



**RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) / PRIVACY  
ACT (PA) REQUEST**

99-076

16

RESPONSE TYPE  FINAL  PARTIAL

REQUESTER

Mr. Paul Gunter

DATE

AUG 10 2000

**PART I. -- INFORMATION RELEASED**

- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments section.
- APPENDICES  Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- APPENDICES **GG** Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, NW, Washington, DC.
- APPENDICES **GG** Agency records subject to the request are enclosed.
- Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Comments.

**PART I.A -- FEES**

AMOUNT \*  
\$

- You will be billed by NRC for the amount listed.
- None. Minimum fee threshold not met.
- You will receive a refund for the amount listed.
- Fees waived.

\* See comments for details

**PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE**

- No agency records subject to the request have been located.
- Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

**PART I.C COMMENTS (Use attached Comments continuation page if required)**

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

**PART II.A -- APPLICABLE EXEMPTIONS**

APPENDICES  
**HH**

Records subject to the request that are described in the enclosed Appendices are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

- Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.
- Exemption 2: The withheld information relates solely to the internal personnel rules and procedures of NRC.
- Exemption 3: The withheld information is specifically exempted from public disclosure by statute indicated.
  - Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
  - Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
  - 41 U.S.C., Section 253(b), subsection (m)(1), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), except when incorporated into the contract between the agency and the submitter of the proposal.
- Exemption 4: The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated.
  - The information is considered to be confidential business (proprietary) information.
  - The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.790(d)(1).
  - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.790(d)(2).
- Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:
  - Deliberative process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
  - Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation)
  - Attorney-client privilege. (Confidential communications between an attorney and his/her client)
- Exemption 6: The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
  - (A) Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators).
  - (C) Disclosure would constitute an unwarranted invasion of personal privacy.
  - (D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
  - (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
  - (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- OTHER (Specify)

**PART II.B -- DENYING OFFICIALS**

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
Samuel J. Collins	Director, Office of Nuclear Reactor Regulation	HH/1	✓		
Joseph R. Gray	Associate General Counsel for Licensing and Regulations	HH/2		✓	

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

APPENDIX GG  
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
<u>OI Case 3-93-001</u>		
1.	11/25/92	Exhibit 5 to OI Case 3-93-001, Letter to W. Cahill, TU Elec., from Brian Holian, NRR (Atts.-10/21/92 Memorandum to File, from F. Miraglia, NRR, Subject: Telecon with R. Feldman, TSI, 11/7/92 Letter to F. Miraglia, NRR, from R. Feldman, TSI, Subject: Telecon (6 pages)
2.	12/3/92	Exhibit 6 to OI Case 3-93-001, Letter to F. Miraglia, NRR, from R. Feldman, TSI, Subject: Texas Utilities Information (Atts.-TU Elec. Test Results, Scheme Information (8 pages)
3.	6/7/95	Memorandum to J. Martin, RIII, W. Russell, NRR, J. Goldberg, OGC, from J. Gray, OE, Subject: OI 3-93-001, TSI (1 page)
<u>OI Case 1-95-012</u>		
4.	6/29/95	Memorandum to T. Martin, RI, W. Russell, NRR, J. Goldberg, OGC, from J. Lieberman, OE, Subject: OI Reports 1-95-011 (Maine Yankee), 1-95-012 (Fitzpatrick), 1-93-014 (Indian Point 3) (1 page)
<u>OI Case 3-96-032</u>		
5.	10/16/96	Memorandum to A. Beach, RIII, F. Miraglia, NRR, J. Goldberg, OGC, from J. Lieberman, OE, Subject: OI Report 3-96-032; Re: D.C. Cook (1 page)
<u>OI Case 4-95-070</u>		
6.	4/9/96	Memorandum to L. Callan, RIV, W. Russell, NRR, J. Goldberg, OGC, from J. Lieberman, OE, Subject: OI Report 4-95-070; Re: Discrimination at Waterford (1 page)
<u>OI Case 2-93-030</u>		
7.	12/22/94	Memorandum to S. Ebnetter, RII, W. Russell, NRR, J. Goldberg, OGC, from J. Gray, OE, Subject: OI Report 2-93-030: Discrimination at Browns Ferry (1 page)

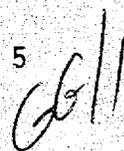
**APPENDIX GG  
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
8.	9/12/95	Memorandum to G. Caputo, OI, et al., from J. Lieberman, OE, Subject: Protected Activities (w/o Atts.) (1 page)
9.	12/28/95	Letter to J. Gray, OE, from N. Reynolds, Winston and Strawn, Subject: D. Harrison v. SWEC (1 page) (w/o atts.)

