

WENDELL H. FORD
KENTUCKY

COMMITTEES:
COMMERCE, SCIENCE
AND TRANSPORTATION
ENERGY AND
NATURAL RESOURCES
RULES AND
ADMINISTRATION

United States Senate
WASHINGTON, D.C. 20510

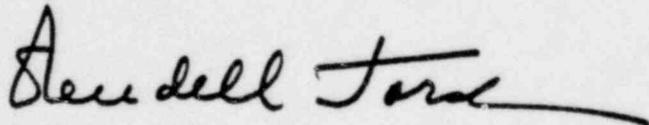
May 8, 1980

Dear Mr. Chairman:

After having had time to reflect on the contents of yesterday's Marble Hill briefing, I find it imperative that I reemphasize two points I have previously made. First is the matter of the Department of Justice's investigation of the alleged coverup of construction flaws. I do not understand how, in good conscience, the Commissioners can allow the process of lifting the stop work order to begin when the question of culpability remains unanswered. It seems to me that for the credibility of Public Service of Indiana's renewed efforts, if not on general principle, the issue should be resolved and the public should know if the proper corrections have been made before any more construction is permitted. For no reason should the injunction be ultimately lifted without release of the final Federal Bureau of Investigation report.

Second is the matter of an independent engineer. I would like assurance that the adequacy of the concrete already in place will be examined by the engineer before actual construction resumes and that he will be able to oversee the step-by-step lifting of the injunction. Furthermore, without in any way questioning the integrity of the Nuclear Regulatory Commission's Inspection and Enforcement staff, I strongly suggest that this engineer be allowed continued access to the Marble Hill site should safety-related construction begin again. Common sense dictates this for the credibility of PSI and to strengthen public confidence in the Marble Hill project.

Sincerely,



The Honorable John F. Ahearne
Chairman, Nuclear Regulatory Commission
Washington, D. C. 20555

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DISTRICT OFFICES:
843 WALLER AVENUE
LEXINGTON, KENTUCKY 40504
(606) 233-2484

172-C NEW FEDERAL BUILDING
LOUISVILLE, KENTUCKY 40202
(502) 582-6251

19 U.S. POST OFFICE AND COURTHOUSE
COVINGTON, KENTUCKY 41011
(606) 491-7929

305 FEDERAL BUILDING
OWENSBORO, KENTUCKY 42301
(502) 685-5158

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COMMITTEE:
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United States Senate
WASHINGTON, D.C. 20510

April 17, 1980

Dear Mr. Chairman:

On March 13 I wrote to you asking what guarantees exist to assure that if and when safety-related construction resumes on the Marble Hill nuclear facility, the work will be structurally sound. The suggestion made by Mr. Tom Dattilo, attorney for Save the Valley, that an independent engineer be allowed to inspect the plant before construction begins anew is a step in the right direction.

I am pleased that the Nuclear Regulatory Commission has accepted it. The public will thus have a little more confidence that repairs made by Public Service of Indiana to the previously shoddy construction and PSI's storage and maintenance of equipment are up to required standards.

I would urge, however, that in the event the NRC should grant permission for building to start again, the designated independent engineer make regular inspections to determine if new construction is being performed properly and if management is indeed qualified and staffing at the site, adequate.

You well know that the citizens' belief in the viability of Marble Hill as a safe facility is shattered and understandably so. PSI's track record is deplorable and even the integrity of the NRC is suspect. It is incumbent upon you and the Commission to make every conceivable effort to prove that corrections made and PSI's restart plan and new overall project plan are effective. By providing an independent engineer access to the site on an on-going basis, you would go far to calm public fears of continuing mismanagement and defective construction.

I also ask that safety-related work not be allowed to resume until the results are known of the FBI's investigation of allegations of a cover up of concrete flaws by PSI's contractor, Newberg Construction. It is imperative that a verdict on this question be reached before PSI is permitted to impact any further on the public health and safety.

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LEXINGTON, KENTUCKY 40504
(606) 233-2484

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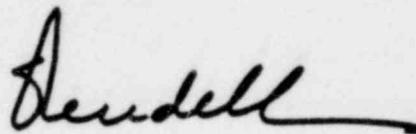
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Letter to Mr. Ahearne
Page Two
April 17, 1980

Your immediate attention to this request will be appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Wendell", with a long horizontal flourish extending to the right.

The Honorable John F. Ahearne
Chairman, Nuclear Regulatory Commission
Washington, D.C. 20555

WENDELL H. FORD
KENTUCKY

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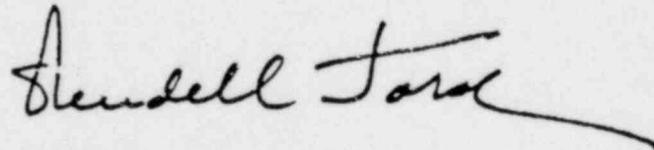
March 13, 1980

Dear Mr. Chairman:

I understand that some safety-related construction will soon be resumed on the Marble Hill nuclear facility near Madison, Indiana. I would very much appreciate your describing exactly what work will begin and the circumstances permitting this resumption, as well as your detailing what guarantees exist to ensure that the new construction will not be ridden with error as it has been in the past.

Best wishes to you.

Sincerely,



Commissioner John Ahearne
Chairman, Nuclear Regulatory Commission
Washington, D. C. 20555

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LEXINGTON, KENTUCKY 40504
(806) 233-2484

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(502) 582-6251

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COVINGTON, KENTUCKY 41011
(806) 491-7929

305 FEDERAL BUILDING
OWENSBORO, KENTUCKY 42301
(502) 685-5158



OFFICE OF THE
CHAIRMAN

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

COMMISSION
CORRESPONDENCE

June 16, 1980

The Honorable Wendell H. Ford
United States Senate
Washington, D.C. 20510

Dear Senator Ford:

This is in response to your letters to me dated March 13, April 17, and May 8, 1980 regarding resumption of construction at Marble Hill.

