



CHAIRMAN

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

PDR

July 26, 1990

The Honorable Alfonse M. D'Amato
United States Senator
1259 Federal Building
100 South Clinton Street
Syracuse, New York 13260

Dear Senator D'Amato:

I am responding to your letter of May 8, 1990 in which you forwarded concerns raised by the "Retire Nine Mile One" (RNMO) group regarding the respective roles of the Nuclear Regulatory Commission (NRC) and the Institute of Nuclear Power Operations (INPO) in evaluating the safety of the Nine Mile Point Nuclear Station, Unit 1 (NMP-1). RNMO's letter indicates a basic misunderstanding of the respective roles of INPO and the NRC. Contrary to what the letter suggests, INPO has no regulatory responsibility for nuclear power plants, NRC has transferred none of its responsibilities for conducting safety inspections and evaluations to INPO, and INPO does not operate in lieu of the NRC. I can assure you that public scrutiny of NRC's operations and the regulation of nuclear power plants has not been compromised.

It is true that INPO is not required to routinely forward its reports to the NRC or to release them to the public. However, RNMO did not note that NRC has access to all INPO evaluation reports. Normally, reviews of these reports are conducted by an NRC resident inspector on site. Moreover, NRC regulations require licensees to notify the NRC directly of all safety-significant matters, including those reflected in INPO reports. A more detailed explanation of the relationship between the activities of the NRC and INPO is set forth in a memorandum of agreement (MOA) between the two organizations. A copy of the MOA is enclosed for your information.

Furthermore, the RNMO letter asserts that the INPO reports on Seabrook identified problems that had not been addressed in NRC's licensing process. This is not true. Staff's review of the INPO reports concluded that NRC had already been aware of the identified programmatic deficiencies and corrective actions.

Since the shutdown of the Nine Mile Point plant in December 1987, the plant has been the subject of an intense NRC inspection program. Special headquarters and regional-based team inspections have been conducted in addition to the routine resident inspector and regional specialist inspections. Additionally, the NRC has

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reviewed the licensee's Restart Action Plan to ensure staff regulatory concerns are adequately addressed and has followed implementation of the plan. Before the licensee is allowed to restart NMP-1, the NRC will review the licensee's assessment of its readiness for restart and the results of the preoperational test program, and the NRC staff will complete its independent inspection of pre-startup activities.

Furthermore, the INPO evaluation reports on NMP-1 have been reviewed at the NMP-1 site by one of the NRC's resident inspectors. As a result of these reviews we have concluded that the applicable INPO report findings are generally consistent with the information already known to the NRC through inspections and other activities.

I would further note that the Commission has reviewed the status of NMP-1 on several occasions, the most recent being on May 14, 1990. I can assure you that restart of the plant will not be permitted until the licensee has completed all preparatory activities and the staff and the Commission are fully satisfied that the unit can be operated safely.

I trust that this information will be useful to you in responding to the "Retire Nine Mile One" group.

Sincerely,


Kenneth C. Rogers
Acting Chairman

Enclosure:
Memorandum of Understanding
Between INPO and the NRC



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July 26, 1990

The Honorable James T. Walsh
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Walsh:

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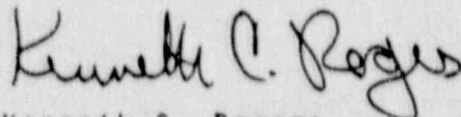
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