**APPENDIX HH  
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
<u>OI Case 3-93-001</u>		
1.	8/9/96	Memorandum to D. Dambly, TSI Task Force, from W. Russell, NRR, Subject: NRR Review of Proposed Enforcement Action (5 pages) EX 5
2.	8/20/96	Note to Multiple Addressees, from C. Mullins, OGC, Subject: Draft Enforcement Package re Proposed Enforcement Action Against Thermal Science Inc. (Atts.-8/16/96 Draft SECY Paper, 8/20/96 Draft NOV Transmittal Letter, 8/20/96 Draft NOV related to Proposed Enforcement Action) (52 pages) EX 5

EXHIBIT 5

Handwritten signature or initials, possibly "G. J. I.", written in black ink.



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

November 25, 1992

Docket Nos. 50-445  
and 50-446

Mr. William J. Cahill, Jr.  
Group Vice President, Nuclear  
TU Electric  
400 North Olive Street, L.B. 81  
Dallas, Texas 75201

Dear Mr. Cahill:

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION - COMANCHE PEAK STEAM ELECTRIC  
STATION, THERMO-LAG (TAC NO. M83330)

The NRC staff completed a review of TU Electric's submittal dated September 24, 1992, "Confirmatory Testing of Thermo-Lag Fire Barrier System at CPSES," and informed you of the results of our review of your criteria by letter of October 29, 1992. Coincident with the staff review of your proposed fire barrier testing acceptance criteria, the staff was made aware of a potential concern regarding delamination and porosity of Thermo-Lag material (Enclosure 1, memorandum documenting telecon; and Enclosure 2, letter from Thermal Science, Inc. dated November 7, 1992). As stated in our letter of October 29, 1992, final staff acceptance of your fire barrier acceptance testing will be documented in a future safety evaluation. The purpose of this letter is to request additional information to assist in this review. You are requested to respond in writing to the following questions:

1. What action was taken to ensure that material tested is representative of material currently installed in Units 1 and 2? Will the same controls used for procuring material for the current testing be used for future in-plant configurations and upgrades?
2. Describe the quality controls used in purchasing the Thermo-Lag material. What type of receipt inspections are performed? Provide this information for both units and for various Thermo-Lag materials including preshaped conduits, preformed panels, trowel grade material, and stress skin. Include a description of any changes which have occurred in your program. Also, include an assessment of your confidence level that material already in-plant will perform at acceptable levels as compared to the test results.
3. To what extent have delamination and porosity problems appeared in conduit sections received at CPSES? What measures have been taken to ensure that conduit sections with voids, that have been repaired, are qualified for use at CPSES?

EXHIBIT 5

PAGE 1 OF 6 PAGE(S)

CASE NO. 3-93-001

Mr. William J. Cahill, Jr.

- 2 -

- 4. What has been the historical "reject rate" of Thermo-Lag material received on-site? Has this rate increased recently as a result of the porosity and delamination problems described above, or as a result of the "stapling" issue, as discussed on-site during the November 5, 1992 management meeting. Describe the reject rate experienced for material used for the current test program, by type of material (e.g., conduit sections, preformed panels). Describe how the test configuration results will bound in-plant use of the Thermo-Lag material, including past, current, and future installations.

The reporting requirements contained in this letter affect fewer than ten respondents, therefore OMB clearance is not required under Public Law 96-511.

We request your response to the enclosed items within 30 days of receipt of this letter to enable the staff to complete its review in a timely manner.

