

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

U.S. HOUSE OF REPRESENTATIVES
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The Honorable Nunzio J. Palladino
Chairman
U.S. Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

Dear Mr. Chairman:

I am very concerned by the Nuclear Regulatory Commission's apparent failure to identify numerous errors in the license application of the Grand Gulf Nuclear Station prior to issuing a low power license. It is my understanding that Grand Gulf, the nation's largest nuclear reactor, received a license despite the fact that: (a) numerous license conditions and surveillance procedures were in error; (b) the qualifications of operators were apparently falsified and none of the operating staff have previously operated a commercial reactor; and, (c) the drywell cooling system was inadequately designed and constructed.

These matters are of great importance and concern because of their implications for both the agency and the licensee. The problems at Grand Gulf strongly suggest that the NRC granted a license without a proper and detailed review. For the licensee, Mississippi Power and Light (MP&L), corroboration of these concerns might create doubt about its ability to operate and manage Grand Gulf in a manner consistent with NRC regulations, and therefore, in a way which provides reasonable assurance that the public health and safety can and will be protected. Additionally, similar doubts have been raised by the overwhelmingly critical January 1984 findings of NRC's Systematic Assessment of Licensee Performance (SALP) Board.

I am most troubled by the fact that the NRC has granted a license to a plant for which approximately 200 technical specifications and 600 surveillance procedures were in error. Apparently some of the erroneous technical specifications were formulated for a different size and type containment building than the one

at Grand Gulf. And, some of the erroneous surveillance procedures were apparently submitted for equipment that does not actually exist in the plant.

I am astonished that these errors were not discovered by the NRC prior to the issuance of a low power license. Evidently, the NRC is not fulfilling its obligation to perform thorough and independent reviews of the technical information submitted by the nuclear industry. This situation is unacceptable and inexcusable.

The NRC's failure to scrutinize this application carefully is especially troubling considering MP&L's lack of previous nuclear experience and that this was the first plant of its particular type to be licensed. It is worth noting in this context that this was an uncontested license. I cannot help but think that such laxness would not have been possible if there had been intervenors and licensing boards reviewing the work of the NRC staff and MP&L and that these errors would have likely been detected prior to licensing.

I am similarly concerned that despite the belated identification of these and other deficiencies, the NRC is continuing its consideration of a full power license and has apparently given no thought to reconsidering the existing low power license.

To assist the Subcommittee in investigating these matters further, I would appreciate your response to the following:

1. With respect to the errors identified in the technical specifications and surveillance procedures submitted to the NRC by MP&L, please indicate:
 - a. the nature or types of errors;
 - b. the cause(s) of the errors;
 - c. what, if any, analysis NRC has done to discover the possible root cause(s) of the errors and the results of any such analysis;
 - d. why the NRC did not discover these errors prior to issuing a license;
 - e. the safety significance of the errors (at both low power and normal operation);
 - f. what actions the NRC staff took upon learning of these errors; and
 - g. when and by what process the Commission was informed of the errors.

2. Did Grand Gulf reach criticality and operate without performing required and appropriate surveillance tests? If yes, indicate:
 - a. for what periods of time this occurred;
 - b. whether this took place with the knowledge and/or approval or concurrence of any member of the NRC staff and if so, whom;
 - c. what, if any, NRC regulations were violated; and
 - d. the safety significance.
3. I have been informed that MP&L was exempted by the NRC from performing approximately 30 pre-operational tests. If true, please indicate what was the technical basis for providing these exemptions.
 - a. If these tests had been performed rather than exempted, would any of the technical specifications or surveillance procedure errors have been discovered prior to criticality?
 - b. Who at NRC is responsible for granting these exemptions and was a "no significant hazards consideration" determination made by the staff for some or all of these tests? Provide a list of all those that concurred in these decisions along with the Official Record Copy of the document(s) authorizing these exemptions.
4. List those members of the NRC staff that approved or concurred in the approval of the erroneous technical specifications and surveillance procedures submitted by MP&L for Grand Gulf. Specifically requested is the Official Record Copy of the document(s) indicating such approval or concurrence.
5. How many NRC personnel actually review technical specifications and surveillance procedures submitted by applicants and licensees? Please indicate the budget and staff power assigned to this task for each of the past five years. Indicate also whether the NRC staff and Commission believe the present funding, staffing and organization of this task is adequate.
6. It is my understanding that MP&L agreed to discontinue operations at Grand Gulf in October 1982 in accordance with an NRC Confirmation of Action Letter issued by NRC's Region II office. Please explain:

