



CHAIRMAN

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON D. C. 20555

February 14, 1992

The Honorable Peter H. Kostmayer, Chairman
Subcommittee on Energy and the Environment
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

On January 29, 1992, four members of the Massachusetts delegation sent the Commission several questions concerning letters from Senator Kennedy (February 27, 1990) and yourself (March 7, 1990), and the answers provided by the Commission on March 15, 1990. The members referred to a report by the NRC Inspector General (IG) (enclosed), and indicated that this topic might arise at the House Interior and Insular Affairs Committee's Subcommittee on Energy and the Environment hearing on February 19, 1992. Since these issues have been of interest to you as Chairman of the Subcommittee, I am providing this statement of the Commission's response to the members' questions.

At the outset the Commission wishes to make clear that it is crucial to our nuclear regulatory process that the Commission must be able to rely on the accuracy and completeness of the information upon which our regulatory decisions are based. We also share your expectation that any information which is conveyed to Congress by the NRC will be accurate, complete and timely. The IG and the Commission have found issues of concern in the Seabrook case; we feel that the errors found are correctable as described below. However, no one at NRC has deliberately misled, nor lied to, the Congress, the Commission or anyone else in this matter.

Senator Kennedy's letter raised issues with respect to a licensing decision which was scheduled to be made two days later, on March 1, 1990; the letter raised questions about Seabrook reaching back to the early 1980's timeframe. The Commission has recognized that safety issues about a facility may arise at any time, and that the Commission has the responsibility to address them. Following the Diablo Canyon licensing experience in 1985, the Commission established a process to address allegations, like those forwarded by Senator Kennedy, made after the licensing record is closed. These procedures, set forth in NRC Manual Chapter 0517, "MANAGEMENT OF ALLEGATIONS", instruct the staff to perform an expeditious review of the allegations to determine if

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there are any which because of their potential impact on safety, must be resolved before any licensing action can be taken. The staff performed this review for the Seabrook welds allegations and reported the results to the Commission in a Memorandum on February 28, 1990.

The Commission believes that it is essential, in order to maintain accuracy and completeness, that accountability for drafting Commission documents and making revisions to them be assigned and maintained. In this particular case, it is apparent, in retrospect, that the Commission and the NRC staff did not meet our own standards of accuracy and control. However, we wish to emphasize that the basic conclusion, namely that there were no safety related reasons to delay the Commission's decision, was a correct one.

The January 29, 1992 letter from members of the Massachusetts delegation asks two questions -- the first one concerned disciplinary actions taken. The IG report does discuss individuals and their role in the Seabrook welds matter. With respect to the assignment of individual responsibility, the report describes instances where individual performance led to problems in the accuracy of correspondence to Congress. However, the IG report does not identify conduct which was intentionally deceitful. The IG saw the problem as a failure to follow established procedures and the report suggested a need for the NRC to examine these procedures.

With respect to disciplinary actions, the Commission has considered the information presented by the IG and decided not to take specific disciplinary action in light of the fact that there was no evidence found of intentional deceit by the NRC staff. Nonetheless, the Commission is concerned that all of its senior management perform in an exemplary manner regarding accuracy, completeness and timeliness of its correspondence to Congress. Accordingly, the Commission is instructing its senior management to take specific steps to improve our agency performance in the future.

The second question concerned lessons learned. The Commission believes that three lessons should be drawn:

1. The agency's procedure for reviewing late allegations is sound, but the review should be strictly limited to the question, "does the alleged safety concern present new information which must be addressed before acting on the licensing decision?" It seems clear in retrospect that the staff went beyond answering the basic question and made additional observations which were not

justifiable on the basis of information available at the time.

2. The agency has procedures for identifying drafters of documents and for concurrences. The February 29th memorandum was not prepared according to the Commission's own procedures, as detailed in the IG report. In particular, internal concurrences and reviews were not sufficiently thorough to identify inaccuracies and misleading statements. Some but not all of the problems were corrected in the answers to Congressional questions provided by the Commission on March 15, 1990. We will examine this issue in the context of our procedures for addressing late-filed allegations and take such steps as necessary to ensure that the technical basis for our responses to such allegations is fully documented in the future.
3. Both the Commission and the NRC staff should hold to high standards concerning accuracy and recognition of error in public statements by the staff or the Commission, even where no issue of health or safety is addressed. In the future, when questions arise concerning the agency's record, the Commission will seek greater assurance that the record is accurate and not misleading, and that corrections are promptly noted.

You are aware that concerns similar to those identified here arose during the NRC's review of Pilgrim offsite emergency preparedness. Following the IG's findings in that case, the Commission in a December 1990 memorandum to the staff emphasized the importance of frank, complete and accurate communications with the Commission and the necessity to correct any misinformation or omissions as promptly as possible.

To reaffirm this direction, this letter, with the IG report, is being distributed to all the senior and mid-level managers at the agency, so that guidance to the staff will be explicit and unmistakable.

We trust this answers the serious questions raised in the January 29th letter. Commissioner de Planque was on official travel and did not participate in the preparation of this response. Commissioner Remick did not participate in the preparation of this response because, as a condition of his confirmation by the

Senate, he is recused from matters connected with the initial licensing of the Seabrook facility. However, they both join their fellow Commissioners in emphasizing the importance of accuracy in communications to the Congress. We look forward to our appearance before the Subcommittee next week.

Sincerely,



Ivan Selin

Enclosure:
As stated

cc: The Honorable John J. Rhodes