



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION III  
799 ROOSEVELT ROAD  
GLEN ELLYN, ILLINOIS 60137

MAR 28 1983

GAT file

Government Accountability Project  
Institute for Policy Studies  
ATTN: Ms. Billie P. Garde  
Director  
Citizens Clinic for Accountable Government  
1901 Que Street, N. W.  
Washington, D. C. 20009

Dear Ms. Garde:

This is in response to your letter dated March 10, 1983, in which you expressed concerns about Consumers Power Company's Construction Completion Program (CCP).

In the paragraphs below I have paraphrased and responded to each of your concerns as I understand them; I have attempted to clarify what you thought I said in the February 8, 1983 meeting; and I have clarified the NRC position regarding the CCP.

Concern: Region III has been meeting with management officials of Consumers Power Company (CPCo) to iron out details of the CCP. These meetings have not had public input or analysis and they have not been announced.

Response: Members of the Region III staff have met with representatives of CPCo to better understand the licensee's proposed CCP. These are working level meetings and are required for the efficient conduct of our business. We will continue to hold such meetings. Region III also receives input from IE and NRR and we will consider written comments from members of the public regarding the CCP.

Concern: The details and results of these meetings have not been made public.

Response: It is not our practice or intent to document the details of such meetings. Acknowledgement of the meetings on the CCP (or other issues) is normally documented in inspection report. After the details of the CCP are resolved, they will be documented and we will send you a copy of the documentation and/or correspondence.

Concern: Lack of public participation in the review and evaluation of the CCP appears to contradict a promise made by me at the February 8, 1983 public meeting in Midland.

**Response:** Your understanding of what I said at the February 8, 1983 meeting is not correct. I said the meeting was open to the public so they could observe and hear the discussion between the NRC and CPCo regarding the CCP. Time was provided at the end of the meeting and again in the evening for the public to ask questions and offer comments. Near the end of the evening meeting I indicated the NRC would consider holding other public meetings in the future. I did not commit to further public meetings to provide for public participation in the review and evaluation of the CCP.

The NRC is interested in receiving comments on the CCP from the public. In order for us to better understand your concerns, Mr. Warnick and members of the Office of Nuclear Reactor Regulation (NRR) met with you on March 7, 1983 to receive your comments on the CCP. As stated before, the NRC will consider all written comments regarding the CCP.

**Concern:** An independent third party is not being proposed to identify plant deficiencies. Rather, the licensee is permitted to conduct a self-examination.

**Response:** We hold the licensee responsible for identifying the existing problems at the plant. The NRC will monitor their efforts and independently conduct its own inspections on a sampling basis.

In their letter of January 10, 1983, the licensee proposed having an independent third party overview the CCP. The licensee referred to it as an installation implementation overview. In a letter to CPCo dated March 28, 1983, we have requested that all aspects of the CCP be included in the overview.

In addition, an independent third party will be selected to conduct an independent construction verification program (ICVP) which will look at portions of selected systems and give an independent assessment of the adequacy of past construction.

**Concern:** What approvals have been given by the NRC in regards to onsite work? What official holds if any has the NRC placed on CPCo which would restrict their initiating work onsite when they saw fit?

**Response.** In our letter to CPCo dated December 30, 1982, (copy enclosed), we document the licensee's commitment to the CCP, exceptions to the voluntary and self-imposed work stoppage, the RIII

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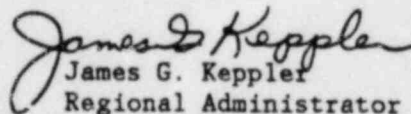
commitment to hold a meeting with CPCo in the Midland area which would be open to the public to discuss the CCP and to receive comments from the public on the CCP (held on February 8, 1983), and we officially notified CPCo that RIII would make a determination of the acceptability of their proposed program. The licensee has also given verbal assurance that the resumption of construction work and rework will be governed by the proposed CCP. The NRC has not yet approved the CCP.

Concern: What plans does RIII have for determination of the "as-built" condition of the plant?

Response: Members of the Office of Special Cases performed a special inspection of the diesel generator building in late 1982 to determine the as-built status of one part of the plant. Based on the results of that inspection, they believed that similar problems existed in other parts of the facility and that the licensee needed to take action to identify and correct them. That is still their feeling. The licensee has committed to a reinspection of all safety related structures, systems, and components as part of the CCP. After the licensee has completed their proposed problem identification process, the Office of Special Cases plans to conduct additional inspections to determine whether the licensee's inspection effort has been acceptable.

The NRC has also proposed that a third party conduct an independent design/construction verification program (ID/CVP) after the CCP has identified the problems. The ICVP should provide a second means of determining the acceptability of the licensee's inspection effort. We believe this process will provide assurance that problems at the plant will be identified and corrected.

Sincerely,

  
James G. Keppler  
Regional Administrator