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June 24, 1991

Honorable Kenneth Carr
Chairman
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

I am writing to express concern that the NRC staff continues to evade confronting the serious consequences resulting from the breakdown in the radiograph inspection process that occurred during construction of the Seabrook Station.

My staff informs me that at your briefing prior to last Friday's public meeting, Mr. Hodges announced his intention to ignore a two-to-one majority established amongst your radiographic reviewers regarding the compliance of several radiographs with the ASME Code. He went on to say that he planned to inform the licensee that the only radiographs that the NRC considered not to comply with the Code were the ones upon which all three reviewers had reached agreement. Thus, instead of informing the licensee that there was a problem with the radiographs of six welds, Mr. Hodges would have declared that the radiographs of only two welds constituted a problem. Thankfully, Mr. Snizek overruled this course of action and the licensee was informed of the true nature of the problem.

While I applaud the eventual outcome in this matter, I remain concerned regarding the institutional climate at the NRC which apparently fosters a belief in high-level officials such as Mr. Hodges that the highest imperative is to do all possible to avoid findings of potentially unsafe conditions if such findings might interfere with a licensee's operations. In this climate, it is all right to move to reducing safety margins by overruling or simply ignoring the agency's own technical experts in matters critical to safe operation of nuclear facilities.

Moreover, on Saturday, June 23, the Associated Press (AP) carried a story relating to discussion at the Friday meeting between NRC and Seabrook licensee officials. The AP story quoted Mr. Hodges, the NRC's Region I Director of Reactor Safety, as having said, with reference to the radiograph deficiencies, "... it was a paperwork

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problem, not a safety problem." Thus, Mr. Hodges, in public, cut the ground from exceedingly important findings made by highly qualified NRC staff.


Contrary to Mr. Hodges' statement, it is my understanding that the six radiographs did not comply with applicable codes; therefore, the quality of the associated welds is indeterminate. Whether the problem is one of paperwork or actual safety can only be resolved by taking new radiographs or by an engineering analysis (if NRC regulations allow such an analysis in lieu of proper radiographs) demonstrating that notwithstanding the inadequate radiography, the welds are nevertheless capable of performing their intended functions. I would appreciate your informing me as to whether the AP cited Mr. Hodges correctly and, if so, what the basis was for his determination that the radiograph deficiencies did not represent a safety problem. Please provide me the Commission's position on the question of whether the radiograph deficiencies identified at Seabrook amount only to a "paperwork problem."

I am also concerned that the Mr. Hodges appears to be content to consider these six welds as isolated cases which can be dealt with by taking new radiographs of the six without consideration of the generic implications of the finding. The fact is that these six welds were from a sample of approximately forty that, as far as I know, was selected from a fairly large class of welds that might not have been properly radiographed. I believe, therefore, that the NRC has an obligation to immediately expand the sample of forty to include at least an additional eighty welds. I have directed my staff to provide to your staff recommendations for welds to be included in the expanded sample. This review should be conducted by NRC staff who are currently certified for such activities.

Finally, please inform as to whether the Commission intends to send the Seabrook licensee an order to show cause why the Seabrook Station should be allowed to continue to operate in the face of a finding that 15% of a sample of forty welds were of indeterminate quality. If the Commission does not intend to send the license such a Show Cause Order, I would appreciate your providing me the Commission's rationale for not doing so.

Please provide the information requested in this letter prior to July 4, 1991.

Sincerely,


Peter H. Kostmayer
Chairman
Subcommittee on Energy
and the Environment