

50-341



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

June 17, 1996

The Honorable John D. Dingell  
United States House of Representatives  
Washington, DC 20515-2216

Dear Congressman Dingell:

This is in response to your constituent's letter of April 7, 1996, concerning the Nuclear Regulatory Commission's (NRC's) environmental monitoring program at the Fermi 2 facility and our policy on announcing inspections.

With regard to the first concern, ensuring the control of radioactive materials generated in nuclear power plants is a principal responsibility of the NRC. We have established requirements to ensure that the releases of radioactive material in effluents from nuclear power plants will be kept as low as is reasonably achievable and within design guidelines contained in our regulations. As a result of the implementation of these requirements, the radiation exposure to the general public from nuclear power plant effluents has been effectively minimized to a small fraction of that normally received from natural background radiation sources.

Although NRC regulations allow low levels of radioactive materials to be discharged in liquid effluents from a nuclear plant, Fermi 2 discontinued routine releases of radioactively contaminated water in 1994 and, in fact, has not released any water containing radioactive material to Lake Erie since that time. Further, Detroit Edison (the licensee) has informed the NRC that their goal is to continue this practice for the foreseeable future. Thus, there are no longer routine liquid effluent discharges containing radioactive materials from Fermi 2 to Lake Erie.

The NRC conducts inspections to ensure that Fermi 2 is appropriately conducting its environmental monitoring program. In addition, independent testing of the environment surrounding Fermi 2, including Lake Erie, is performed by the State of Michigan. The State of Michigan has informed the NRC that the operation of Fermi 2 has not caused measurable radioactivity to increase in the environment surrounding the plant.

There was significant public interest in the 1993 Fermi 2 turbine failure event and the subsequent release of the water that was generated during that event. The level of radioactive materials in the water was well below that allowed to be in liquid effluents by NRC regulations. Although no special licensing actions or notifications were necessary, a public meeting was held to discuss this unusual release. The positions of the responsible Federal, State, and local agencies were explained and interested members of the public could and did ask questions and express opinions. No buildup of radioactive material in Lake Erie occurred as a result of this release.

DF01/1

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240016

NRC FILE CENTER COPY

96-44

June 17, 1996

The second concern questions the NRC policy to announce, in advance, certain inspections. We share the concern about needing to observe actual day-to-day plant operations at reactor facilities. For reference, we have enclosed Inspection Manual Chapter (IMC) 0300, "Announced and Unannounced Inspections," which describes the policy that is followed in determining if inspections should be announced or unannounced.

The general policy for reactor inspections is that the inspections shall be announced except when announcing the inspections could reasonably compromise the objectives of the inspectors. Announced inspections permit both the NRC and licensee to plan their resources so that appropriate licensee personnel and contractors are present and available. The NRC would typically announce inspections that consist primarily of reviewing documentation, verifying that programs are in place, or verifying that commitments have been met. However, some inspections should not be announced in advance. The NRC would typically not announce inspections in which a significant portion of the inspection is devoted to evaluating licensee personnel performing specific tasks. As stated in paragraph 05.02 of the IMC, the NRC also relies on the resident inspectors, who are stationed at every nuclear power plant facility, to observe and evaluate the licensee's activities in a direct and unannounced manner. The resident inspector inspects all types of activities, including those conducted during the weekend, late evening, and early morning.

It is important to note that regardless of whether or not an inspection is announced, 10 CFR 50.70 requires that licensees provide any properly authorized resident or other NRC inspector immediate, unfettered access to its facility and that the arrival and presence onsite of the NRC inspector not be announced or otherwise communicated to other persons unless specifically requested by the NRC inspector. This allows NRC inspectors to observe specific licensee activities in an unannounced manner.

This comprehensive method of conducting both announced and unannounced inspections, in conjunction with the resident inspectors who are able to monitor the day-to-day plant activities, ensures that it is unlikely that advance notification of planned inspections would enable the licensee to alter its activities significantly in such a manner that would prevent the NRC from achieving its inspection objectives.

I hope this information is useful. If you have further questions or concerns, please contact us.

Sincerely,  
*Original signed by*  
*James M. Taylor*  
James M. Taylor  
Executive Director for Operations

Enclosure: IMC 0300

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\*See previous concurrence

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DATE	06/05/96		6/17/96		6/13/96	6/17/96

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NAME	JRoe		RZimmerman		WRussell		JTaylor	
DATE	6/4/96		6/5/96		6/1/96		1/96	1/96

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It is important to note that regardless of whether or not an inspection is announced, 10 CFR 50.70 requires that licensee's provide any properly authorized resident or other NRC inspector immediate, unfettered access to its facility and that the arrival and presence onsite of the NRC inspector not be announced or otherwise communicated to other persons unless specifically requested by the NRC inspector. This allows NRC inspectors to observe specific licensee activities in an unannounced manner.

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NAME	JRoe		RZimmerman		WRussell		JTaylor	
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Docket File (50-341)

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

## NRC INSPECTION MANUAL

ILPB

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### MANUAL CHAPTER 0300

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#### ANNOUNCED AND UNANNOUNCED INSPECTIONS

##### 0300-01 PURPOSE

This chapter describes the policy to be followed in determining if inspections should be announced or unannounced to a licensee or vendor before the inspector(s) arrive(s) at the site of inspection.

