



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

PDR

May 17, 1985

The Honorable Edward J. Markey, Chairman
Subcommittee on Energy Conservation and Power
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Recently, Mr. Licciardo, an NRC staff member, met with me under NRC's Open Door Policy regarding the Commission's letter to you dated December 20, 1984 on the subject of erroneous McGuire Technical Specifications. He felt that the December 20, 1984 letter mischaracterized his involvement in the review of the McGuire Technical Specifications and that his actions were inaccurately cited as the main cause for delay in resolving his differing professional opinion (DPO) on these same specifications. This letter is intended to correct any mischaracterizations or misrepresentations regarding Mr. Licciardo in our December 20 letter.

Our December 20 letter should not have inferred that Mr. Licciardo introduced unnecessary delays nor that the detailed attention provided during the staff's review resulted in unwarranted or avoidable delays. The problem is complex and, as such, is not subject to singling out one cause of delay. Due to the sheer magnitude of his concerns, over 300 in all, it took a significant amount of time for Mr. Licciardo to provide the required bases for each item. Likewise, a significant and lengthy staff effort was necessary to evaluate each item.

Based on my conversation with Mr. Licciardo and his subsequent discussions with my personal staff, I believe the pace of the staff's review is acceptable to Mr. Licciardo. The staff found in February 1984 that none of the McGuire concerns presented an imminent public health or safety problem. Given this finding and the increased attention afforded by the staff to this matter, I believe that the McGuire Technical Specification evaluation is proceeding at a satisfactory pace.

Mr. Licciardo also indicated that the December 20, 1984 letter to you mischaracterized the present state of the McGuire Technical Specifications. However, I have not been able to confirm Mr. Licciardo's claim. As I noted above, the staff made an initial finding that there was no imminent safety

problem with the Technical Specifications. The 380 items identified by Mr. Licciardo were evaluated by a team of reactor systems technical managers. That team concluded that 160 of the items did not warrant further attention either because:

- (1) Mr. Licciardo's assessment of the issue was incorrect, or
- (2) the management team (all of whom were experienced reactor systems reviewers) could not understand Mr. Licciardo's description of the issue.

The management team concluded that the remaining 220 did warrant additional NRC evaluation. The present schedule calls for completion of the staff evaluation and categorization of those 220 items by late spring of this year. Upon completion of this categorization a letter will be forwarded to the licensee requesting his response to plant specific issues within three months. The remaining issues of the 220 items which are generic in nature will be handled as part of our generic issues program with a target date for final resolution by the end of this year. This letter and all subsequent letters, will be a matter for the public record, and, as such, will be docketed. If any information becomes available which causes us to reconsider the staff's initial finding, the schedule will be accelerated.

I appreciate Mr. Licciardo's sincerity and conscientiousness in bringing his concerns to my attention. I trust that this letter will further clear the air on his involvement in the schedule of resolving the concerns arising from his Differing Professional Opinion.

Sincerely,


Nunzio J. Palladino

cc: Rep. Carlos Moorhead