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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 19, 1996

Mr. David A. Lochbaum
403 Ensign Lane
Knoxville, Tennessee 37922

Dear Mr. Lochbaum:

I am responding to your letter of January 27, 1996, and to the letter of October 20, 1995, in which you and Mr. Donald C. Prevatte discussed concerns about the NRC staff's review of issues you raised regarding the safety of spent fuel pools at nuclear power plants. Despite the difference of opinion that exists between you and the NRC staff regarding the safety significance of the issues you have raised, I want to express the Commission's appreciation for the effort and dedication you have demonstrated in bringing these issues forward.

After reviewing the actions the NRC staff took in evaluating your concerns, I believe that the staff could have responded more aggressively in the months following the submittal of the November 1992 report. Nevertheless, the staff has subsequently expended significant resources and effort methodically evaluating your concerns regarding spent fuel pool cooling both on a plant-specific and a generic basis. The staff's efforts to review the plant-specific concerns included the following: (1) a detailed review of issues you raised regarding spent fuel pool safety at the Susquehanna Steam Electric Station as documented in six requests to the Susquehanna licensee for information and the corresponding responses from the licensee; (2) three public meetings with the Susquehanna licensee to discuss the details of your concerns; (3) four public meetings with you (October 25, 1993, March 14, September 6, and October 25, 1994), to discuss the nature of your concerns and to transmit in-depth information on the review of your concerns; (4) extensive correspondence from the staff to you in which the staff provided to you detailed technical information received from the Susquehanna licensee for your review and comment; and (5) a detailed draft safety evaluation of spent fuel pool safety issues at Susquehanna sent to you for your review and comment. The final safety evaluation, which took into account your comments of November 29, 1994, on the draft safety evaluation, documented the extensive deterministic and probabilistic safety studies performed by the staff. I believe that this staff interaction with you was a useful means to gain a better understanding of the technical details of your concerns and to provide a substantial amount of feedback to you on the plant-specific resolution and closure.

Unfortunately, your letter of October 20, 1995, and its enclosure do not contain any technical issues that you had not raised previously or that the staff had not previously considered; consequently, no specific response to your individual technical comments is planned. The staff did consider your previous comments before issuing the Susquehanna final safety evaluation, although it did not revise that document to reflect each of your comments specifically.

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The staff is continuing to execute the generic task action plan activities that apply to the spent fuel pool, and, as stated in recent letters to you, no conclusions have been reached regarding whether or not additional generic actions are needed. Currently, the staff is gathering detailed design data on the spent fuel pools and supporting systems at all operating reactors. In addition, the staff is considering the implications of recent spent fuel pool concerns at the Millstone 1 facility. The staff will brief the Commission on the status of the action plan at a public Commission meeting in the summer of 1996. The Commission meeting will be announced officially in the Federal Register, and I have directed the staff to inform you personally of the date of the Commission briefing.

With regard to your comments on the Section 2.206 process, Mr. Russell sent additional clarification to you on this matter in his letter of July 18, 1995. That clarification of the scope of the Section 2.206 process was given to you at the direction of the Commission after review by the NRC's Office of the General Counsel.

In your letter of October 20, 1995, you state that Mr. Prevatte has participated in numerous team inspections for the NRC in which serious technical issues have been dismissed on what you contend are inappropriate grounds. The staff has referred these concerns as well as the concerns raised in your January 27, 1996 letter regarding staff performance to the NRC's Inspector General for action as he deems appropriate.

With respect to the process that is used by the NRC staff to handle nuclear safety concerns, I would like to make some observations on the way the Commission responds to and processes concerns received from workers involved in NRC-regulated activities. When an individual raises a concern and brings it directly to the NRC, the item is processed by the staff through a formal program which has been in place since 1987. The program, with detailed procedures, requires that the staff promptly respond to the information by convening an Allegation Review Board (ARB) to screen the item for safety significance and to assign resources for resolution. The ARB includes management and technical staff from the appropriate offices and sets priorities for the staff to evaluate the concerns, conduct inspections, and/or investigations of the concerns at licensee facilities. The resources assigned and schedule for resolution are highly dependent upon the relative safety significance of the issue as compared to other routine and non-routine activities that the technical staff is currently assigned.

The resolution process includes periodic progress and technical feedback to the individual. The duration of the resolution process will depend upon the technical complexity of the issue, the assigned priority, and resource availability. When the staff reaches resolution, in accordance with the program, it must provide feedback in writing to the concerned individual, who may provide additional input if there are new, outstanding, or missed facts that the staff should consider, or if there are comments on the staff's findings. In any event, the Commission's ultimate resolution of a given issue is predicated on the NRC technical staff's conclusions and findings. In some cases, the concerned individual will disagree with the staff's conclusions, but the staff must reach a point, based upon the technical merits of its

evaluations, where it must close an issue and begin work on other issues of equal or higher priority. The Commission can not guarantee a resolution to the satisfaction of every concerned individual.

The current process for handling allegations by the NRC is not without flaws. A recent self assessment conducted by the Commission, summarized in NUREG-1499, "Reassessment of the NRC's Program for Protecting Allegers Against Retaliation," issued in January 1994, made some 47 recommendations for improvements in the way the staff handles allegations. Many of these are being implemented and are expected to strengthen the program. This will take time and effort of the staff across all NRC offices to realize the necessary changes.

If you have additional specific suggestions on improving NRC responsiveness to potential safety concerns raised by individuals in the industry, we would welcome your thoughts.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shirley Ann Jackson".

Shirley Ann Jackson