Sincerely,

Original Signed By

Brian E. Holian, Senior Project Manager  
 Project Directorate IV-2  
 Division of Reactor Projects III/IV/V  
 Office of Nuclear Reactor Regulation

Enclosures:

- 1. Documentation of Telecon, dtd 10/21/92
- 2. Letter from Thermal Science, Inc., dtd 11/7/92

cc w/enclosures:  
See next page

DISTRIBUTION:

Docket File	EJordan
NRC/PDR	ACRS(10)
Local PDR	WRussell
PDIV-2/RF	FMiraglia
PDIV-2 PF	ATHadani
JRoe	GMulley, EW-542
MVirgilio	EPaulik, RGN-III
RArchize1	LPlisco
EPeyton	SHom, OGC
BHolian	MCallahan, OCA
AMasciantonio	SPLB TSI File
PTam	LYandell, RGN-IV
OGC	RWise, RGN-IV

Office	PDIV-2/LA	PDIV-2/PM	NRR/SPLB	PDIV-2/D	NRR/ADT	NRR/DONRR
Name	EPeyton	BHolian:nb	RArchize1	SBlack	WRussell	FMiraglia
Date	11/25/92	11/25/92	11/25/92	11/25/92	11/25/92	11/25/92

Mr. William J. Cahill, Jr.

- 3 -

cc w/enclosures:

Senior Resident Inspector  
U.S. Nuclear Regulatory Commission  
P. O. Box 1029  
Granbury, Texas 76048

Regional Administrator, Region IV  
U.S. Nuclear Regulatory Commission  
611 Ryan Plaza Drive, Suite 1000  
Arlington, Texas 76011

Mrs. Juanita Ellis, President  
Citizens Association for Sound Energy  
1426 South Polk  
Dallas, Texas 75224

Owen L. Thero, President  
Quality Technology Company  
Lakeview Mobile Home Park, Lot 35  
4793 East Loop 820 South  
Fort Worth, Texas 76119

Mr. Roger D. Walker, Manager  
Regulatory Affairs for Nuclear  
Engineering Organization  
Texas Utilities Electric Company  
400 North Olive Street, L.B. 81  
Dallas, Texas 75201

Texas Utilities Electric Company  
c/o Bethesda Licensing  
3 Metro Center, Suite 610  
Bethesda, Maryland 20814

William A. Burchette, Esq.  
Counsel for Tex-La Electric  
Cooperative of Texas  
Jorden, Schulte, & Burchette  
1025 Thomas Jefferson Street, N.W.  
Washington, D.C. 20007

GDS Associates, Inc.  
Suite 720  
1850 Parkway Place  
Marietta, Georgia 30067-8237

Jack R. Newman, Esq.  
Newman & Holtzinger  
1615 L Street, N.W.  
Suite 1000  
Washington, D. C. 20036

Chief, Texas Bureau of Radiation Control  
Texas Department of Health  
1100 West 49th Street  
Austin, Texas 78756

Honorable Dale McPherson  
County Judge  
P. O. Box 851  
Glen Rose, Texas 76043

Mr. Mark O. Medford  
Vice President, Nuclear Assurance,  
Licensing and Fuels  
3B Lookout Place  
1101 Market Street  
Chattanooga, Tennessee 37402-2801

Mr. Biff Bradley  
NUMARC  
1776 I Street, N.W.  
Washington, D.C. 20006

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

October 21, 1992



MEMORANDUM FOR: File

FROM: Frank J. Miraglia, Deputy Director  
Office of Nuclear Reactor Regulation

SUBJECT: TELECON WITH RUBIN FELDMAN ON OCTOBER 20, 1992

At 3:55 p.m., October 20, 1992, I received a phone call from Rubin Feldman, Thermal Science, Inc. (TSI). Mr. Feldman made a report of potential concern. On October 18, TSI was notified by Texas Utilities (TU) that less than ten of 2,000 conduit sections provided by TSI showed signs of delamination and some had occluded porosity in the cross sections of the conduit sections. Mr. Feldman indicated that he met with TU on October 18 to fully understand this potential concern and that TSI is evaluating the issue to determine cause and corrective action. He indicated that TSI's evaluation would be completed in 30-45 days.

Mr. Feldman indicated that TU does audit and conduct QA/QC receipt inspections of material at TSI's facility. TU will provide an additional QA inspector to followup TSI's manufacturing process. TSI will provide TU and the NRC of its evaluation when available.

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Frank J. Miraglia, Deputy Director  
Office of Nuclear Reactor Regulation



RUBIN FELDMAN, P. E.  
*President*

7 November 1992

Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, Maryland 20852

Attention: Mr. Frank J. Miraglia  
Deputy Director  
Office of Nuclear Reactor Regulation

Dear Mr. Miraglia:

The following is in confirmation of our telephone conference of Tuesday, October 20, 1992.

I reported an item of potential concern relating to a recent shipment of THERMO-LAG Preshaped Conduit Sections (0.625 +/- 0.125" thickness) to Texas Utilities Electric Company.

