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Congress of the United States  
House of Representatives  
Washington, DC 20515  
December 19, 1990

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Honorable Kenneth Carr, Chairman  
Nuclear Regulatory Commission  
Washington, DC 20555

Dear Chairman Carr:

The Callaway Nuclear Plant operated by the Union Electric Company was authorized for construction by the NRC in 1975-1976. Recently, questions have been raised about whether or not Union Electric operated in full compliance with certain requirements set forth by the NRC's Atomic Safety and Licensing Board.

It is my understanding that stipulations regarding the licensee's capabilities, intentions and programs pertaining to the construction at Callaway were attached to the construction permit, and were based on the sworn testimony of Union Electric before the Atomic Safety and Licensing Board.

Information brought to my attention indicates that Union Electric did not, in fact, adequately control the construction of the Callaway plant and instead confined its involvement to quality assurance inspections. If this is correct, I am concerned about the integrity of the construction at Callaway Nuclear Plant and the purpose of the NRC's licensing requirements.

In private litigation, Union Electric has maintained and established that it did not retain or exercise control over the construction of the Callaway Nuclear Plant. This was most recently borne out in a decision by the Missouri Court of Appeals, Eastern District, Wedehausen v. Union Electric, No. 56983, October 30, 1990. In the opinion of the Court, Union Electric was found to have direct control over quality assurance and not over the construction of the Callaway plant.

I am greatly concerned about Union Electric's failure to control construction at the Callaway Plant. If the nuclear licensing process is to meet the highest safety standards and enjoy public confidence, it is essential that controls over the construction of a nuclear power plant be properly executed.

In order to ensure the safety of all involved with the Callaway Plant I am requesting that your office investigate the situation I've described. I am anxious to understand whether or not the NRC expected Union Electric to control the construction at the Callaway Plant. If so, were steps taken to ascertain this compliance? If not, by what process did the NRC anticipate adequate construction controls?

Thank you for your consideration of this matter. I am confident that you share my interest in guaranteeing public safety and I appreciate your efforts to help resolve the issues I've raised. I look forward to your reply.

Sincerely,

William L. Clay  
Member of Congress

cc: Philip Sharp, MC

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