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MEMORANDUM FOR: Dennis Crutchfield, Assistant Director
for Safety Assessment
Division of Licensing

FROM: R. Wayne Houston, Assistant Director
for Reactor Safety
Division of Systems Integration

SUBJECT: PROPOSED RESPONSE TO CONGRESSMAN MARKEY'S
AUGUST 20, 1984 LETTER

see repts for enclosure

Per the request of Don Brinkman of your staff, the Reactor Systems Branch in Reactor Safety has prepared a proposed response to Congressman Markey's August 20, 1984 letter. This is provided in the enclosure. Please note that Brian Sheron of my staff was called by Richard Idell of Congressman Markey's staff on Friday, August 24, 1984, and requested that we provide a discussion of the recent Westinghouse tech spec error and its relationship to the McGuire DFO. The last few paragraphs of the proposed response address his request.

If you have any further questions, please let me or Brian Sheron know.

*Original signed by
R. Wayne Houston*

R. Wayne Houston, Assistant Director
for Reactor Safety
Division of Systems Integration

Enclosure: As stated

cc: w/o enclosure
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D. Eisenhut
F. Miraglia
C. Thomas
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G. N. Lauben
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DATE	08/28/84	08/28/84						

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

DRAFT

The Honorable Edward J. Markey, Chairman
Subcommittee on Oversight and Investigations
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am responding to your August 20, 1984 letter in which you stated our previous response to your inquiries regarding "erroneous technical specifications" were inadequate, and lead you "to question whether the NRC staff is attempting to conceal information from Congress, and perhaps the Commission."

Firstly, let me assure you that neither the staff nor the Commission is attempting to conceal any information from Congress. Our reply regarding the status of the differing professional opinion (DPO) on the McGuire technical specifications was brief because the staff management was still in the process of reviewing and trying to understand the details of the concerns expressed in the DPO and there was nothing conclusive to report at that time.

We have progressed considerably in our review since then, and I hope the information we provide you in this letter will resolve the remainder of your concerns. In order to best understand the complex nature of the DPO in question, I am providing you in the enclosure with a chronological history of the resolution process, referencing and attaching all documents related to the DPO per your request.

From a review of the enclosed documents, you will note that a key problem that the staff management had was that a majority of Mr. Licciardo's (the DPO originator) concerns were not clearly stated. His original DPO forwarded a version of the McGuire technical specifications which he marked up according to how he believed they should be written. However, he provided no basis to substantiate that his version was any more correct than the licensee's. Thus, as is evident in the chronological history, it was necessary to get Mr. Licciardo to recast his concerns into clear statements of the deficiencies he believed existed in the McGuire Technical Specifications. It was not until June 11, 1984 that he provided this recasting of his concerns. In response to your question as to why a DPO filed on December 7, 1983 is still not completed, it is because a substantial amount of time was necessary to first trying to understand Mr. Licciardo's concerns, and then get Mr. Licciardo to

clarify and recast them into a form that was definitive enough for the staff management to assess and act on.

You also asked why McGuire Unit 2 "was allowed to continue operation subsequent to these allegations and prior to their resolution..." While Mr. Licciardo's DPO alleged increased risk to public health and safety and a compromised Emergency Core Cooling System, at no time did he cite any specific examples to substantiate his claim. Thus, without any clear indication of any imminent safety problem, there was no basis to shut the McGuire Unit down.

The staff has since completed its review of the concerns identified in Mr. Licciardo's clarification of his DPO. They have not found any of the identified items to be of immediate safety concern requiring prompt licensee action. Attachment 33 to this letter is a memo from the Division of Systems Integration to the Division of Licensing forwarding those concerns considered relevant for action.

You also asked "why this DPO is marked "closed" when the staff review remains unfinished." Closure of the DPO indicates only that the issue has been looked into and a resolution path identified. It does not mean that no further work will be done on the DPO.

DL to provide responses to following questions:

- (1) "If 'disparities' exist between McGuire's Technical Specifications and Final Safety Analysis Report (FSAR), as has been alleged, has there been a review of the accuracy of and basis for the technical specifications as at Grand Gulf?"
- (2) "...Please provide a listing of all plants, licensed since Three Mile Island, in which errors have been discovered in Technical Specifications subsequent to NRC approval. This listing should include the number of errors, there scope and their significance."

As you are aware, Westinghouse recently brought to the staff's attention a generic error involving technical specifications at all Westinghouse plants. This error was that in mode 3 of operation (hot standby), the FSAR analyses were performed assuming at least 2 reactor coolant pumps were operating, whereas the technical specifications only called for one pump to be operational. For the design basis control rod withdrawal event, Westinghouse discovered that the departure from nucleate boiling (DNB) criteria would be violated if the event was reanalyzed with only one reactor coolant pump operating. Westinghouse stated that this discovery of the error was a result of preliminary staff questions asked at a meeting on the Callaway plant technical specifications.

The question which prompted this discovery was asked by a reviewer in the Reactor Systems Branch and was asked as a result of reviewing some of the concerns in Mr. Licciardod's DPO.

I bring this to your attention since it is a direct result of the more thorough staff reviews that are being performed as a result of Grand Gulf

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and the McGuire DPD. Because of these more detailed reviews, the staff has, on recent NTOL reviews, identified and required the applicants to correct a number of discrepancies between the FSAR safety analyses and the technical specifications.

The staff is currently taking the necessary actions with all affected licensees to correct the error.

I hope this information is responsive to your concerns.

Sincerely,

Nunzio J. Palladino
Chairman

Enclosures:
As stated

cc: Rep. Ron Marlenee
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Commissioner Zech
SECY
OPE
OGC
CA