On October 18, 1992, Thermal Science met with Texas Utilities personnel in St. Louis to discuss this matter. During an onsite cutting operation of Preshaped Conduit Sections for field installation, an inner strata delamination which included voids running the length of the 3 foot conduit section, was observed. It was verbally reported that as of that date several sections, out of approximately 2000 plus shipped to that date, exhibited a similar phenomenon.

The conduit sections did not exhibit this phenomenon when shipped from our plant in St. Louis. This is based on quality control testing and verification of all products prior to shipment, conducted by both TSI and TU's quality control personnel. TU quality control personnel have been onsite at Thermal Science since the onset of the 1992 procurement.

We immediately commenced an examination of the possible causes of this discrepancy and remedial action that may be appropriate. We are examining the matter thoroughly and our findings at this early stage are indeterminate.

6  
Mr. Frank J. Miraglia  
Nuclear Regulatory Commission

7 November 1992  
Page 2

A report on our examination, including remedial action, is presently targeted for completion within 45 days and will be sent to both Texas Utilities and the NRC.

We will keep you informed.

Yours truly,

A handwritten signature in black ink, appearing to read 'Rubin Feldman', with a long horizontal stroke extending to the right.

Rubin Feldman  
President

RF/mls

EXHIBIT 6

GG/2



3 December 1992

RUBIN FELDMAN, P.E.  
President

Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, Maryland 20852

Attention: Mr. Frank J. Miraglia, Deputy Director  
Office of Nuclear Reactor Regulation

- References:
- 1) Telephone Conference of 20 October 1992 Between  
Mr. F. J. Miraglia, USNRC and Rubin Feldman, TSI
  - 2) Letter from R. Feldman to Mr. F. J. Miraglia, USNRC dated  
7 November 1992
  - 3) Letter from Ms. Suzanna C. Black, USNRC to Mr. William J. Cahill,  
TU Electric, Dated 29 October 1992

Dear Mr. Miraglia:

During our telephone conference of October 20, 1992 and in my letter dated 7 November 1992, I reported an item of potential concern relating to a recent shipment of THERMO-LAG Preshaped Conduit Sections ( $0.625" \pm 0.125"$ ) shipped to Texas Utilities Electric Company. The pertinent details were delineated in Reference 1 and 2 above.

Texas Utilities, in a recent telephone conference, identified the subject condition as more prevalent with material lot numbers F92-08024 and F92-08036. There were some other lots of THERMO-LAG Preshaped Conduit Sections exhibiting the same condition but to a lesser extent.

I was further informed by Texas Utilities' personnel that THERMO-LAG 330 Prefabricated Conduit Sections from lot numbers F92-08024 and F92-08036 were installed at Omega Point Laboratories on their test articles, identified as Schemes 10.1, 10.2 and 11.1. These test articles were subsequently tested by Omega Point Laboratory. These tests were witnessed by USNRC personnel.

Preliminary information resulting from these tests indicate that the tests were performed in accordance with the prerequisites delineated by the NRC in Reference 3 above.

EXHIBIT 6

PAGE 1 OF 7 PAGE(S)

CASE NO. 3-93-001

Mr. Frank J. Miraglia  
Nuclear Regulatory Commission

3 December 1992  
Page 2

Further, the test results which were made available to us, in our opinion, meet the acceptance criteria stipulated by the USNRC in Reference 3. For ease of reference, we are enclosing a copy of these tests results as received from Texas Utilities.

Based on these enclosed test results, we conclude that the items reported to you in Reference 1 and 2 do not comprise a safety hazard. Correspondingly, we are closing this matter in accord with the prerequisites of Thermal Science's Quality Assurance and Quality Control Program. We are also advising Texas Utilities of the same.

Following the receipt of the "Nonconformance Reporting" from Texas Utilities, immediate action ensued. The corrective action culminated in amending the manufacturing and quality control procedures to include additional inspection and manufacturing steps as well as additional training of personnel.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Rubin Feldman', with a long horizontal flourish extending to the right.

