

10069
EDWARD M. KENNEDY
MASSACHUSETTS

BOOKET NUMBER 50-4431444-01
UTIL. FAC.

LOCKETED
USNRC

United States Senate

WASHINGTON, DC 20510

'90 MAR 14 AIO:48

OFFICE OF SECRETARY
March 12, 1990
BRANCH

Kenneth M. Carr, Chairman
U.S. Nuclear Regulatory Commission
1717 H Street NW,
Washington, D.C. 20555

SERVED MAR 14 1990

Dear Chairman Carr:

Two weeks ago I sent you a letter outlining my concerns regarding the high rejection rate for Seabrook weld radiographs experienced during the Level III review conducted by Joseph D. Wampler in the period August 1983 through January 1984. Attached to this letter were 15 specific questions concerning the NRC's knowledge, documentation, and resolution of the deficiencies identified by Mr. Wampler.

I asked that these questions be resolved in a manner that "fully and convincingly disposes of any threat to the public health and safety" before allowing the Licensing Board's authorization of a full power license to become effective.

While declining to provide written answers to any of my specific questions prior to the Commission's March 1 affirmation session or at any time prior to today, the NRC's Director of Congressional Affairs did promptly provide me with a copy of Mr. Taylor's Feb. 28, 1990 Memorandum to the Commission which concluded that "there are no new issues material to full power licensing involved." I find that contention extraordinary in light of the inability of the NRC staff over the past two weeks to provide specific responses to questions regarding the nature, cause, or ultimate disposition of any of the deficiencies detected by Mr. Wampler. How is it possible to profess ignorance of Mr. Wampler's concerns, while also expressing confidence that they were not serious enough to affect licensing?

In support of his conclusion, the Executive Director for Operations enclosed a copy of a Feb. 28 memorandum (with enclosures) from William T. Russell, Region One Administrator, to Dr. Thomas E. Murley, Director of the Office of Nuclear Reactor Regulation containing the results of an "expedited review" of the "Concerns of Former Seabrook Level III NDE Examiner." The memorandum referenced enclosure documents comprising several hundred pages which the author believed substantiated the conclusion that "no current conditions material to full power licensing are involved."

Please be advised that a review of the Russell Memorandum by my staff reveals that a number of statements made in support of the above conclusion are not substantiated by the documents provided, and that some of these statements conflict with other credible sources of information. Among the questionable statements are the following:

- "Our assessment is that a 20% reject rate of radiographs during the first review by a Level III examiner is not unusual."

While finding no qualified source to corroborate this statement, I have found several expert sources who have stated that a 20% reject rate is in fact unusual and indicative of serious problems with the NDE program, the welds themselves, or both.

9004240161 900312
PDR COMMS NRCC
CORRESPONDENCE PDR

DS02

- "Further, after the alleged departed the site, the licensee performed a 100 % check of the radiographs (Enclosure 8, pages 91 and 92) and required a re-radiographing and rework as appropriate for any weld, regardless of who had previously reviewed it."

The documentary evidence cited in support of this statement does not in fact substantiate it. The referenced document, IR 90-80, merely states, "....as documented in CAT IR 84-07 and discussed in IR 85-31; the licensee conducted an independent third party review of all RT film stored onsite"

However, IR 84-07 appears to lack any reference to "an independent third party review of all RT film stored onsite" and IR 85-31 does not say that the nameless "third party" performed a 100% check of radiographs; rather, IR 85-31 states:

"The third party review involved a *random selection* of welds inspected by liquid penetrant, magnetic particle, and radiography."

- "Inspection Report 50-443/83-22 (Enclosure 11, pages 4 and 5) ... documented acceptable completion of the last two NCRs generated by the examiner [i.e. Wampler]. Further, the reporting inspector concluded that the concerns of the Level III examiner were being properly handled by his successors based on a sampling inspection."

The referenced report does not document "acceptable completion of the last two NCRs generated" by Mr. Wampler -- it merely mentions them, and no mention is made of the 16 NCRs Wampler told the resident inspector he was *preparing* at the time of his firing. Moreover, Mr. Wampler's successor reported for work the day the above cited investigation ended, making it impossible for the reporting inspector to certify legitimately that this gentleman was "properly" handling Mr. Wampler's concerns.

As you know, according to Part 50, Appendix B, of the Commission's regulations, the licensee is required to establish measures which, "in the case of significant conditions adverse to quality...shall assure that the cause of the condition is determined and corrective action taken to preclude repetition. The identification of the significant condition adverse to quality, the cause of the condition, and the corrective action taken shall be documented and reported to appropriate levels of management....Records shall be identifiable and retrievable."

Given the inadequacy of the Commission's response to my Feb. 27 request when measured against the standard set by these Appendix B requirements, I ask that you provide me with certain additional quality assurance information concerning Seabrook as soon as possible.

1. If the "100% check" by "an independent third party" of "all RT film stored onsite" actually occurred in the cited timeframe (1984-85), why is this not mentioned in inspection reports prior to February, 1990?
2. According to a December 21, 1983 "Final Report" from Yankee Atomic Electric Company on the disposition of the 2399 welds held to be suspect as a result of false NDE reports filed by a Pullman-Higgins examiner named Padovano, 193 "inaccessible items" were evaluated and "accepted on a case-by-case basis by UE&C engineering."

-- Please provide documents which show the complete record of NDE examinations and corrective actions, if any, for each of these "inaccessible items."

-- Which of these 193 "inaccessible items" can be classified as "safety significant?"

-- Before they became inaccessible, which of these items had been the subject of radiographs? Were these earlier radiographs reviewed for possible defects prior to acceptance of these items on a case-by-case basis? Which of these inaccessible items were the subject of radiographs that had been rejected during the initial Level II or Level III reviews.

