



50-309

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 8, 1996

The Honorable Bill Goodling
Member, United States
House of Representatives
2020 Yale Avenue
Camp Hill, PA 17011

Dear Congressman Goodling:

I am responding to your letter dated August 30, 1996, in which you forwarded a letter dated August 19, 1996, from Mr. Patrick M. Sears. Mr. Sears noted that during the years he had worked at the U.S. Nuclear Regulatory Commission (NRC), he had a period of service as the Project Manager for the Maine Yankee Atomic Power Station (MYAPS). He enclosed a copy of a letter regarding MYAPS that he signed on May 8, 1989, which has figured prominently in recent investigations of the Maine Yankee Atomic Power Company, the licensee for MYAPS, and of the NRC staff. Mr. Sears also sent you a copy of the letter he wrote to me on August 19, 1996, in which he stated that the licensee should be fined in accordance with NRC regulations if it has not followed its own quality control procedures for computer codes. He also suggested more NRC oversight of licensee use of computer analysis methods. That letter is being considered as a petition pursuant to Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR). By letter dated September 24, 1996, the NRC staff notified Mr. Sears that, as provided by Section 2.206, it is reviewing the request and will take action within a reasonable time. The results of this review will be documented in a decision by the Director of the Office of Nuclear Reactor Regulation.

Following the 1979 accident at Three Mile Island (TMI) Unit 2, the NRC staff developed an action plan (NUREG-0737, "Clarification of TMI Action Plan Requirements") to address the lessons learned from that accident. Included in that action plan were two items to address the acceptability of computer analysis codes used to determine the adequacy of the emergency core cooling systems (ECCS) during a small-break loss-of-coolant accident (SBLOCA). Each licensee was requested to provide, for NRC review and approval, either a revised SBLOCA analysis methodology or justification of the acceptability of its then-current methodology (Action Item II.K.3.30). Each licensee that revised its methodology was also requested to provide, within one year after NRC staff approval of the methodology, a plant-specific analysis of its ECCS using the approved methodology (Action Item II.K.3.31).

The NRC staff initiated a special technical review of the safety analysis performed for MYAPS after the NRC received the allegation in December 1995 to which Mr. Sears alluded in his letter of August 19, 1996. As a result of its technical review and a subsequent meeting with the licensee, the NRC staff concluded that the licensee did not satisfy the conditions specified in the NRC's approval of RELAP5YA and that MYAPS did not conform with the requirements of 10 CFR 50.46. Accordingly, the NRC staff imposed limitations on the operation of MYAPS in an Order dated January 3, 1996.

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The Honorable Bill Goodling

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The NRC's Office of the Inspector General (IG) investigated the NRC staff's actions regarding review of RELAP5YA and closeout of TMI Action Plan Items II.K.3.30 and II.K.3.31. The IG issued its report on May 8, 1996, which was provided to you by Mr. Sears.

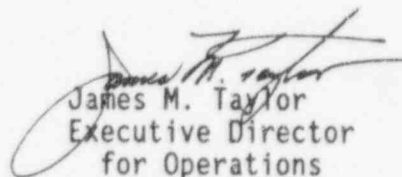
The Office of Investigations (OI) has completed its investigation into the allegations of wrongdoing at Maine Yankee that are referenced in the IG's report. Neither the Report of Investigation nor related documentation are currently available for public review, as the matter has been referred to the United States Attorney's Office (USAO), Portland, Maine.

In April 1996, the NRC staff initiated reviews to identify and address the lessons learned from this issue. This initiative includes a review of the staff's process for reviewing computer code methodologies. Specifically, the NRC staff is comparing completed staff reviews of several loss-of-coolant accident codes for consistency in approach and quality of review. The staff is also evaluating the code modification process and staff followup of code implementation. The initiative also includes evaluating the staff's process for reviewing power uprate amendment requests.

The staff is reviewing the process followed for closing out Action Items II.K.3.30 and II.K.3.31 for all plants currently holding operating licenses. The staff is also reviewing the closeout of Action Item II.K.3.5 regarding reactor coolant pump trip issues because of its relationship to the other items. This review of the action item closeout process entails evaluating NRC technical staff involvement, NRC management oversight, and communications both internally and with the licensees.

I trust that this letter is responsive to the concerns raised by Mr. Sears in his letter to you.

