

March 9, 1988

To: Harold Denton, John Bradburne
From: Henry Myers, Richard King *RHK*

This is in reference to Sequoyah questions transmitted to the NRC since March 1987.

On April 9, 1987 Chairman Udall and Chairman Dingell asked the Commission its position with respect to 28 items submitted to the Chairmen by Mr. Dallas Hicks. Chairman Zech informed Chairman Udall on May 21, 1987 that:

The Commission believes all of the 28 items presented by Mr. Hicks must be resolved to its satisfaction prior to restart of Sequoyah. If resolution of any item is deferred until after restart, we will notify you and provide you with the rationale for the deferral.

We are aware of no further communication from the Commission with respect to the April 9, 1987 letter.

In addition, to the letter from Chairmen Udall and Dingell, Committee staff sent questions to the NRC on April 8, 1987, June 3, 1987, June 16, 1987, July 27, 1987, November 4, 1987, January 6, 1988, January 29, 1988 and February 23, 1988. These questions were based on staff review of NRC and TVA documents.

With respect to the staff questions, we previously informed you that we believe the answers (many of which presumably exist) do or would provide information necessary, but not sufficient, for a determination of whether Sequoyah complies with NRC regulations. We did not send the staff questions to the NRC expecting preparation of answers for edification of Congressional staff¹; rather, we sent the questions because we believed that the NRC official responsible for authorization of Sequoyah restart should have (A) the answers to such questions within reach or (B) an explanation as to why particular questions are not relevant to the Sequoyah restart authorization. We are aware of no NRC official, responsible for authorization of Sequoyah restart, who has the answers or an explanation as to why they are not relevant.

We believe that while many questions concerning Sequoyah's safety have probably been answered, other important issues have not been addressed in a reviewable manner; i.e. significant Sequoyah problems have been addressed in an ad hoc way so that, for all practical purposes, the route from definition of an issue to its resolution is not reviewable by Commission level staff, by the

¹ See Briefing on Status of Sequoyah Restart, January 20, 1988, Tr., p. 21 - 23.

ACRS or by the Commission's Congressional oversight bodies.² Moreover, certain issues have been treated in such a superficial manner that the Commission, should it try, would be unable to elicit a coherent explanation of the issue and the route taken to a resolution.

The unreviewable document trail is particularly significant in light of the fact that, prior to authorization of Sequoyah restart, NRC will not require TVA to certify that Sequoyah was designed, constructed, and modified pursuant to NRC requirements as stipulated in licensing documents.

In sum, TVA will not certify compliance with NRC licensing requirements and no reviewable record exists to demonstrate such compliance.

² Examples of matters which, without adequate documentation, have disappeared from consideration as Sequoyah restart issues include diesels and cables (both of which are the subject of unanswered Hicks questions), EA-OR-001 action items, IDI findings, American Nuclear Insurers findings, and items listed in enclosures to a January 15, 1988 memorandum from Kenneth Barr to Gary Zech.