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NOTATION VOTE

RESPONSE SHEET

TO: John C. Hoyle, Secretary

FROM: COMMISSIONER DIAZ


SUBJECT: SECY-96-189 - ISSUANCE OF 10 CFR 50.54(f)  
LETTERS ON THE AVAILABILITY AND ADEQUACY OF  
DESIGN BASIS INFORMATION

Approved ☒ Disapproved ☐ Abstain ☐

Not Participating ☐ Request Discussion ☐

COMMENTS:

please see the attached  
comments and suggestions

  
SIGNATURE

Release Vote ☒

9/24/96

DATE

Withhold Vote ☐

Entered on "AS" Yes ☒ No ☐

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Commissioner Diaz' Comments on SECY-96-189

I approve issuance of the proposed 50.54(f) letter under the signature of the EDO with the following comments:

- 1) I agree with the modifications to the letter suggested by Chairman Jackson and Commissioners McGaffigan and Dicus.
- 2) I understand that the primary use of the information gained from the responses to these letters will be to select and prioritize plants for upcoming inspections. I also understand that the need for these inspections is based, in part, on staff's findings that some licensees have failed to maintain configuration control and the concern that industry's voluntary efforts have not been effective in all cases.
- 3) I recommend deletion of the phrase on page 5 "to decide whether to modify, suspend, or revoke the operating license(s) for your facility or facilities, or whether other inspection activities or enforcement action should be taken". This phrase restates language from 50.54(f), which is implied, and does not need to be repeated. Other changes are suggested on the attached pages.

of the potential impact on public health and safety should safety systems not respond to challenges from off-normal and accident conditions.

It is emphasized that the NRC position has been, and continues to be, that it is the responsibility of individual licensees to know their licensing basis, to have appropriate documentation that defines their design bases, and to have procedures for performing the necessary assessments of plant or procedure changes required by NRC regulations. Attachments 3 and 4 are a recent exchange of correspondence between J. Colvill, NEI, and Chairman S. Jackson, NRC, regarding these subjects.

#### Action

The NRC has concluded that it requires information that can be used to verify compliance with the terms and conditions of your license(s) and NRC regulations, and assure that the plant UFSAP(s) properly describe the facilities, ~~and which may be used to decide whether to modify, suspend, or revoke the operating license(s) for your facility or facilities, or whether other inspection activities or enforcement action should be taken.~~ Therefore, you are required, pursuant to Section 182(a) of the Atomic Energy Act of 1954, as amended, and 10 CFR 50.54(f), to submit a response to this letter within 120 days of its receipt. Your response must be written and signed under oath or affirmation.

Please submit your response to the Director, Office of Nuclear Reactor Regulation, with a copy to the appropriate regional administrator and to the NRC Document Control Desk. The following information is required for each licensed unit:

- (1) A description of any design review or reconstitution programs, including identification of the systems, structures, and components, and plant-level design attributes (e.g., seismic, high-energy line break, moderate-energy line break), that have already been completed, are planned, or are being conducted to ensure the correctness and accessibility of the design bases information for your plant and to ensure that it is maintained current. If the program is planned or being conducted but has not been completed, provide an implementation schedule for systems, structures, and components, and plant-level design attribute reviews and the expected completion date.
- (2) A rationale for not implementing such a program, if no design review or reconstitution program has been implemented or planned.

The responses provided pursuant to paragraphs (1) and (2) above should address how current or planned plant processes or programs address the following areas of particular interest, as expressed in NUMARC 90-12, the staff's comments on the industry guidelines, and the Commission policy statement:

In SECY-93-292, "Generic Letter on the Availability and Adequacy of Design Bases Information," dated October 21, 1993, the staff recommended that the generic letter not be issued. The staff stated that publication of the policy statement and the proposed generic letter conveyed to the industry the Commission's concern and that publication of the generic letter would not further licensees' awareness of the importance of the activities. The staff proposed to continue performing design-related inspections and to gather information and insights as to how well the licensees' design-related programs were being implemented. The Commission issued a staff requirements memorandum that agreed with the staff's proposal.

In response to the findings relating to the regulatory burden of team inspections identified in the 1991 Regulatory Impact Survey, during the past several years, the staff has reduced its effort on specific, resource-intensive, design-related team inspections, and followed the issue of accurate and accessible design documentation at plants principally as an element of inspection and followup of operations-related activities. The issuance of the NUMARC guidelines and ongoing industry efforts to improve and maintain design bases information also contributed to this decision.

#### Current Problem

Over the past several months, NRC's findings during inspections and reviews have identified broad programmatic weaknesses that have resulted in design and configuration deficiencies at ~~a number of~~ <sup>some</sup> plants which could impact the operability of required equipment, raise unreviewed safety questions, or indicate discrepancies between the plant's updated final safety analysis report (UFSAR) and the as-built or as-modified plant or plant operating procedures. These inspections and reviews have also highlighted numerous instances in which timely and complete implementation of corrective action for known degraded and nonconforming conditions and for past violations of NRC requirements has not been evident. Overall, the NRC staff has found that some licensees have failed (1) to appropriately maintain or adhere to plant licensing and design bases information, (2) to comply with the terms and conditions of licenses and NRC regulations, and (3) to assure that UFSARs properly reflect the facilities. Attachment 2 provides examples of some of the deficiencies recently identified by the staff. As a consequence of this new information, the NRC believes that the industry's voluntary efforts to improve and maintain design bases information for their plants, consistent with NUMARC 90-12, the staff's comments on the industry guidelines, and the Commission policy statement, have not been effective in all cases.

The magnitude and scope of the problems that the NRC staff has identified raise concerns about the presence of similar design, configuration, and operability problems and the effectiveness of quality assurance programs <sup>at other plants</sup> ~~throughout the industry~~. Of particular concern is whether licensee programs to maintain configuration control are sufficient to demonstrate that plant physical and functional characteristics are consistent with the design bases and whether operating plants are being maintained in accordance with their design basis. The extent of the licensee's failures to maintain control and to identify and correct the failures in a timely manner is of concern because

*at all plants*