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

February 18, 1992

The Honorable Dick Zimmer
United States House of Representatives
Washington, DC 20515

Dear Congressman Zimmer:

I am responding to your December 18, 1991, letter to the Secretary of Energy. On January 13, 1992, the Department of Energy referred your letter to the U.S. Nuclear Regulatory Commission. You requested a response to questions and concerns from Dr. Wm. Fraenkel that were raised in his letter to you of November 6, 1991. Dr. Fraenkel's concerns were based on information contained in the systematic assessment of licensee performance (SALP) reports that were issued by the Nuclear Regulatory Commission (NRC) in 1990 for the Salem Nuclear Generating Station, Units 1 and 2, the Oyster Creek Nuclear Generating Station, and the Hope Creek Generating Station. The SALP reports summarized the results of a periodic assessment of the operation of the four facilities for a 15-month period.

To rate the facility being reviewed in the SALP process, the NRC convenes a board consisting of NRC managers, supervisors, and staff that are familiar with the operation of the facility. The rating is based on information that has been independently gathered by the NRC inspectors assigned to the facility and information reported to the NRC by the licensees, i.e., the utility that operates the plant. The board evaluates the information to determine if individual problems are a result of sustained, underlying, program deficiencies. One example would be an increase in personnel errors that was caused by an inadequate training program. The NRC uses this information to focus its future inspection activities. At the conclusion of the rating period, the NRC holds a meeting with the licensee to discuss the SALP report. This meeting is open to the public.

The SALP report is a summary and does not include the details behind the information. For events listed in the SALP report such as reactor scrams, and unplanned shutdowns, the details are contained in licensee event reports (LER) and the individual inspection reports. The LER documents the results of the licensee's investigation of an event. The LER contains the root cause of the event and the corrective action taken to prevent a similar event from occurring in the future. The corrective action could include retraining individuals, making changes to procedures, modifying equipment, or taking personnel actions. The individual inspection reports are issued about every 2 months throughout the 15-month SALP period. Included in the inspection reports is the NRC's independent review of events and an independent review of the licensee's corrective actions taken. Without the detailed information, Dr. Fraenkel's concern with reactor scrams and unplanned shutdowns is understandable. However, reactor scrams are not themselves safety problems and are designed to prevent an unsafe condition from developing. Unplanned shutdowns are occasionally required when safety equipment needed in case of a reactor accident is found to be inoperable. Correspondence between the licensees and the NRC is available to the public at the NRC's Public Document

Room located in the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at each local public document room located in the vicinity of each nuclear power plant. The State of New Jersey also receives all correspondence relating to the power plants.

Dr. Fraenkel noted that each SALP category has only three ratings. If the licensee is rated as any one of the three, the operation is deemed acceptable. If the licensee's performance is below the standards for acceptable performance, that will become evident at some time during the rating period. If this should happen, the NRC would then require the licensee to upgrade its performance and could, in certain cases, order the plant to be shut down and remain shut down until its performance improved. The NRC would take this action at the time the substandard performance was identified and would not wait until the end of the current SALP period.

The Enclosure provides the NRC's answers to specific concerns that Dr. Fraenkel stated in his letter. I trust this letter will satisfy your constituent's concerns.

Sincerely,

James M. Taylor
Executive Director
for Operations

Enclosure:
Answers

Answers

1. The Emergency Plan section of the SALP is identical for both Hope Creek and Salem.

   Hope Creek and Salem share a 700-acre site located on Artificial Island in Lower Alloways Creek Township, Salem County, New Jersey. The licensee has one organization that responds to emergencies at either Hope Creek or Salem. Therefore, the U.S. Nuclear Regulatory Commission (NRC) wrote only one systematic assessment of licensee performance (SALP) section covering emergency preparedness at both facilities. Also, the NRC wrote only one security and safeguards section because both facilities share one security force.

2. The licensee's performance at the Salem station has not improved.

   The information in Dr. Fraenkel's letter indicates he obtained this information from the SALP Final Report for Salem, Units 1 and 2, and Hope Creek, issued on November 29, 1990. He expressed a concern that the Public Service Electric and Gas Company (the licensee) had not shown an overall improvement in three functional areas. However, the fact that the licensee's performance did not improve does not mean that it was unacceptable. The board reviewed the information collected over the 15-month SALP period which included a number of inspection reports, event reports, and other factors, and determined that the licensee's performance had not changed. Table 1 of the SALP report shows that in the 15-month period, the NRC inspection staff spent 6502 hours inspecting the two Salem units. The NRC informed the licensee that its performance in these three areas had not changed since the last evaluation and that there was room for improvement.

3. There were nineteen violations at the Salem station.

   Dr. Fraenkel was correct that the NRC took 19 enforcement actions at Salem from May 1, 1989, to July 31, 1990. The NRC takes enforcement action upon finding that the licensee has not complied with the NRC's regulations. This enforcement action is the issuance of a "Notice of Violation." Upon assessing the safety significance of the violation, the NRC assigns it a severity level from one to five, with one being the most significant and five being the least significant. All the enforcement actions taken at Salem were severity level four. When enforcement action is taken, regardless of the severity level, the licensee must respond to the NRC and include in that response the corrective action taken and the action taken to prevent a similar event from occurring in the future.