Sincerely,


James M. Taylor
Executive Director
for Operations

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Original signed by
James M. Taylor

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Executive Director
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*See previous concurrence

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The Honorable Bill Goodling
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Dear Congressman Goodling:

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Following the 1979 accident at Three Mile Island (TMI) Unit 2, the NRC staff developed an action plan (NUREG-0737, "Clarification of TMI Action Plan Requirements") to address the lessons learned from that accident. Included in that action plan were two items to address the acceptability of computer analysis codes used to determine the adequacy of the emergency core cooling systems (ECCS) during a small-break loss-of-coolant accident (SBLOCA). Each licensee was requested to provide, for NRC review and approval, either a revised SBLOCA analysis methodology or justification of the acceptability of its then-current methodology (Action Item II.K.3.30). Each licensee that revised its methodology was also requested to provide, within one year after NRC staff approval of the methodology, a plant-specific analysis of the ECCS using the approved methodology (Action Item II.K.3.31). *145*

In response to Item II.K.3.30, Maine Yankee Atomic Power Company submitted the REAP5YA code in January 1983 as the methodology for MYAPS. As Mr. Sears noted, this II.K.3.30 methodology for MYAPS was approved in a Safety Evaluation (SE) dated January 30, 1989, that specified 12 conditions ~~which must be satisfied~~ to ensure acceptable implementation of the code. TMI Action Plan Item II.K.3.31 stated that plant-specific calculations using NRC-approved models for SBLOCA analysis, as described in Item II.K.3.30, to show compliance with 10 CFR 50.46 should be submitted for NRC approval. These calculations were to be submitted one year after the staff approved the revised analysis models submitted to demonstrate compliance with Item II.K.3.30. By letter dated May 8, 1989, Mr. Sears informed the licensee that the staff considered *critical*

in his letter of August 19, 1986.

The Honorable Bill Goodling

- 2 -

the NRC II.K.3.31 closed for MYAPS based on a telephone conversation between himself and the MYAPS licensing supervisor on May 5, 1989. As a result, the licensee did not submit the requested plant-specific analysis for II.K.3.31. The NRC staff initiated a special technical review of the safety analysis performed for MYAPS after it received the anonymous allegation of December 1995 to which Mr. Sears alluded. As a result of *the* technical review and a subsequent meeting with the licensee, the NRC staff concluded that the licensee did not satisfy the conditions specified in the NRC's approval of RELAP5YA and that MYAPS did not conform with the requirements of 10 CFR 50.46. Accordingly, the NRC staff imposed limitations on the operation of MYAPS in an Order dated January 3, 1996. *pursued to*

we already said this
The NRC's Office of Investigations has been investigating the licensee's conduct related to the closeout of TMI Action Items II.K.3.30 and II.K.3.31. *Upon completion of that investigation* If the results of that investigation warrant, the NRC staff will take appropriate enforcement action in accordance with the Commission's regulations. The Director of the Office of Nuclear Reactor Regulation will *also* then issue a Director's Decision regarding Mr. Sears' petition. Mr. Sears will be informed directly of the Director's Decision. *actions regarding review of RELAP5YA and closeout of TMI Action Items II.K.3.30 and II.K.3.31*

Can't use anything other than two words
The NRC's Office of the Inspector General (IG) investigated the role of the NRC staff in the development of this issue. The IG issued its report on May 8, 1996, which was provided to you by Mr. Sears. The IG found deficiencies in the NRC staff's review and closure of Action Item II.K.3.31 for MYAPS and identified several missed opportunities for the NRC staff to have identified and corrected the mishandling of the issue. The IG also raised concerns about the staff's practices regarding documentation of conversations between the NRC staff and licensees, and tracking of licensee commitments made during those conversations.

