



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20568

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December 20, 1984

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:

This is in response to your letter of August 20, 1984 in which you stated that previous NRC responses to inquiries regarding "erroneous technical specifications" were inadequate, and led you to question whether the NRC staff, and perhaps the Commission, is attempting to conceal information from Congress. The Commission does not believe that the NRC staff is attempting to conceal any information on this matter from either the Commission or Congress, and neither is the Commission.

Our reply regarding the status of the Differing Professional Opinion (DPO) on the McGuire Technical Specifications was necessarily brief because the formal staff process for resolving the issues raised by the DPO was, and still is, in progress. At that time, the NRC staff management was still reviewing the DPO and trying to obtain clarification and details of the concerns expressed in the DPO. The staff has progressed considerably in its review since then.

In order to better understand the progress of the DPO effort, a chronology of the resolution process referencing and attaching documents related to the DPO through early September is provided as Attachment 1. It may be helpful to note that Item 16 of that chronological listing contains an account of the relevant staff activities that preceded the filing of the DPO.

You asked why action on a DPO filed on December 7, 1983 is still not complete. A review of the enclosed documents shows that a key problem in resolving the concerns expressed in the DPO was that Mr. Licciardo (the DPO originator) did not state his concerns clearly. His original DPO was merely a version of the McGuire technical specifications marked up to show how he believed they should be re-written. However, he provided no rationale to explain why his version was any more correct than the licensee's. Thus, as the chronological history sets out, it was necessary to ask Mr. Licciardo to recast his concerns into clear statements of the deficiencies he believed existed in the McGuire Technical Specifications, including the bases for those deficiencies. He did not provide the bases for his concerns until June 11, 1984.

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In the process of recasting his concerns, Mr. Licciardo decided to expand the issues of his original DPO. He identified new, and what he considered to be valid, technical concerns in areas outside his branch's technical expertise. When he finally completed his revisions, Mr. Licciardo's original DPO concerns had grown to approximately 300 in number. His revised concerns were documented in a report over 110 pages long (single spaced). Further, many of Mr. Licciardo's concerns do not deal with discrepancies in Technical Specifications, but instead identify additional technical specifications which he believes should be required in order to reflect more fully some of the assumptions used in the plant's safety analyses.

The management of Mr. Licciardo's branch spent approximately two and one-half months evaluating his concerns. The five managers involved in this extensive review determined that approximately one half of Mr. Licciardo's concerns were significant enough to warrant further investigation.

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, the staff's reviews to date have not discovered any indication of an imminent safety problem. Thus, the staff reports that there is no basis to order the shutdown of McGuire Unit 2.

The staff is continuing to review the concerns identified in Mr. Licciardo's clarification of his DPO. Furthermore, the staff has again reviewed the comments on the Proof and Review version of the Catawba Technical Specifications (a facility very similar in design to McGuire, and also operated by Duke Power Company) to provide additional assurance of the accuracy of the McGuire Technical Specifications. This review disclosed one error in the McGuire Technical Specifications. NRC has notified the McGuire licensee about that error and the licensee is taking steps to correct it. Therefore, the staff does not believe it necessary to review again the McGuire Technical Specifications and FSAR to the same extent as they were reviewed at Grand Gulf.

You also asked why the DPO was marked "closed" when the staff review remained unfinished. We did not use the word "closed" in our July 9 letter but noted a 'resolution' of the DPO. Resolution of the DPO indicates only that a management decision identifying a resolution path had been made. It did not mean that all work to close out the issues raised in the DPO has been completed and that no further work is to be done to complete work on those issues. Attachment 33 to Enclosure 1 shows the details of this ongoing effort. We trust this explains the lack of clarity and apparent contradiction between our July 9 and August 10 letters.

Mr. Richard Udell of the Subcommittee staff called Mr. Brian Sheron of the NRC staff on Friday, August 24, 1984 and requested that this response include a discussion of the recently-discovered error in the Westinghouse Standard Technical Specifications and its relationship to Mr. Licciardo's DPO. That discussion is provided in Enclosure 2.

You also requested a listing of those plants licensed since Three Mile Island for which errors have been discovered in their Technical Specifications after NRC approval. Historically, the staff has recognized that changes will be identified in Technical Specifications. The need for changes is usually discovered as a result of use of the Technical Specifications by licensee plant operating personnel and as a result of the NRC staff's licensing and inspection processes. A small fraction of these changes are to correct errors. This fraction, while small, is obviously of concern because these errors could have safety significance.

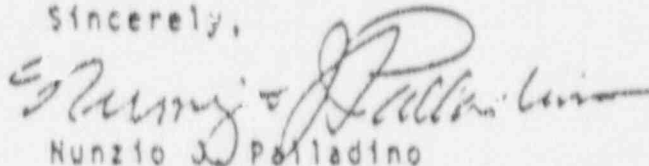
As of the first of September, the staff has surveyed all of the Technical Specification changes requested on the 20 plants licensed since the TMI accident. The results of the survey show that there were approximately 450 letters from licensees requesting an estimated 1,300 changes. This number does not refer to the number of line item changes to the Technical Specifications which of course would be a larger number. Based on the results of the staff's review of two facilities discussed below, only a small fraction of these can be considered errors; some are typographical errors. As part of its normal review, the staff has evaluated these for indication that potentially safety-significant errors exist.

As discussed in NRC's August 10, 1984 letter, the NRC staff performed a review of the safety significance of the requested changes to the Susquehanna Unit 1 Technical Specifications; staff also recently performed a similar review of the requested changes to the Virgil C. Summer Technical Specifications. In both of these reviews, the NRC staff examined the requested changes to determine whether any of these were to correct errors and whether any of the errors were safety significant. In the Susquehanna case, the staff's examination revealed that changes had been requested to correct four errors, none of which were judged to be safety significant. The staff's examination of the requested changes to the Virgil C. Summer Technical Specifications revealed 11 errors, only one of which was judged to be of potential safety significance. In that case, incorrect action statements had been specified for inoperable engineered safety feature actuation system instrumentation. Had the incorrect action statements been performed they would have required an

immediate realignment for surtion of the residual heat removal pumps from the refueling water storage tank to the containment sump. This error was found by the plant operators prior to any need to perform the action. A technical specification amendment correcting these action : ents was requested and issued.

As a result of a detailed look at the Technical Specification changes requested for these plants, there does not appear to be a significant potential safety problem. Therefore, the Commission does not believe an expanded review to cover the remainder of the plants licensed since TMI is justified.

Sincerely,

  
Nunzio J. Palladino

Attachments:

1. Chronology of DPO Resolution Process
2. Recently Discovered Error in Westinghouse Standard Technical Specifications

cc: Rep. Ron Marlenee

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