



CHAIRMAN

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

May 18, 1990

The Honorable Peter H. Kostmayer, Chairman
Subcommittee on General Oversight
and Investigations
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I have received your letter of April 2, 1990, in which you requested details about the Nuclear Regulatory Commission's (NRC's) handling of the Institute of Nuclear Power Operations (INPO) reports regarding the Seabrook Nuclear Station. Our responses to your specific requests are enclosed.

The evaluations of Seabrook by INPO and the NRC are generally compatible and complementary assessments of the plant. However, it is neither intended nor expected that there would be a direct correlation between specific INPO and NRC findings. Therefore, we have not attempted to provide a list showing the correlation between specific INPO and NRC findings.

The primary purpose of NRC staff reviews of INPO evaluation reports and licensee responses is to determine whether they contain any new and significant adverse safety information which would require NRC action to ensure that the deficiency is promptly corrected. Absent such a determination, we allow the licensee to respond to INPO's findings with planned corrective actions. Thus, the licensee responds to these findings and takes corrective actions as it would to findings from its own or third party audits. The staff's review of these reports may occasionally reveal that an INPO finding does apparently indicate a violation of NRC requirements. Nevertheless, if the finding does not indicate a significant adverse safety condition, and if the licensee has agreed to correct the condition in a reasonable and timely manner, then the staff would allow that process to continue without a violation of NRC regulations being cited. The purpose of this provision in the Enforcement Policy is to encourage licensees to continually look for and correct any deficiencies on their own rather than only reacting to NRC findings. This practice is described in the NRC Enforcement Policy set out in 10 CFR Part 2, Appendix C, Section V.G.1.

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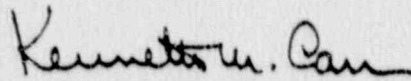
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This is the vein in which I wrote you on March 30, 1990. From its review of the various INPO reports on the Seabrook plant, the staff concluded that it was already cognizant of the identified programmatic deficiencies and subsequent corrective actions and that the issues in those reports would not cause the NRC to withdraw its determination that the Seabrook Nuclear Station was ready to be licensed. While some of the INPO findings might reflect a violation of requirements such as described in the preceding paragraph, the staff did not believe that the INPO reports revealed new, significant adverse information bearing on plant safety.

In view of your requests for information, we have asked the licensee to provide us a status report on corrective actions taken in response to the findings contained in the INPO reports identified in Items A-1 through A-6 in the enclosure to my March 30, 1990 letter to you. We will provide you a copy of the licensee's reply and our analysis of their conclusions.

Commissioner Curtiss did not participate in the preparation of this response.

Sincerely,



Kenneth M. Carr

Enclosure:
Response to Chairman Kostmayer's Requests

cc: Rep. Barbara Vucanovich.

ENCLOSURE

Response to Chairman Kostmayer's Requests

Request I: An enumeration of total staff-hours expended on March 15, 1990, upon the review of INPO reports.

Response A total of 39 staff hours were expended on March 15, 1990, to review INPO reports. (W. Russell, Regional Administrator of Region I, was omitted from the list of staff reviewers provided with my response of March 30, 1990. His hours are included here.)

Request II: A listing of NRC inspection findings which correlate with the INPO findings contained in the reports reviewed on March 15.

Response The evaluations of Seabrook by INPO and the NRC are generally compatible and complementary assessments of the plant. However, it is neither intended nor expected that there would be a direct correlation between specific INPO and NRC findings. Therefore, we have not attempted to provide a list showing the correlation between specific INPO and NRC findings.

Request III: Documents describing the nature and conclusions of the NRC staff review of Items A-1 through A-6 of the enclosure to your March 30 letter.

Response Items A-4, A-5, and A-6 refer to the INPO reports that Messrs. Nader and Pollard addressed at your March 14, 1990, subcommittee meeting. As stated in a March 15, 1990 memorandum (Attachment 1) from the Director of the Office of Nuclear Reactor Regulation (NRR), the NRC staff determined that these INPO reports and the INPO findings did not change the prior NRC staff conclusion that there is reasonable assurance of the safe operation of Seabrook. The NRC developed this determination from NRC staff reviews, meetings, and telephone discussions that were not separately documented by the agency.

The INPO reports and its findings that are addressed in Items A-1 and A-2 of my March 30, 1990 letter to you were reviewed by the NRC senior resident inspector (SRI) at Seabrook after completion of the INPO evaluations. The licensee provided these reports to the SRI shortly after they were issued. The SRI reviews were primarily routine checks for any significant unaddressed safety problems or significant construction deficiencies not reported to the NRC as required by 10 CFR 50.55(e). In these reviews, the SRI noted no significant problems. The NRC's February 19, 1985 Systematic Assessment of Licensee Performance (SALP) Report 50-443/85-99 (Attachment 2) for Seabrook considered the Item A-1 and A-2 INPO reports. Specifically, the SALP report noted the licensee determinations of non-reportability of the INPO findings. One of these findings discussed in Item A-1 concerns improper high strength nut material. It is specifically addressed on pages 10 and 11 of the NRC SALP report issued on May 17, 1984, (Attachment 3) and Paragraph 4.f of Inspection Report 50-443/84-01 (Attachment 4).

As discussed in the March 30, 1990 letter concerning the Item A-3 INPO report, the SRI recalls being briefed on that INPO Assist Visit by the licensee some time after the visit in 1987. In response to the recent congressional inquiries, the NRC staff specifically reviewed the associated INPO report on March 16, 1990, when the licensee made this report available on-site. In this review, the staff concluded that there were no significant safety issues to be raised.

Request IV: The INPO Evaluation of Construction and Design Controls, 11/17-28/83,* and the INPO Evaluation of Construction, Design Controls, and Testing, 12/3-14/84, Items A-1, and A-2, respectively, in the enclosure to your March 30 letter.

Response The requested INPO reports are included as Attachments 5 and 6.

*Please note that because of a typographical error, the date of the report in A-1 should have been 10/17-28/83 instead of 11/17-28/83.