ENCLOSURE

4. At Salem, Engineering/Technical Support was rated 2; and Maintenance/Surveillance was rated 2, declining.

The concern seems to be that the Engineering/Technical Support area was rated higher than the Maintenance/Surveillance area when there were 48 licensee event reports attributable to Engineering/Technical Support and 22 licensee event reports attributable to Maintenance/Surveillance. Licensee event reports are reports of conditions found by the licensee at the facility. These are one consideration that is used in determining the SALP rating for each area. To determine the rating, the NRC assesses both the safety significance of the events and the number of reports. In this instance, a significant number of reports in the Engineering/Technical Support area were attributed to spurious alarms being generated in the radiation monitoring system. These alarms cause certain valves to close if they are open. Although the valves were already closed in most cases, the regulations required the licensee to report the event. These events added to the number considered in the Engineering/Technical Support area.

5. Oyster Creek's SALP ratings are too low. There are many problems at Oyster Creek that are not being corrected.

The SALP enables the NRC to better focus its inspection activities and give guidance to the licensee. After receiving our report, the Oyster Creek management took corrective actions to address the concerns. In the latest SALP report issued August 26, 1991, we noted a significant overall improvement in all aspects of radiological controls and issued a category 2 rating. We also indicated that the licensee made significant improvements in addressing as low as reasonably achievable (ALARA) concerns during the most recent SALP period. The significant improvements reported in our most recent SALP report resulted at least partly from programs initiated during the time period of Dr. Fraenkel's concern.

A SALP rating of 3 does not indicate unacceptable performance but rather that the licensee should give more attention to this area. The NRC acts to ensure that the licensee immediately corrects any unacceptable performance. We would not wait for a periodic SALP report to correct any unacceptable performance. In the past, we have forced plants to be shut down because of unacceptable performance. The NRC has not required the licensee for any nuclear power plant in New Jersey to shut down the plant because of unacceptable performance.

In the SALP Report Errata Sheet for Oyster Creek, the staff noted that it deleted a sentence from the original page 18 because of an inconsistency noted by the GPU Nuclear Corporation. When errors of fact are found in the SALP report, the original page is retained and a replacement page is issued to make the correction. In this case, page 18a contains the correct information.

Department of Energy
Washington, DC 20585

JAN [illegible] 1992

The Honorable Dick Zimmer
U.S. House of Representatives
Washington, D. C. 20515

Dear Congressman Zimmer:

This will acknowledge your recent letter in which you referred a letter from your constituent:

Dr. Wm. Fraenkel
930 County Road 523
Flemington, NJ 08822

Because the subject of your constituent's letter does not fall within the purview of the Department of Energy, we have forwarded your letter to:

Mr. Frank Ingram
Assistant to the Director
Office of Public Affairs
Nuclear Regulatory Commission
Washington, D.C. 20555

Sincerely,

Bonnie Betancourt

Bonnie Betancourt
Director of Special Projects
Office of the Executive Secretariat

DICK ZIMMER
12TH DISTRICT, STATE OF NEW JERSEY

COMMITTEE ON GOVERNMENT OPERATIONS
SUBCOMMITTEES
GOVERNMENT ACTIVITIES AND TRANSPORTATION
COMMERCE, CONSUMER AND MONETARY AFFAIRS

COMMITTEE ON SCIENCE, SPACE AND TECHNOLOGY
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December 18, 1991

Hon. James Watkins
Secretary
Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Secretary Watkins:

Enclosed please find correspondence I received from a constituent. He is very concerned the safety of New Jersey's nuclear power plants.

Earlier this year, I forwarded DOE inspection reports provided by your staff. I would appreciate your responding to Dr. Fraenkel's questions and trust that you will consider his concerns in reviewing this matter.

Thank you for your time and attention.

Sincerely,

Dick

DICK ZIMMER
Member of Congress

RAZ/eam
encl.

LM NRG

Nov. 6, 1991

The Honorable Dean Zimmer
Member of Congress
House of Representatives
Washington, DC 20515

NOV 13 1991

Dear Congressman Zimmer:

I am responding to your March 8, 1991 letter to me with attached reports on New Jersey's four nuclear plants and their NRC inspections from 1990. Personal and family matters arouse which delayed my ability to attend to these reports but I finally got to read them and was shocked at what I read.

