To ensure that all the cognizant inspectors and consultants agree with the report's factual content, Mr. Dennis Crutchfield, Associate Director for Special Projects, will survey all NRC staff involved in inspection activities at Comanche Peak to determine if they have any comments on the draft SALP Report. Enclosed is a copy of the memorandum from Mr. Crutchfield to the cognizant staff (Enclosure 4). The results will be reviewed by the DPO panel and the Director, NRR, to determine whether further action is warranted prior to issuance of the SALP Report.

3. NRC Inspection Reports and Other Documents Have Been Edited So as to Create an Untrue Impression of the Plant

This assertion could imply inappropriate action on the part of NRC supervisors, managers and others. Therefore, I have decided that this matter should be referred to the Office of the Inspector General. Enclosed is a copy of the memorandum sent to the OIG on October 10, 1989 (Enclosure 5).

I believe the actions we initiated prior to receipt of Reference (1) will assist me in arriving at an appropriate fuel loading decision and those we have taken subsequent to the receipt of Reference (1) are responsive to the serious nature of the assertions and will ensure the continued integrity of the regulatory process. I will keep you informed of any significant developments and provide you with a summary report of our findings.

  
Thomas E. Murley, Director  
Office of Nuclear Reactor Regulation

Enclosures:

1. Anonymous Memorandum to Chairman Carr, dtd 10/4/89
2. Inspection Plan
3. Memo Grimes to NRC Personnel associated w/Comanche Peak, dtd 10/3/89
4. Memo Crutchfield to Staff associated w/Comanche Peak, dtd 10/10/89
5. Memo Grimes to Malsch, dtd 10/10/89

cc: M. Malsch