##### 0300-02 POLICY

The general policy for the reactor inspection program is that each inspection (except those by resident inspectors) shall be announced except when announcing the inspection could reasonably compromise the objectives of the inspectors.

The general policy for non-reactor inspection programs (including fuel cycle and material inspections) is that all inspections will be unannounced, unless this results in the NRC using its inspectors inefficiently.

The NRC will consider each policy exception individually after considering the affect on the facility, inspection objectives, and NRC inspectors.

These general policy statements may be modified by specific program policies in NRC Inspection Manual Chapters 2600 and 2800 series.

##### 0300-03 DEFINITIONS

03.01 Announced Inspection. An inspection in which the inspecting organization notifies the licensee or vendor of the inspection before it is conducted. The advance notification may be made by a written communication, telephone call, or other communication made available to the appropriate level of management in the licensee's or vendor's organization and should include the approximate date, broad subject area, and type of inspection planned.

03.02 Unannounced Inspection. An inspection in which the inspecting organization does not notify the licensee or vendor of the inspection until the inspector arrives at the site where the inspection is to be conducted.

##### 0300-04 APPLICABILITY

All regional and headquarters staff shall comply with the statements of policy in this manual chapter.

05.01 General. Unannounced inspections allow inspectors to observe licensee or vendor personnel performing licensed activities under normal circumstances. The NRC would typically not announce inspections in which a significant portion of the inspection is devoted to evaluating licensee personnel perform specific licensed tasks such as security and health physic activities. However, the NRC would typically announce inspections that consist primarily of reviewing documents or verifying completed activities.

Announced inspections permit both the NRC and the licensee to plan for inspections in order to avoid unnecessary impacts caused by multiple activities scheduled closely together. The inspector(s) may not be able to complete the objectives of an inspection if the records or personnel of the licensee or vendor are not available when the inspector(s) arrives at the inspection site.

05.02 Reactor Policy. The NRC power reactor inspection program provides continuing observation and verification of the licensee's capability to safely design, build, and operate a nuclear power plant. The NRC verifies this assessment by assigning regional and headquarters inspectors to participate in various team and individual inspections. The NRC also relies on the resident inspectors who are present full-time to observe and evaluate licensee's activities in a direct and unannounced manner. The resident inspector inspects all types of activities, including those conducted during the weekend, late evening, and early morning. This comprehensive method of conducting inspections ensures that it is unlikely that advance notification of planned inspections would enable the licensee to alter its activities significantly in such a manner that would prevent the NRC from achieving its inspection objectives.

Non-power reactor inspections will usually be announced since they involve interviews with facility personnel, observations of facility activities, and extensive record reviews.

The NRC established the general policy for power and non-power reactors to encourage announced inspections that permit the NRC, vendors, and licensees to use their resources efficiently through adequate planning and consideration of the licensee's and vendor's schedule of operations and the availability of key personnel.

However, some inspections should not be announced for the reasons in paragraph 05.01. The decision to not announce an upcoming inspection is the responsibility of the division director, but may be delegated to the appropriate branch chief.

05.03 Non-Reactor Policy. The general policy for non-reactor inspection programs is that inspections should be unannounced. Decisions on whether to announce an upcoming inspection are the responsibility of the division director, but may be delegated to the appropriate branch chief.

05.04 Advanced Notifications. Advanced notification should include only the approximate date, the broad subject area, and the type of inspection planned. Examples of broad subject areas include electrical distribution system functional inspection (EDSFI), emergency preparedness exercise, startup testing, training, and operations. The types of inspection are routine, team, and reactive. Specific inspection areas are not identified in advance.

If a licensee requests the NRC to defer an announced inspection, the staff should consider the affect on the licensee against the affect on the ability of the inspectors to achieve their objective and the availability of NRC resources.

After providing advanced notification to the licensee, the NRC may need to obtain information to adequately prepare for the upcoming inspection. If requesting this information will indicate specific aspects of the inspection, the information should be requested close to the start of the inspection while providing sufficient time for the licensee to gather the information and for the inspector(s) to prepare. The staff should usually request this information less than one month before the inspection.

Resident inspectors should inform the NRC management of any changes that the licensee made to scheduled activities if the licensee appeared to be prompted by the announcement of an upcoming NRC inspection. The inspector should understand the licensee's basis for altering scheduled activities when reporting such schedule changes to NRC management.

05.05 Routine Inspections of Reactor Facilities. The staff should notify the licensee or vendor of routine inspections approximately 1 month in advance.

05.06 Reactive Inspections of Reactor Facilities. The staff will not be able to provide 1 month notification for inspections which respond to current operating events or other immediate safety issues. The staff should notify the facility of reactive inspections as far in advance as possible.

