



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

FEB 5 1990

Docket No. 50-445

Ms. Billie Pirner Garde, Esq.  
Robinson, Robinson, Peterson, Berk,  
Rudolph, Cross and Garde  
103 East College Avenue  
Appleton, Wisconsin 54911

Dear Ms. Garde:

This is in followup to my letter of December 8, 1989 regarding your letter of November 20, 1989, in which you outlined concerns you had with the Comanche Peak systematic assessment of licensee performance (SALP) process and the regulatory process associated with the final licensing decision.

The unsigned memorandum from "NRC Staff Inspectors" to Chairman Carr of October 4, 1989 was handled as a staff Differing Professional Opinion. A panel of three senior managers was established to review the issues and make appropriate recommendations to the Director of the Office of Nuclear Reactor Regulation. The panel has completed their review of the SALP process at Comanche Peak, including the comments in your November 20, 1989 letter. The panel reviewed the development of the SALP report, and conducted interviews with some SALP Board members. As a separate initiative, the staff members involved with the Comanche Peak inspection program were requested to provide any comments they might have on the SALP report. They were told these comments could be provided anonymously. The results of the survey were also reviewed by the panel. Based on the survey comments, several minor changes to the SALP report were recommended by the NRR Associate Director for Special Projects. The panel has concluded that the SALP process for Comanche Peak was conducted consistent with agency guidance, and recommended that the SALP report (as modified by Special Projects) be issued. Enclosed for your information is a copy of the panel's report and the Director of Nuclear Reactor Regulation's disposition of this matter.

As I previously discussed in my letter to you of December 8, 1989, a decision on the issuance of an operating license is separate from the SALP process and will not be made until the necessary licensing and inspection efforts are completed, and the ORAT inspection is completed. Although the insights derived from the SALP process are used as an input to the NRC's determination of fuel load readiness, the findings from the licensing and inspection activities provide a more current assessment as a basis for a licensing decision. The SALP process is retrospective and therefore the performance summary provided to the utility in the SALP report is to a large extent historical in nature.

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The anonymous memorandum also asserted that NRC inspection reports and other documents had been edited to create an inaccurate characterization of the utility's performance. This matter has been referred to the Office of the Inspector General.

In summary, we have reviewed the comments in the anonymous memorandum and the concerns voiced in your letter regarding the SALP evaluation process and have concluded that the issues raised have been or are being adequately addressed.

Sincerely,

Original Signed By:  
James M. Taylor  
James M. Taylor  
Executive Director  
for Operations

Enclosures:

- 1. Memorandum F. Miraglia to T. E. Murley, dtd 1/30/90, "Anonymous Differing Professional Opinion (DPO) on Comanche Peak"
- 2. Memorandum, T. E. Murley to J. M. Taylor, dtd 2/1/90, "Differing Professional Opinion Concerning Comanche Peak's Fuel Load Readiness and SALP Report"

cc: See next page

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