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MAY 13 1985

Docket No. 50-322

Mr. Richard M. Kessel  
Chairman and Executive Director  
New York State Consumer Protection Board  
Room 1725  
250 Broadway  
New York, NY 10007

Dear Mr. Kessel:

I have been asked to respond to your March 12, 1985 letter to the Nuclear Regulatory Commission's Secretary, Samuel J. Chilk. Since issuance of a construction permit in 1973 for the Shoreham facility, this office has been conducting inspections and investigations relative to design, manufacturing, construction and management systems affecting the construction and safe operation of the facility. Over the years, numerous problems have been identified by both the NRC and the mandated utility audit program. Consequently, many problems have been identified and we have required that deficiencies be fixed and appropriate remedial measures taken. The record at Shoreham over the years shows that problems have been properly addressed and required corrective actions were taken. This type of situation is not uncommon in the construction of a complex facility such as a nuclear power plant. Your letter forwarded a letter from Ms. Patricia Bower that contained allegations regarding design and construction flaws and other issues apparently provided to her by instrumentation and control technicians at the Long Island Lighting Company's Shoreham Nuclear Power Station. I believe your letter raised four concerns that I will respond to directly.

The first concern is that NRC should consider in the Shoreham hearings before the Atomic Safety and Licensing Board (ASLB) the information contained in Ms. Bower's letter. As you noted, Ms. Bower's letter contains a number of allegations of which we previously were aware. We informed the Shoreham ASLB on August 16, 1983 of those allegations. Ms. Bower's recent letter also contains new allegations. The Region I staff has recently conducted an inspection related to these allegations. A report of our inspection findings should be available in the near future and will be forwarded to you and Ms. Bower. Based on the nature of these findings, appropriate steps will be taken.

The second concern is that the allegations appear to seriously affect the prospects for safe operation of the Shoreham plant. The NRC follows up on each allegation received to determine if it could affect the safe operation of a plant. As discussed in more detail in the enclosure, each of Ms. Bower's previously identified concerns was addressed. Based on the findings of the extensive technical investigations, we were unable to identify any adverse impact or effect on safety or safety systems.

The third concern is that NRC inspectors have failed to uncover or order correction of the alleged deficiencies. In the record of all allegations received to-date and evaluated on Shoreham, in our opinion, no pattern has been established or exists which would suggest such a programmatic problem at Shoreham. Followup

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by this office has found the licensee's records to be well maintained, complete, and accurate, their staff cooperative, knowledgeable, and qualified and the construction and testing of Shoreham equipment and systems to be in compliance with our regulations. As can be seen in the inspection findings to-date, corrective actions were taken when problems were identified either by the licensee or the NRC. The effectiveness of these corrective actions has also been examined.

The fourth concern is that NRC should take appropriate steps to investigate these allegations. As discussed above and in more detail in the enclosure, we either have vigorously pursued each allegation raised on Shoreham or we are in the process of doing so for the recently expressed concerns. Upon completing our efforts, we do publish our findings. In this regard, you requested that we inform you of our findings. The enclosures to this letter are a partial response and we will forward the results of our ongoing efforts when they are completed.

I hope that this response adequately addresses your letter. If I may be of further assistance or if you require any other documents referred to in this letter, please feel free to contact me.

Sincerely,

**Original signed by**  
**Thomas E. Murley**  
Thomas E. Murley  
Regional Administrator

Enclosures:

1. Summary of Region I Activities Related to Allegations of Ms. Patricia Bower Related to Shoreham
2. March 10, 1983 Transcript of Meeting With Pat Bower
3. NRC Inspection Report No. 50-322/84-04 dated May 1, 1984
4. NRC Inspection Report No. 50-322/85-10 dated February 19, 1985
5. NRC Inspection Report No. 50-322/83-26 dated August 30, 1983
6. NRC Inspection Report No. 50-322/83-36 dated December 5, 1983
7. NRC Inspection Report No. 50-322/83-39 dated December 14, 1983
8. NRC Inspection Report No. 50-322/83-34 dated December 21, 1983
9. NRC Inspection Report No. 50-322/83-41 dated July 11, 1984
10. NRC Inspection Report No. 50-322/83-33 dated November 20, 1984

cc (w/Attachment 3):  
Ms. Patricia Bower  
P. O. Box 207  
St. James, New York 11780

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\*RI:DRP                      \*RI:DRP  
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5/01/85

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5/13/85

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5/13/85

\*See previous concurrence page.

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Ms. Patricia Bower  
P. O. Box 207  
St. James, New York 11780

\*RI:DRP                      \*RI:DRP  
Kister/grm/dmg Kane  
5/01/85

*[Handwritten signatures]*  
RI:DRP                      RI:DRA  
Stangstedt                      Allan

RI:RA  
Murley

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## ENCLOSURE

### SUMMARY OF REGION I ACTIVITIES RELATED TO ALLEGATIONS OF MS. PATRICIA BOWER RELATED TO SHOREHAM

On January 14, 1983, NRC Region I received allegations from Ms. Patricia Bower in a letter dated January 3, 1983, relative to design and construction quality assurance concerns related to the Shoreham facility. Based on a preliminary review by Region I, the concerns expressed in the January 3 letter were developed into 38 separate allegations. Most, if not all, of these allegations were lacking in detail and in need of further specificity before a determination could be made relative to the appropriate inspection effort, if any, required to resolve these concerns. As a result, the staff acknowledged Ms. Bower's submittal in a letter to her dated February 1, 1983, advising her of our need for additional information to allow appropriate followup activity.

In a February 6, 1983 letter to Region I, Ms. Bower transmitted an update of allegations with additional information. After these concerns were discussed with Ms. Bower by telephone and in person on a number of occasions in February and March 1983, an investigator and an engineer from the NRC went to Long Island on March 10, 1983, to interview her with the objective of formulating an inspection plan. A copy of the transcript from the March 10 meeting was provided to Ms. Bower by letter dated April 1, 1983.