-- Please provide copies of the records relating to the case-by-case reviews and acceptance of these 193 inaccessible items.

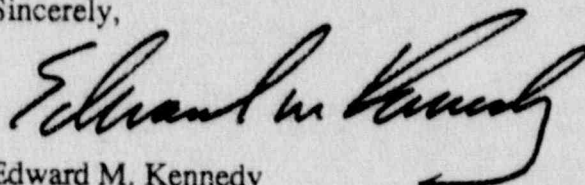
3. Please provide me with copies of all records required under Appendix B which document the specific nature of the problems identified and corrective actions performed in connection with the following safety-significant Seabrook welds, which I have reason to believe were rejected during initial review by a competent Level III NDE technician:

RC-3 F0102
RC-9 F0102
RC-10 F0101
RC-10 F0102
RC-49-01 F0101
RC-49-01 F0102
RC-49-01 F0103
2-CBS-1214 F011

MS-4013-02 F0201
MS-4005-20 F2003
MS-4005-22 F2204
MS-4009-01 F0109
MS-4012-02 F0201
MS-4016-02 F024
2-CBS-1214 F015

Please provide the information sought in each of the above questions *as soon as it is obtained*, so that I may make my own evaluation of the NRC/licensee ability to "identify and retrieve" the documentation required by Appendix B.

Sincerely,



Edward M. Kennedy

EMK:cp

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

PUBLIC SERVICE COMPANY OF NEW
HAMPSHIRE, ET AL.
(Seabrook Station, Units 1 and 2)

Docket No. (s) 50-443/444-OL

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing KENNEDY LTR TO CARR DTD 3/12 have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Administrative Judge
G. Paul Bollwerk, III
Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Howard A. Wilber
Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Richard F. Cole
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Robert R. Pierce, Esquire
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Edwin J. Reis, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Thomas S. Moore, Chairman
Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Law Judge
Ivan W. Smith, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Kenneth A. McCollom
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
James H. Carpenter
Alternate Technical Member
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Mitzi A. Young
Attorney
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Docket No. (s) 50-443/444-DL
KENNEDY LTR TO CARR DTD 3/12

Diane Curran, Esq.
Harmon, Curran & Tousley
2001 S Street, N.W., Suite 430
Washington, DC 20009

Thomas B. Dignan, Jr., Esq.
Ropes & Gray
One International Place
Boston, MA 02110

Robert A. Backus, Esq.
Backus, Meyer & Solomon
116 Lowell Street
Manchester, NH 03106

Paul McEachern, Esq.
Shaines & McEachern
25 Maplewood Avenue, P.O. Box 360
Portsmouth, NH 03801

Gary W. Holmes, Esq.
Holmes & Ellis
47 Winnacunnet Road
Hampton, NH 03842

Judith H. Mizner
Counsel for Newburyport
79 State Street
Newburyport, MA 01950

Suzanne P. Egan
City Solicitor
Lagoulis, Hill-Wilton and Rotondi
79 State Street
Newburyport, MA 01950

Jane Doherty
Seacoast Anti-Pollution League
5 Market Street
Portsmouth, NH 03801

Ashod N. Amirian, Esq.
145 South Main Street, P.O. Box 38
Bradford, MA 01830

George Iverson, Director
N. H. Office of Emergency Management
State House Office Park South
107 Pleasant Street
Concord, NH 03301

George W. Watson, Esq.
Federal Emergency Management Agency
500 C Street, S.W.
Washington, DC 20472

Jack Dolan
Federal Emergency Management Agency
442 J.W. McCormack (POCH)
Boston, MA 02109

George D. Bisbee, Esq.
Assistant Attorney General
Office of the Attorney General
25 Capitol Street
Concord, NH 03301

Suzanne Breiseth
Board of Selectmen
Town of Hampton Falls
Drinkwater Road
Hampton Falls, NH 03844

Docket No. (s) 50-443/444-DL
KENNEDY LTR TO CARR DTD 3/12

John Traficante, Esq.
Chief, Nuclear Safety Unit
Office of the Attorney General
One Ashburton Place, 19th Floor
Boston, MA 02108

Peter J. Brann, Esq.
Assistant Attorney General
Office of the Attorney General
State House Station, #6
Augusta, ME 04333

Allen Lampert
Civil Defense Director
Town of Brentwood
20 Franklin Street
Exeter, NH 03833

William Armstrong
Civil Defense Director
Town of Exeter
10 Front Street
Exeter, NH 03833

Anne Goodman, Chairman
Board of Selectmen
13-15 Newmarket Road
Durham, NH 03824

Michael Santosuosso, Chairman
Board of Selectmen
South Hampton, NH 03827

R. Scott Hill-Whilton, Esquire
Lagoulis, Hill-Whilton & McGuire
79 State Street
Newburyport, MA 01950

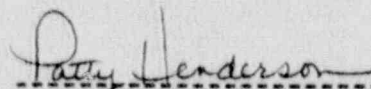
Stanley W. Knowles, Chairman
Board of Selectmen
P.O. Box 710
North Hampton, NH 03862

Norman C. Katner
Superintendent of Schools
School Administrative Unit No. 21
Alumni Drive
Hampton, NH 03842

Sandra F. Mitchell
Civil Defense Director
Town of Kensington
Box 10, RR1
East Kingston, NH 03827

The Honorable
Gordon J. Humphrey
ATTN: Janet Coit
United States Senate
Washington, DC 20510

Dated at Rockville, Md. this
14 day of March 1990



Office of the Secretary of the Commission