A decision on a plan that, if satisfactorily implemented, would permit the resumption of safety-related construction activities at Marble Hill has only recently been reached. The plan is based on a step-by-step phased resumption of construction activities at the site, with each successive step dependent upon (1) development of acceptable procedures and control systems for that step, and (2) substantive demonstration by the licensee that all work previously authorized was and is being conducted in an acceptable manner, under proper control, and in accordance with established requirements.

The first step, currently under consideration, would be formal receipt and inspection of equipment and materials which have been delivered to the site since the order became effective. To date, deliveries to the site have been placed in safe storage in quarantine pending NRC authorization to proceed with the program of receipt inspection. Actual resumption of Class I construction will not begin until a number of prior steps are taken. We will not allow Class I construction work to resume on site until the NRC has confirmed acceptable corrective actions have been taken by the licensee.

We are aware of the continuing FBI and Department of Justice activities associated with the Marble Hill project. The steps we are taking on the basis of our own independent investigations of identified safety concerns are, in our opinion, adequate. Requests for any further information pertaining to the FBI and Department of Justice activities should be directed to those organizations.

We have informed Mr. Dattilo that his request that the NRC utilize the services of an independent engineer as a consultant in determining the integrity of existing concrete placements would be honored. We have developed a panel of individuals with appropriate expertise from which the consultant can be selected. An individual recommended by Mr. Dattilo is included on that panel.

We have considered your recommendation that the independent engineer consultant be retained for regular inspection duties at Marble Hill. We believe this is not necessary. NRC Region III will closely monitor all future construction at Marble Hill, and is able to provide specialized inspection skills to ensure the quality of that construction. Consultants

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The Honorable Wendall H. Ford

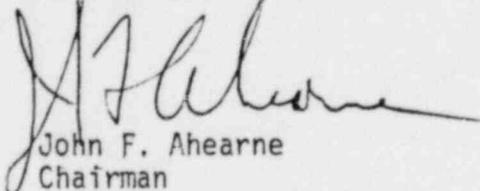
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can be utilized on an ad hoc basis as circumstances require. As you are aware, Marble Hill also has an NRC resident inspector who devotes full time to inspection at this site. In our view the use of a consultant to perform regular inspection functions would not provide additional assurance of safety.

Commissioner Bradford would have preferred to allow the consultant to participate in periodic reviews while Commissioner Gilinsky reserves judgment on whether continued consultant assistance is warranted pending completion of the review of existing and repaired concrete work.

The Commission and its staff shares your concern for the adequacy of construction at Marble Hill. The inspection program now in effect for that site will be pursued vigorously to ensure that past failures will not be repeated.

Sincerely,



John F. Ahearne
Chairman

Enclosure:
May 16, 1980 NRC Press Release



UNITED STATES NUCLEAR REGULATORY COMMISSION

Office of Public Affairs
Washington, D.C. 20555

No. 80-94
Tel. 301/492-7715

FOR IMMEDIATE RELEASE
(Friday, May 16, 1980)

NRC ADVISES PUBLIC SERVICE COMPANY OF INDIANA OF CONDITIONS FOR RESUMING MARBLE HILL CONSTRUCTION

The Director of the Nuclear Regulatory Commission's Office of Inspection and Enforcement has advised Public Service Company of Indiana of the conditions under which gradual resumption of construction at the site of the Marble Hill Nuclear Power Station, near Madison, Indiana, will be permitted.

The company halted work on safety-related construction on August 7, 1979, after the NRC Inspection staff determined that there were significant questions regarding the adequacy of Public Service Company of Indiana's quality assurance program and its construction management. These findings were based on NRC inspections and, further, on the confirmation of allegations by construction workers at the site and the results of inspections by the National Board of Boiler and Pressure Vessel Inspections during the spring and summer of 1979. The company's commitment to halt construction was confirmed by an August 15, 1979, NRC Order.

Since the Order was issued, there have been numerous meetings -- including one on March 25 this year in Madison, Indiana -- and discussions between the NRC staff and Public Service of Indiana's management. In addition, the company has submitted a formal report describing its revised quality assurance program and steps taken to assure that safety-related construction will be conducted in accordance with the Commission's regulations.

PSI has been told that a five-stage program, if successfully implemented, can lead to resumption of construction. The five stages will be subjected to intensive reviews by NRC inspectors with an NRC "hold point" at each stage before the next one is undertaken, as well as intermediate "hold points" within the stages.

The NRC review plan will cover:

1. Revised Quality Assurance Program: Development by PSI of a Project Quality Assurance Manual and an American Society of Mechanical Engineers Quality Assurance Manual and an increased experience level for the project staff.
2. Receipt Inspections: Development of acceptable procedures and staff to begin receipt inspections of materials and components. Receipt inspection activities initially would be conducted by PSI and later expanded to site contractors.
3. Material Verification Program: Development and implementation of a program to verify that materials and components stored at the site or used in previous construction work meet applicable standards and specifications.
4. Construction Verification Program: Development and implementation of a program to verify that previously completed construction work meets applicable standards and specifications.
5. Resumption of Construction: Assurance that each contractor has modified its quality assurance program, procedures and staffing to conform to the PSI revised quality assurance program and other company requirements for each construction discipline -- civil structural engineering, mechanical engineering, electrical engineering and piping.

The Order Confirming Suspension of Construction which was issued on August 15, 1979, can be partially rescinded at each stage if the NRC staff makes favorable findings and the company demonstrates its ability to resume construction in each discipline. Unconditional rescission of the Order may occur after the company has demonstrated its ability to resume construction in all disciplines.