During this interview, it became apparent that Ms. Bower had no first-hand information relative to her concerns. Further, she would not disclose her sources. She did provide a March 9, 1983 document which contained a listing of 37 allegations received from a steam fitter. This document later was formally provided to Region I as an attachment to an April 21, 1983 letter from Ms. Bower, which also included an allegation (diagram) related to reactor building floor drains which had been informally handed to two different NRC representatives at a Congressional hearing on April 18, 1983, in Seldon, New York. Subsequently, an individual (Mr. John W. Huber) with more specific information did voluntarily contact Region I and, based on his detailed comments obtained during an interview in July 1983, a detailed inspection plan was developed. Follow-up inspections were documented in a series of reports over a two year period, reflecting the numerous inspections that were conducted to assess the extent to which, if any, they had on plant safety. Although Mr. Huber's concerns were sufficiently detailed, the nature of the problems identified were not adversely affecting critical safety systems. However, such a perspective may not be readily obtained and it is only after extensive investigative effort that we reached this conclusion. Details of events associated with the follow-up to Mr. Huber's concerns are described below:

On June 14, 1983, Region I received a handwritten note from Mr. John W. Huber, dated June 9, 1983, requesting a meeting and stating that he was one of the individuals (a steam fitter) who provided Ms. Bower with the 37 allegations contained in the the March 9 document. Based on telephone calls in mid June 1983, a meeting date of July 13 was established. During telephone discussions on June 23 and June 24, 1983, Mr. Huber provided an additional allegation related to fuel handling.



On July 13, 1983, Mr. Huber, accompanied by his attorney, Robert Gottlieb, Esq., met with the NRC senior resident inspector, an NRC supervisor and the Region I Counsel, in order to provide Mr. Huber an opportunity to more fully express and clarify his concerns to the NRC and to give the Region I technical staff a chance to obtain more specific information upon which to base an inspection. Two more allegations (in addition to his original 37 plus the one related to fuel handling) were identified during this meeting.

As a result of the interview with Mr. Huber on July 13, 1983, the allegations initially raised by Ms. Bower, which lacked the requisite specificity to initiate meaningful field inspections, were described in more detail.

With regard to Ms. Bower's claim that the NRC dismissed 70 worker allegations she provided, they were investigated during the period August 1983 through February 1984, and the results of those inspections were provided to the various licensing Boards hearing the Shoreham case, as well as all the parties to that proceeding. The results of the inspections are contained in seven separate public reports; six addressed the allegation of a former Shoreham steam fitter, Mr. John Huber; and one report addressed Ms. Bower's separate concerns. Regarding Mr. Huber's allegations, the staff identified 40 distinct allegations from the July 13, 1983 interview with him, which were subsequently found to be unsubstantiated as violations of NRC regulations or as public health or safety problems. Copies of all six of the inspection reports were provided to Mr. Huber's attorney, as agreed to in the interview with him. Copies of those reports are also available in the NRC's Local Public Document Room, which is located at the Wading River High School on Route 25A near the Shoreham site.

All of Ms. Bower's technical concerns were addressed by an inspection conducted by the Region I office in February 1984. The results of that inspection were documented in Report No. 50-322/84-04, published on May 1, 1984. The staff concluded that there was no safety substance to any of her alleged conditions. While Mr. Huber had not requested anonymity, Ms. Bower did request that her name not be revealed so as not to compromise her sources. Although this office initially honored her request, her inputs indicated that she had subsequently openly discussed her concerns, and we informed the Shoreham Licensing Board of the status of these issues on August 16, 1983. Region I has had no further contact with Ms. Bower in almost two years, even though Inspection No. 50-322/84-04 was made public (as well as provided to all parties involved in the Shoreham hearings) almost one year ago.

Regarding the new items identified by Ms. Bower to you (namely, the four items in the second paragraph of the first page and the instrumentation allegations on the enclosed sheet), on-site inspections were conducted in April 1985, and the results are currently being evaluated. A report of these inspection findings will be issued.

With respect to Ms. Bower's reference to the statements made by two former Quality Assurance inspectors at Shoreham before the Suffolk County Legislature, NRC Region I representatives have been in contact with these individuals. The

NRC staff was initially made aware of their concerns through articles published in Long Island newspapers in January 1985. After initial attempts to interview with Mr. George Henry, the person cited in the first newspaper article, were unsuccessful, a preliminary inspection was performed based solely on the statements made in the article. Mr. Henry was a former QC inspector for two years at Shoreham. Subsequently, interviews were conducted on February 19 and 27, 1985. The report of the on-site inspection, No. 50-322/85-10, was issued on February 19, 1985, and the preliminary findings were that, based on the available information in the newspaper and upon the NRC inspection, none of Mr. Henry's allegations could be substantiated as violations or safety problems. The transcripts of the interviews are being evaluated by other regional staff; however, based on the reviews performed to-date, no new information has been identified that would affect the preliminary findings.

While Mr. Henry described problems or events which did occur, inspection records indicate that these matters were previously identified by LILCo in the normal conduct of their quality assurance program. Records indicate that these issues were properly evaluated by LILCo Startup and Engineering personnel, and received acceptable technical disposition. Further, none of the technical issues described were found to represent a serious operational or design problem. The other individual, Mr. Ronald Stanchfield, a former employee (but not a QC inspector) of two subcontractors at Shoreham for a period of approximately four months total, was interviewed on February 4, 1985, by the staff. Transcripts of these interviews have been evaluated by Region I management, and an inspection of those concerns resulting from that review was conducted during April 1985. A report of these inspection findings will be issued.

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