Rubin Feldman  
President

RF/meg  
Enclosure

TU ELECTRIC TEST RESULTS

SCHEME NUMBER

TEST DATE

10-1

NOVEMBER 5, 1992

11-1

NOVEMBER 18, 1992

10-2

NOVEMBER 19, 1992

CONFIGURATION

- B) Scheme #10; consisted of two 3 inch diameter conduits, with two typical junction box configurations and LBD boxes.
- (i) The conduit section were protected with 1/2 inch (nominal) thick sections of prefabricated Thermo-Lag material.
  - (ii) Joints at the LBD boxes and junction boxes were reinforced with stress skin and trowel grade Thermo-Lag material.
  - (iii) The junction boxes were protected with two layers of 1/2 inch thick (nominal) board. The inside layer was a "flat" board and the outside layer was a "ribbed" board on top of the flat board.

RAW TEST DATA

- B) Scheme #10; test date November 5, 1992
- (a) See note below
  - (b) Maximum cable temperature recorded = 233°F
  - (c) No burnthrough was noted
  - (d) Megger test was acceptable (9K M ohms)
  - (e) Visual inspection of cables was satisfactory
  - (f) Circuit continuity was maintained throughout the test period

Note: Some thermocouple readings on the outside of conduit steel indicated temperature greater than 1400°F. However, visual inspection of the cables did not show any abnormalities. TU Electric will provide an evaluation of this anomaly in the test reports.

## CONFIGURATION

- F) Scheme #11-1; consisted of a 24"x4" ladder back cable tray and three conduit sections with air drop configurations.
- (1) Protection of the conduits is consistent with the methods described above in scheme #9 and scheme #10.
  - (11) Cable air drop bundles were protected with Thermo-Lag 330-660 "Flexiblanket" material. Three layers of "Flexiblanket" were applied for cable bundles less than or equal to 2-inch diameter, and two layers were applied for cable bundles greater than 2 inch diameter.
  - (111) The cable tray was protected with 1/2 inch (nominal) thick Thermo-Lag board sections with ribs. Vertical and bottom butt joints were reinforced with tie wires and a layer of stress skin with trowel grade Thermo-Lag was used for build up of the Thermo-Lag material. The longitudinal joints were reinforced with stress skin and trowel grade Thermo-Lag material.

## RAW TEST DATA

- F) Scheme #11-1; test date November 18, 1992
- (a) Cable tray steel rail temperature (front); maximum = 269°F  
average = 247°F
- Cable tray steel rail temperature (rear); maximum = 296°F  
average = 239°F
- Conduit steel temperature maximum:
- 1" diameter = 240°F;
  - 2" diameter = 213°F;
  - 3" diameter = 281°F;
  - 5" diameter = 217°F;
- (b) Cable temperatures:
    - 1" conduit (control) maximum = 238°F; average = 199°F
    - 2" conduit (power) maximum = 277°F; average = 201°F
    - 2" conduit (control) maximum = 276°F; average = 205°F
    - 2" conduit (instrument) maximum = 250°F; average = 197°F
    - 3" conduit (power) maximum = 216°F; average = 168°F
    - 3" conduit (control) maximum = 258°F; average = 204°F
    - 3" conduit (instrument) maximum = 264°F; average = 207°F
  - (c) No burnthrough of the barrier was noted
  - (d) Megger was satisfactory

## Page 3

Note: Some minor cable jacket swelling was noted on three cables in the 5 inch cable air drop (see astrick on the sketch attached where the cable jacket anomaly was noted). Evaluation results of the cables are as follows:

- (i) Cable W023 = minor jacket swelling was noted, some filler material was scored. The cable insulation had no visible damage.
- (ii) Cable W020 = minor jacket swelling was noted no other anomaly was noted, conductor insulation was undamaged.
- (iii) Cable W048 = minor jacket swelling was noted, the plastic wrap around the conductor insulation under the jacket were fused

## CONFIGURATION

- G) Scheme #10-2; consists of two 3 inch diameter conduits, with two typical junction box configurations and LBD boxes. This is a Unit 1 upgrade test.
- (i) The conduit section were protected with 1/2 inch (nominal) thick sections of prefabricated Thermo-Lag material.
  - (ii) Joints at the LBD boxes and junction boxes were reinforced with stress skin and trowel grade Thermo-Lag material.
  - (iii) The junction boxes were protected with one layer of 1/2 inch thick (nominal) board.