In April 1996, the NRC staff initiated reviews to identify and address the lessons learned from this issue. This initiative includes a review of the staff's process for reviewing computer code methodologies. Specifically, the NRC staff is comparing completed staff reviews of several loss-of-coolant accident codes for consistency in approach and quality of review. The staff is also evaluating the code modification process and staff followup of code implementation. The initiative also includes evaluating the staff's process for reviewing power uprate amendment requests. Furthermore, the handling of Action Item II.K.3.31 for MYAPS raised questions regarding the adequacy of the NRC staff's closeout of TMI Action Items. To respond to the questions, the staff is reviewing the process followed for closing out Action Items II.K.3.30 and II.K.3.31 for all plants currently holding operating licenses. The staff is also reviewing the closeout of Action Item II.K.3.5 regarding reactor coolant pump trip issues because of its relationship to the other items. This review of the action item closeout process entails evaluating NRC technical staff involvement, NRC management oversight, and communications both internally and with the licensees. Finally, the lessons learned process entails evaluating current policy and practices regarding internal and involvement, and management external communications, licensee commitment tracking, technical staff oversight. Work is progressing on these actions, *and*

blah, blah, blah. This could all be cut at no loss.

The Honorable Bill Goodling

- 3 -

with some of them already having been completed. By the end of 1996, the staff will report to the Commission its findings, and actions taken and proposed.

I appreciate Mr. Sears' sharing his perspective on these matter. I consider the actions the staff is taking regarding NRC oversight of computer code usage to be responsive to his concerns.

Sincerely,

James M. Taylor
Executive Director
for Operations

All his concerns, including concerns that licensees are not operating with required computer code verification procedures and that MY did not keep records of computer runs in accord with its code QA procedures? Need an explanation for the statement that all of his concerns are being dealt with by lessons-learned process. Isn't lessons-learned process about reviewing NRC review of computer codes, not what MY or other licensees in fact did?

ET hope
Mr. Sears
acknowledges
he was part
of the problem
↓

proposals

PD 1-3
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SUBJECT: LETTER TO CONGRESSMAN GOODLING
ORIGINATOR: DDorman
SECRETARY: DTurner
DATE: September 13, 1996

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Pat Milano - 14157

The Honorable Bill Goodling

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between

between himself and
the MYAPS licensing
supervisor

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WASHINGTON, D. C. 20555

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Rep. Bill Goodling

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TO:
Dennis Rathbun, OCA

FOR SIGNATURE OF:
Executive Director

** GRN **

CRC NO: 96-0947

DESC:

ROUTING:

ENCLOSES LETTER FROM PATRICK M. SEARS RE THERMOHYDRAULIC
COMPUTER CODE, RELAP AP5YA & OIG REPORT MAINE YANKEE

DATE: 9/6/96

Taylor
Milhoan
Thompson
Blaha
HMiller, RI
Lieberman, OE
Cyr, OGC

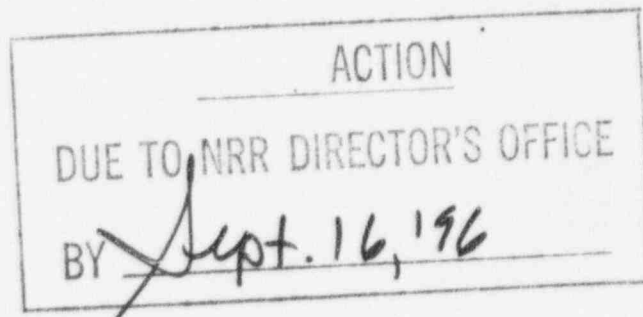
ASSIGNED TO: CONTACT:
NRR Russell

SPECIAL INSTRUCTIONS OR REMARKS:

Ref. GT96383 & GT96659
Reply to Camp Hill, PA Office.

NRR RECEIVED: SEPTEMBER 6, 1996
NRR ACTION: DRPE:VARGA

NRR ROUTING: RUSSELL
MIRAGLIA
THADANI
ZIMMERMAN
MARTIN
BOHRER



OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-96-0947 LOGGING DATE: Sep 4 96

ACTION OFFICE: EDO

AUTHOR: BILL GOODLING

AFFILIATION: U.S. HOUSE OF REPRESENTATIVES

ADDRESSEE: RATHBUN

LETTER DATE: Aug 30 96 FILE CODE: IDR-5 MAINE YANKEE

SUBJECT: NRC'S INSPECTOR GENERAL'S REPORT INVOLVING CONST
AND MAINE YANKEE

ACTION: Signature of EDO

DISTRIBUTION: CHAIRMAN

SPECIAL HANDLING: OCA TO ACK

CONSTITUENT:

NOTES:

DATE DUE: Sep ²⁰~~18~~ 96

SIGNATURE: . DATE SIGNED:

AFFILIATION: