



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

DEC 08 1989

Docket No. 50-445

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

Dear Ms. Garde:

I am responding to 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. We are taking a number of actions in this area.

As you are aware, Chairman Carr received an unsigned memorandum from "NRC Staff Inspectors" that voiced a number of the same concerns. In response, the NRC has established a panel to review the issues and make a recommendation to the Director of the Office of Nuclear Reactor Regulation. Additionally, all of the staff members involved in 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. In addition, Mr. Sniezek has discussed with you other efforts to ensure the integrity of the SALP process. The results of these efforts will be considered by the panel in arriving at its recommendations. The merits of continuing the current SALP evaluation process at Comanche Peak are also under consideration.

A decision on the issuance of an operating license will not be made until construction of the plant is completed, the necessary Special Projects licensing and inspection efforts are completed, and the DRAT inspection is completed. As you indicated in your letter, we agree that the NRC's licensing decision should and will focus on whether TU Electric has completed its Corrective Action Program and is operationally prepared to operate the facility to the satisfaction of the NRC.

The Commission and its staff take very seriously their responsibilities for regulating nuclear power. As you are aware, the NRC has shut down operating plants when it concluded it was necessary to do so, and has refused to license plants until corrective actions were taken. Comanche Peak was said to have been "ready" for fuel loading in 1984, but the NRC has withheld issuance of a license for over 5 years and will continue to do so until it is satisfied that the plant can be operated safely. This philosophy has been the cornerstone of all NRC

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Ms. Billie Pirner Garde

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inspection, licensing, and decisionmaking associated with Comanche Peak and, as you are aware, was further exemplified during the NRC's recent operational readiness assessment team exit meeting.

Sincerely,

Original Signed By:
James M. Taylor

James M. Taylor
Executive Director
for Operations

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cc: Mr. William Council, TU Electric
George Edgar, Esq. Newman & Holtzinger

*For previous concurrences see attached ORC

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