- a. the reasons why the NRC staff asked MP&L to discontinue operations in October 1982;
 - b. why the license was not revoked or suspended instead;
 - c. when, why, and by whose authority MP&L was allowed to continue operations (please provide the Official Record Copy of the document authorizing the return to operations); and
 - d. what errors have been discovered since MP&L has continued operations and why these errors were not discovered after the issuance of the Confirmation of Action Letter and prior to continued operation.
7. Considering the serious problems identified with Trans-America Delaval diesel generators at Shoreham in the summer of 1983, what was the technical basis for allowing Grand Gulf to operate at low power in September 1983? Additionally, was the cause of the September 4, 1983 diesel generator fire at Grand Gulf in any way related to the generic problems identified with Trans-America Delaval diesel generators at Shoreham?
8. In a March 9, 1984 telephone conversation with the staff of the Subcommittee, Harold Denton, Director of NRC's Office of Nuclear Reactor Regulation, made remarks that my staff has related as follows:
- Grand Gulf is the "least built" plant ever to receive a low power license. NRC issued the license because the applicant was in a hurry--apparently because it wanted to get the plant in the rate base--and assured NRC that it could complete those things necessary for full power operation without any risk to the public after the plant was critical;
 - NRC has not determined the safety significance of the inaccurate technical specifications and surveillance procedures for full power operation;
 - the NRC staff did not consider, and is not now considering, revoking or suspending the low power license because of the problems identified at Grand Gulf; and
 - the NRC staff believes that the training records of some of the operators at Grand Gulf were falsified.

Please comment on the above characterizations of what are apparently the views of the NRC staff. Additionally, please explain:

- a. why a license was issued to a plant that was essentially incomplete and state what, if any, analysis was done by the NRC staff to determine independently whether significant hazards were involved in low power operation at Grand Gulf considering the fact;
 - b. what the average amount of time is between issuance of a low power license and a full power license;
 - c. what the findings are of NRC's Office of Investigations inquiry into the possible falsification of operators' qualifications (please provide a copy of the OI report).
9. Given the large number of errors identified in the technical specifications and surveillance procedures, and considering the fact that reviews and subsequent re-reviews by the licensee, contractors and the NRC have all been inadequate, is the Commission going to require a 100 percent review of the FSAR, the SER and the technical specifications? If not, please explain why. Additionally, please indicate what, if any, errors have been identified in the FSAR or the SER and their significance.
10. The Commission's regulations at 10 CFR 50.100 state that a license may be revoked or suspended "for any material false statement in the application for a license or in the supplemental or other statement of fact required of the applicant", or, because of "conditions revealed...that would warrant the Commission to refuse to grant a license on an original application...."
- a. Does the Commission consider that the erroneous technical specifications and surveillance procedures submitted by MP&L for Grand Gulf constitute either a material false statement or a false statement of fact?
 - b. Does the Commission consider that the information submitted by MP&L concerning the qualifications of operators at Grand Gulf constitutes a material false statement?
 - c. If the NRC staff and/or Commission had been aware of the errors in the technical specifications and surveillance procedures at Grand Gulf prior to the approval of the low power license, would it have granted the license?

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11. In light of the errors discovered in the information submitted to the NRC for the Grand Gulf low power license, what, if any, steps does the Commission plan to take in order to establish that MP&L has the management integrity and management competence required to operate Grand Gulf. Additionally, please specify what the Commission presently requires of MP&L before it will vote on the proposed full power license.

I would also like to request that the Subcommittee be provided with all internal staff memoranda on the scope, cause or significance of the errors in the technical specifications and surveillance procedures. Your response should also include the documents that I understand the staff has generated in response to Commissioner Gilinsky's interest in this case. Further, I would like to request that your response to the concerns and questions stated in this letter be provided to the Subcommittee within two weeks.

Thank you for your prompt attention to this matter.

Sincerely,



EDWARD J. MARKEY
Chairman, Subcommittee on
Oversight and Investigations

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