

November 9, 1989

The Honorable Lloyd Bentsen  
United States Senator  
961 Federal Building  
Austin, Texas 78701

Dear Senator Bentsen:

I am responding to your letter of September 22, 1989 which forwarded letters from Mr. Bill Nuckols and Ms. Harriet Irby of Arlington, Texas. These letters raise a number of concerns of the Citizens for Fair Utility Regulation (CFUR) that we addressed in our letter of October 16, 1989, a copy of which I have enclosed. In addition, the subjects of "bogus bolts," spent fuel pool design, radiation oversight, and the events that led to the NRC's Augmented Inspection Team (AIT) last Spring were raised.

CFUR's petition for review of the Commission's decision to deny them late intervention on the operating license application for Comanche Peak, which was filed with the United States Court of Appeals for the Fifth Circuit (Dockets 89-4124 and 89-4310), is still pending. Subsequently, in a petition filed before the Commission on October 16, 1989, CFUR requested that the Commission stay the issuance of a low-power license that they anticipated would be issued in the near future. The Commission denied the request on procedural grounds, but instructed the NRC staff to address CFUR's technical concerns in accordance with the agency's established procedures for handling allegations. In a letter to CFUR dated October 27, 1989, the NRC staff requested confirmation of the nature and scope of the concerns as part of the first step in that process.

The problems with the design and construction of Comanche Peak have been dealt with extensively by the utility and the NRC. These issues were the principal contributors to the plant's being delayed for over five years. The utility has developed and implemented extensive corrective action programs, which have been carefully reviewed and inspected by the NRC staff. As an example, TU Electric has implemented a comprehensive program to check for and evaluate potentially substandard bolts in the plant. The NRC staff is still following that program as well as the utility's plans to prevent unqualified material from being used in the plant in the future. The NRC staff will ensure that this matter is appropriately resolved before a license for Comanche Peak is granted.

Ms. Irby indicates that no agency other than TU Electric will monitor radiation once the plant is on-line. That is not correct. Under routine conditions, the utility will monitor and control liquid and gaseous effluents from the plant and if effluent levels increase to pre-established setpoints, automatic actions would terminate any releases. However, if there are any radioactive releases the NRC resident inspection staff at the plant site will also carefully monitor the licensee's response. Under emergency conditions, the emergency plan provides for augmented monitoring involving State and local organizations. The NRC would also provide independent radiation monitoring in the area in the event of an emergency.

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The Honorable Lloyd Bentsen

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Mr. Nuckols is concerned about valve failures and operator errors associated with valves. During plant testing, the utility experienced problems with valve malfunctions and valves operated out of sequence. These events were the subject of an NRC Augmented Inspection Team last spring. In our letter to you of September 19, 1989 (copy enclosed), we discussed the results of the inspection and provided copies of the AIT report and TU Electric's response to the issues raised in that report.

Mr. Nuckols raised a concern regarding certain provisions in settlement agreements which restrict communication of safety concerns to the NRC; Senator Breaux has requested a review of this matter by the Department of Justice. There are two settlement agreements which pertain to Comanche Peak, one for Mr. Joseph Macktal and one for Mr. Lorenzo Polizzi. The Secretary of Labor has ordered that the restrictive language in Mr. Polizzi's agreement be removed.

Independent of any further actions by the Secretary of Labor, or the results of the review by the Department of Justice, the NRC has taken actions to ensure that the restrictive language in any settlement agreements has not prevented the disclosure of potential safety issues. Those actions included contacting individuals who were identified as having settlement agreements with such restrictive language and informing them that such restrictions are unenforceable. In particular, the NRC staff interviewed Mr. Macktal on September 18, 1989 to develop a complete list of his concerns regarding Comanche Peak, and contacted Mr. Polizzi to confirm that all of his safety concerns related to Comanche Peak have been addressed. On this basis, the NRC staff is confident that all of the potential safety issues have been identified and will be appropriately resolved.

Mr. Nuckols and Ms. Irby also raised concerns related to the State Public Utilities Commission hearings and the financial viability of the plant. These issues are not within the NRC's statutory jurisdiction or authority.

We hope that this information is responsive to your request.

Sincerely,  
Original Signed By  
James M. Taylor  
James M. Taylor  
Acting Executive Director  
for Operations

Enclosures:

1. Letter to Senator Bentsen dated October 16, 1989
2. Letter to Senator Bentsen dated September 19, 1989

\*For previous concurrences see attached ORC

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