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NORTH ATLANTIC ASSEMBLY (NATO)



Congress of the United States  
House of Representatives  
Washington, DC 20515

October 9, 1990

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Commissioner Kenneth Carr  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Carr:

H.A.F.A. International, Inc. has asked for my assistance in appealing for a fair and impartial review of a matter which has been before the U.S. Nuclear Regulatory Commission since May, 1989.

H.A.F.A. is a small engineering firm in Riviera Beach, Florida who has provided consulting services to the energy industry since 1978. Based on approval by NRC of their Topical Report HAFA 135 (P-A) on November 7, 1985, H.A.F.A. contracted with four nuclear power station clients using the PROPRIETARY Instrumented Inspection Technique. These services continued into 1989 when former employees of H.A.F.A. brought certain allegations to NRC in regard to testing procedures.

While evaluating these allegations, inspections indicated only one of the allegations to be substantive with insignificant technical impact on test results.

H.A.F.A. has attempted to address the NRC concerns on this single issue through meetings, correspondence and a presentation at the NRC on February 1, 1990. It appears that H.A.F.A. had submitted two Topical Reports in 1985 and while they have worked only from the approved Report, NRC has mistakenly used the unapproved report as a point of reference in these proceedings. There is also some concerns that there has been a tendency by those presently reviewing these matters in applying a 1990 perspective to a 1985 NRC approved process.

As a result of NRC's review of this matter, the staff has determined that the testing performed by H.A.F.A. was invalid and approval to conduct testing under HAFA Topical Report 135 (P-A) dated December 1985, should be rescinded.

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H.A.F.A. takes no exception to rescission of approval of the 1985 Topical Report. They have, in fact, updated their 1985 Topical Report to apply improved practices developed and applied since the accepted report. However, they have appealed for a review and reconsideration of the decision to invalidate all testing performed under the NRC approved Topical Report. No cases have been disclosed to H.A.F.A. by its clients, the NRC or by other sources that leakage has been missed through implementation of the NRC approved testing technique. In fact, leakage detected has been confirmed, including unseen internal leakage.

I appreciate the responsibility of the NRC and do not have the technical expertise to determine this matter. However, I do understand the issue of fairness and I question what appears to be a rule change in the middle of the game with penalties being assessed retroactively. H.A.F.A. recognizes the NRC's present concerns with the 1985 Topical Report and takes no exception to its rescission. However, they ask reconsideration and recognition of the validity of the testing performed under H.A.F.A. Topical Report 135 (P-A).

This matter has resulted in the loss of all contracts and has caused great hardship to the parties involved. For that reason, I would appreciate a review of this matter and a determination of the facts in this case.

Thank you for your assistance in this matter.

Sincerely,

*Tom Lewis*

Tom Lewis  
Member of Congress

cc: Mr. James H. Sniezek  
Deputy Directory

TL:kh

enclosure

CONGRESSIONAL CORRESPONDENCE SYSTEM  
DOCUMENT PREPARATION CHECKLIST

This checklist is to be submitted with each document (or group of Qs/As) sent for filing into the CCS.

1. BRIEF DESCRIPTION OF DOCUMENT(S) LTR TO Tom Lewis
2. TYPE OF DOCUMENT  Correspondence  Hearings (Qs/As)
3. DOCUMENT CONTROL  Sensitive (NRC Only)  Non-Sensitive
4. CONGRESSIONAL COMMITTEE and SUBCOMMITTEES (if applicable)
- \_\_\_\_\_ Congressional Committee
- \_\_\_\_\_ Subcommittee

5. SUBJECT CODES
- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

6. SOURCE OF DOCUMENTS
- (a) \_\_\_\_\_ 5520 (document name \_\_\_\_\_)
- (b)  Scan- (c)  Attachments
- (d) \_\_\_\_\_ Rekey (e) \_\_\_\_\_ Other \_\_\_\_\_

7. SYSTEM LOG DATES
- (a) 12/11/90 Date OCA sent document to CCS
- (b) \_\_\_\_\_ Date CCS receives document
- (c) \_\_\_\_\_ Date returned to OCA for additional information
- (d) \_\_\_\_\_ Date resubmitted by OCA to CCS
- (e) \_\_\_\_\_ Date entered into CCS by \_\_\_\_\_
- (f) \_\_\_\_\_ Date OCA notified that document is in CCS

8. COMMENTS
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