05.07 Major Activities at Reactor Facilities. The staff should normally give advanced notice of a major activity to enable the licensee or vendor to provide material to the staff for review before the activity and to ensure that appropriate licensee personnel will be available to interact with the staff. This advanced notification should include the number of people onsite and the duration, approximate date, broad subject area, and type of activity planned. In conducting major activities, the staff reviews material in greater detail, observes a wide variety of plant activities, and uses more staff resources than it does for routine regional inspections. To ensure the availability of licensee information and personnel, the staff should provide advanced notification for major activities as much as nine months but, in general, at least two to three months before the activity.

05.08 Headquarters Initiated Inspections. The staff must coordinate through the region the advance notification of all headquarters-initiated reactor inspections in accordance with Manual Chapter 0301, "Coordination of NRC Visits to Commercial Reactor Sites."

05.09 Unannounced Inspections. Inspectors should avoid following inspection patterns and practices in such a way that a licensee can predict when unannounced inspections will be performed. Inspection patterns may enable licensees to predict the time of inspections and prepare for the inspection of the working area, records, or other items.

- a. Patterns of Visits. The staff should schedule unannounced inspections at irregular intervals (within the constraints of inspection schedule requirements) to avoid patterns that would enable the licensee to predict the date on which the inspection will be next performed.
- b. Patterns of Travel. Employees of motels and rental car agencies may be sources of information for licensees. The inspectors should occasionally vary travel plans and arrangements to the extent possible.
- c. Patterns of Inspection Performance. To ensure that the licensee will not have the opportunity to prepare working areas, documents in use, and other items during the unannounced inspection, the inspection of the facility

should start shortly after arriving on site. The inspector should vary the order of onsite activities so that the first several hours at the facility are not always spent meeting with management and reviewing records. The inspectors should conduct required walk-through inspections or inspections of working areas as soon as practicable after arriving at the site. The inspectors should also perform some of the inspection at times other than during the day shift.

05.10 Resident Inspector. The resident inspectors should not announce their inspections. To the extent possible, resident inspectors should also vary their inspection routine so that the licensee cannot predict the inspection schedule and the area of inspection.

END

# ACTION

EDO Principal Correspondence Control

FROM: DUE: 06/<sup>10</sup>~~05~~/96 EDO CONTROL: GT96346  
DOC DT: 05/13/96  
FINAL REPLY:

Rep. John Dingell

TO: Laura Gerke, OCA

FOR SIGNATURE OF : \*\* GRN \*\* CRC NO:  
Executive Director

DESC: CONSTITUENT CONCERNS ABOUT FERMI NUCLEAR POWER PLANT  
ROUTING: Taylor  
Milhoan  
Thompson  
Blaha  
HMiller,RIII

DATE: 05/17/96

ASSIGNED TO: CONTACT:  
NRR Russell

SPECIAL INSTRUCTIONS OR REMARKS:  
Mark envelope ATTN: Deb Arcavte.

NRR RECEIVED: MAY 17, 1996  
NRR ACTION: DRPW:ROE  
NRR ROUTING: RUSSELL  
MIRAGLIA  
THADANI  
ZIMMERMAN  
GRIMES  
BOHRER

ACTION  
DUE TO NRR DIRECTOR'S OFFICE  
BY Gray 29

6/3/96 - NRR

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-96-0503 LOGGING DATE: May 13 96  
ACTION OFFICE: EDO  
AUTHOR: DEB ARCAVTE  
AFFILIATION: U.S. HOUSE OF REPRESENTATIVES  
ADDRESSEE: LAURA GERKE  
LETTER DATE: May 13 96 FILE CODE: IDR-5 FERMI  
SUBJECT: FERMI NUCLEAR POWER PLANT  
ACTION: Direct Reply  
DISTRIBUTION: CHAIRMAN  
SPECIAL HANDLING: OCA TO ACK  
CONSTITUENT:  
NOTES: *June 4*  
DATE DUE: *May 29* 96  
SIGNATURE: . DATE SIGNED:  
AFFILIATION:

EDO -- GT96346

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-2216**

001  
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SUITE 105  
MONROE MI 48161  
(313) 243-1849

**FACSIMILE COVER SHEET**

**TO:** Laura Gerke

**FROM:** Deb Arcavite

**DATE:** May 13 1996

**FAX#:** \_\_\_\_\_

**NUMBER OF PAGES INCLUDING COVER SHEET:** 2

**MESSAGE:** appreciate response to provide to our  
Constituent.

**IF YOU HAVE ANY QUESTIONS OR IF FAX IS NOT  
COMPLETE, PLEASE CALL (202) 225-4071.**

96 APR 12 AM 8:49  
JOHN D. DINGELL  
U.S. HOUSE OF REP.

April 7, 1996

John D. Dingell  
Congress of the United States  
House of Representatives  
Washington, DC. 20515-2216



Dear Congressman Dingell:

*(logged over)*

My neighbors and I have some concern about the Fermi Plant, near Monroe. First, the dumping of waste water from the plant, does any federal agency do testing on Lake Erie to see if this dumping is safe? Secondly, on inspections at the Fermi Plant, as I understand it, the plant is given advance notice.

Our question is, why can't this inspection process be totally unannounced to get a better picture of what day to day operations are like? We would like a response, Sir, as soon as possible.

Thank you Congressman for responding in a helpful manner on past issues affecting our community.