To start off with I cannot accept your comforting statement, "There have not been any safety problems with any of the New Jersey reactors. If there were any trouble, the reactors would not be operating." How can you say that when in each of the four plants Reactor Scrams and Unexplained Shutdowns occured several times? Don't you think it important to the people of New Jersey to find out more about these plant failures and the potential hazards they pose to everyone? How will such events be prevented from happening again? It is to be noted that a number of these events were attributed to "personnel errors" on all working levels but not one of these errors were verified or pinpointed to anyone. Don't you find that unusual? How are personnel to be held accountable and responsible for their actions or inactions as the case may be? Were any personnel reprimanded, put on probation, or fired? Were additional training programs instituted for others? Were any personnel files noted for those involved? Aren't persons employed at these plants given specific job assignments and provided supervision on their jobs? If so, then how is it that no one is cited or notified that they didn't perform their work as expected, or up to standard? Is everyone covering each other up?

I find it difficult to accept that because the Emergency Plan for Artificial Island covers Hope Creek and Salem Nuclear Generating Stations that therefore their assessments is a combined evaluation of both facilities emergency response capabilities, even though these plants are located in different geographical settings. When you read the reports on each of these plants in these particular functional areas they are reported WORD FOR WORD IN IDENTICAL LANGUAGE!!! How can that possibly be true???? Each plant must be assessed on all functional levels separately otherwise we will never catch problem areas nor know where our faults may lie.

As I read the report on the Salem Unit I got the sense that considerable improvement is needed as there are significant

performance weaknesses noted. "Although the licensee has achieved discernible improvement in some aspects of each functional area, the overall performance in MAINTENANCE AND SURVEILLANCE, ENGINEERING/TECHNICAL SUPPORT AND SAFETY ASSESSMENT/ QUALITY VERIFICATION HAS NOT IMPROVED!" (Summary of results, Salem Generating Station, Units 1 & 2, page 3.)

According to the reports read re the Salem Generating Station, May 1, 1989-July 31, 1990, there were a total of 19 severe violations of enforcement covering Plant Operations, 4, Radiological Controls, 3, Maintenance/Surveillance 7, and Safety Assessment/Quality Verification 5.

There were also a total of 87 licensee Event reports noted. 37 were in the area of Maintenance/Surveillance and 48 were in the area of Engineering/Technical Support. Of the former the majority were attributed to Personnel Error 1, and Procedure Inadequacy 7, while 3 were attributed to the Engineering/Technical Support area re design, manufacturing or installation problems and 8 due to component failure with 3 due to personnel errors. How in the world could Salem then get a 2 rating? 1 is superior, 2 is good and 3 is actuatable. We need a fourth rating or category of UNACCEPTABLE! They assessed Salem with a 2 rating for Engineering/Technical Support and showed it as having a rating of 3, Declining for maintenance/surveillance. Something is in error with this report!

Finally, the report on Oyster Creek appears to be a disaster waiting to happen! There are so many Events reported that it is frightening and scary to imagine? Will we have a Chernobyl to face in New Jersey? I hope to God not. This report is not presented in full, there are sections omitted and in one instance one page of information, page 10 appears to have been tampered with or at the least rewritten from the original. Here are a few highlights. Page 12 states..."This condition subsequently led to an unmonitored release of radioactive material." Page 13 states, "...performance in the area of ALARA has not changed significantly over the last assessment period and remains weak."
Page 14 states, "No significant improvement in performance during this assessment period has been observed and the radiation protection continues to exhibit the basic weaknesses that were identified the during the last assessment period." (3 rating given.)

In conclusion, I am deeply troubled and concerned about our 4 nuclear reactors and the way they are being managed. I urge you to call for an immediate oversight investigation and review of these plants before 1992. It seems to me that we need greater citizen involvement in the review process as it currently appears to be a closed shop with all assessments

done by regulator agencies or utility companies. Also, no one seems to be held accountable for errors made nor is there any emotion noted in these reports, particularly when danger spots are uncovered. Everything is written like Voltaire's Candide or seems too polly,anish.

I urge you to use your office to take immediate action to put all four nuclear plants on notice that they must all make every effort to correct every deficiency and provide them with all the technical skill available to do their jobs. Oyster Creek should be shut down if it is unable to receive higher ratings in every category of operations.

Thank you for sending me the material on these nuclear plants. Because these assessments are done on average every 15 months I hope you agree that we simply cannot wait any longer.

Respectfully,

William Fraenkel

Dr. Wm. Fraenkel
930 County Road 523
Flemington, NJ 08822

Copy:
Senator Bill Bradley
Frank Lautenberg
Governor Jim Florio

Opened by writer to make corrections notes
WFF

CONGRESSIONAL CORRESPONDENCE SYSTEM
DOCUMENT PREPARATION CHECKLIST

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

1. BRIEF DESCRIPTION OF DOCUMENT(S) Congressman Jack Fumes

2. TYPE OF DOCUMENT ~~X~~ Correspondence ~~____~~ Hearings (Qs/As)

3. DOCUMENT CONTROL ____ Sensitive (NRC Only) X Non-sensitive

4. CONGRESSIONAL COMMITTEE and SUBCOMMITTEES (if applicable)

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5. SUBJECT CODES

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6. SOURCE OF DOCUMENTS

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7. SYSTEM LOG DATES

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8. COMMENTS

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