



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

JAN 02 1991

MEMORANDUM FOR: Thomas E. Murley, Director
Office Of Nuclear Reactor Regulation

FROM: Robert B.A. Licciardo
Planning, Program and Management
Support Branch
Technical Assistance Management Section
Office of Nuclear Reactor Regulation

SUBJECT: SAFETY EVALUATION COMMENTS ON REVIEW BY THE NRC
ENTITLED "CLOSURE OF DPO ISSUES REGARDING MCGUIRE
TECHNICAL SPECIFICATIONS (TACs 55435/55436/67757)
SEPTEMBER 10, 1990; MEMO FROM DR. T. MURLEY TO
ROBERT LICCIARDO"

The writer has reviewed the subject memorandum (Enclosure 3) and has provided Safety evaluation comments and a related executive summary in Enclosure 1.

The writer submitted a Differing Professional Opinion (DPO) on December 7, 1983 with a procedural entitlement for an independent external review of his concerns. At the request of the U.S. Nuclear Regulatory Commission, this entitlement was waived by the writer on fulfillment of two conditions which were subsequently incorporated by Dr. Denton, Director, Office Of Nuclear Reactor Regulation, into the following Directives to D.G. Eisenhut, Director Division Of Licensing, and R. Mattson, Director of Systems Integration, respectively:

- "1. The Division Of Licensing should review the adequacy of staff procedures and the actual practices used in the development of technical specifications for an Operating License.
2. The Division of Systems Integration in coordination with the Division of Licensing, shall have people that are knowledgeable about the technical subjects raised by Mr Licciardo, the standard technical specifications, and the McGuire technical specifications, and review the broad technical subjects raised in the DPO."

Directive 1 contributed significantly to the formulation of policy and implementation of regulatory requirements and related procedures regarding technical specifications within the NRC.

Concerning Directive 2: The writer prepared the Safety Evaluation Report of the Proof And Review copy of the Technical Specifications proposed for McGuire Units 1 & 2. This report was entitled, "Review Of McGuire Technical Specifications, dated June 11 1984" (Enclosure 2). This report became the subject of the prescribed review and then passed through approximately five separate low priority review attempts before the current high priority Action by J. Sniezek and Dr. T. M. Murley in 1990.

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During the writer's evaluation of Enclosure 3), he determined that 1) An original categorization by Reactor Systems Branch regarding Open items is no longer valid 2) that his original Safety Evaluation of the McGuire TS (Enclosure. 2) has remained valid for all items 3) approximately 6% of the number of concerns may be closed by later clarification without additional Licensing Action

An overall review shows a revised total of 421 items of concern, of which 308 were ultimately evaluated as stated in Enclosure 1. The remaining 86 residual items are valid for completion by the appropriate licensing action deriving from the writer's original Safety Evaluation.

The following comments address the cover letter of the SUBJECT memorandum of September 10, 1990.

For the related plant-specific issues, additional Amendments are required to the Licensing Basis documents, and elements of these include the need for additional information to Complete these issues. In a memorandum to Reference 37, Ashok Thadani identified 51 items as plant-specific. Three items (6%) were closed out by licensee clarification only and the remaining 48 have or will require plant specific or generic action such as Amendments to the existing TS, Final Safety Analysis Report, FSAR, In Service Inspection (ISI) Program, Set Point Methodology (SPM), the New Standard TS (NSTS), or the Westinghouse Standard TS (WSTS).

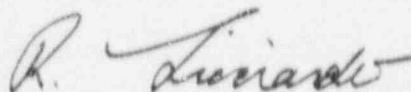
For generic issues, the writer has identified 240 items for generic consideration from the principal issues being considered by all the various Entities. The total number of necessary additions to the NSTS is 207, and of this number many are also included inside the current WSTS. Of these additions, the NRC staff admitted only 17, arising from invalid and incomplete reviews of Enclosure 3. The total number of actions required to be added to the WSTS is 100.

The reviewers have not provided the required detailed review of the Writer's 1984 TS Review regarding the comments on the events at Diablo Canyon and Vogtle: This reflects the fact that Regulatory provisions that would have protected both these events were reported by the writer in that Review, and also that prior to the submittal of his DPO his related concerns were evaluated by the NRC staff as being unimportant and rejected from further consideration. The subsequent low priority reviews described earlier continued until after the Diablo Canyon event until James Sniezek and later Dr Murley accelerated the review to its current status in early 1990, after the Braidwood LOCA in Mode 4 Event (also principally considered in the McGuire TS Review): And at the same time Dr Murley initiated the now major research program in the area of Reactor Risk in these related Modes 3-6. The apparent reluctance of the Reviewers to treat this current assignment in a Complete and Regulatory manner manifests the earlier unwillingness to accept the writer's work for review, and or grant it a higher priority, and later for the particular case of the Diablo Canyon event, and now also for the Vogtle event as well as the Diablo Canyon event. If this were true, this would make the NRC staff potentially

culpable of serious deficiencies in the performance of their primary responsibility for Public Health and Safety. In respect of Vogtle, the comment on Station Blackout is invalid as the prime cause was the violation of Regulatory Requirements for Protection which then resulted in the Station Blackout from a Regulatory provision for a single failure.

The comment on the 160 items, labelled as OPEN (O) items in Enclosure 1 for this evaluation, is invalid and incorrect as evidenced, for example, by the fact that the Diablo Canyon Event was included in these items so that the assigned reviewers have not factually checked their statement. Furthermore, as described earlier, the writer has affirmed by detailed review, their validity for completion by appropriate Licensing Action.

The memorandum of September 10th cannot close out the MCGUIRE TS REVIEW without addressing the deficiencies of the Reviewers of Enclosure 3 as described in these Safety Evaluation Comments, and including especially the invalid treatment of all Transients and Accidents in Modes 3-5 and 6. Completion on the basis of the writer's 1984 Review as confirmed by his Safety Evaluation Comments of Enclosure 1) in response to the later reviews by others, would complete the necessary Actions to the Licensing Basis and provide the bases for TS protection in Modes 3-6, for McGuire. It would also provide generic protection for all Westinghouse Reactor Systems; and for remaining Pressurized Water Reactor systems as appropriately evaluated.



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ENCLOSURES:

1. Safety Evaluation Comments On Review By The NRC Entitled "Closure Of DPO Issues Regarding McGuire Technical Specifications(TACS 55435/5 5436/67757)": Dated September 10 1990; Memo From Dr. Robert B.A. Licciardo to Thomas E Murley.
2. Review Of McGuire Technical Specifications: Dated June 11 1984. Memo from Robert B.A. Licciardo to Brian W. Sheron.
3. Closure Of DPO Issues Regarding McGuire Technical Specifications (TACS 55435/55436/67757): Dated September 10, 1990, Memo from T.E. Murley to Robert Licciardo.

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