## RAW TEST DATA

- G) Scheme #10-2; test date November 19, 1992
- (a) Conduit steel temperatures (front); maximum = 671°F;  
average = 440°F
  - Conduit steel temperatures (rear); maximum = 816°F;  
average = 416°F
  - Junction box steel temperature (vertical); maximum = 334°F;  
average = 259°F
  - Junction box steel temperature (horizontal); maximum = 366°F;  
average 278°F
  - (b) Power cable temperature (front); maximum = 183°F
  - Power cable temperature (back); maximum = 186°F
  - Control cable temperature (front); maximum = 265°F\*
  - Control cable temperature (back); maximum = 235°F
  - Instrument cable temperature (front); maximum = 250°F
  - Instrument cable temperature (back); maximum = 288°F
- \* This thermocouple read 324°F around 55 minutes in the test and started dropping down at 60 minutes to 265°F.
- (c) No burnthrough was noted on the barrier
  - (d) Megger test was satisfactory (2.5K M ohms)
  - (e) Cable visual inspection was satisfactory
  - (f) Circuit continuity was maintained throughout the test

TU ELECTRIC CONSIDERS THE ABOVE TESTS SATISFACTORY.



95 JUN 8 AM 9:57

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

June 7, 1995

✓ Dr  
✓ DD  
✓ ADH  
✓ Dan  
AM  
FOIA  
Supper

MEMORANDUM FOR:  
HEADQUARTERS

John B. Martin, Regional Administrator  
Region III

File  
Copies 121

William T. Russell, Director  
Office of Nuclear Reactor Regulation

Jack R. Goldberg, Deputy Assistant General  
Counsel for Enforcement  
Office of the General Counsel

FROM:

*Joseph R. Gray*  
Joseph R. Gray, Deputy Director  
Office of Enforcement

SUBJECT: OI REPORT 3-93-001; RE: THERMAL SCIENCE, INC.

The above captioned OI report was initiated to determine if a former production worker for Thermal Science, Inc. (TSI), the parent company that produces the fire barrier material "ThermoLag," was discriminated against and terminated for having identified safety concerns. Following discussions with the Department of Justice (DOJ), which is currently pursuing a criminal case against TSI and its president, this investigation has been administratively closed. Upon completion of the criminal case<sup>1</sup>, the allegation associated with the alleged discrimination will be reviewed by RIII for possible further action.

OE has reviewed the OI report and has no objection to OI's closure of its investigation. OE believes it would be prudent to continue to monitor the DOJ proceeding until the court rules. Following that ruling, the Region should make a recommendation on the need either to reopen the OI investigation or proceed with enforcement action on the alleged discrimination.

Please contact Mark Satorius of my staff at (301) 415-3280, with any comments.

- cc: J. Milhoan, DEDR
- R. Zimmerman, NRR
- G. Caputo, OI
- B. Burgess, RIII

<sup>1</sup>The criminal case was scheduled for trial beginning May 23, 1995, in U.S. District Court, Greenbelt, Maryland.

66/3



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

June 29, 1995 95 JUN 30 AM 10:38

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MEMORANDUM TO: Thomas T. Martin, Regional Administrator  
Region I

HEADQUARTERS

William T. Russell, Director  
Office of Nuclear Reactor Regulation

Jack R. Goldberg, Deputy Assistant General  
Counsel for Enforcement  
Office of the General Counsel

FROM: James Lieberman, Director  
Office of Enforcement

*James Lieberman*

SUBJECT: OI REPORT 1-95-011; RE: MAINE YANKEE  
OI REPORT 1-95-012; RE: FITZPATRICK  
OI REPORT 5-93-014; RE: INDIAN POINT 3

File *Copies to each*  
Copies to: \_\_\_\_\_  
*file below*

The subject OI reports involve, respectively, a fitness for duty incident, falsification of chemistry records involving EDG fuel oil, and falsification of fire protection records. All three cases are candidates for consideration under the Wrongdoer Rule, based on strong circumstantial evidence and, in all but the Maine Yankee case, admissions by the individuals involved. All cases were investigated by the licensees who concluded the individuals had committed the alleged wrongdoing and terminated their employment for cause.

I request OGC analysis of the three cases. The cases will be discussed during the regularly scheduled enforcement call between OE and Region I at 11:00 am on July 11, 1995. The cases will be discussed in the order presented above, with about 30 minutes allocated to each discussion.

cc: J. Milhoan, DEDR  
R. Zimmerman, NRR  
G. Caputo, OI  
D. Holody, RI

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

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10/11

OCT 16 PM 3:30

October 16, 1996

MEMORANDUM TO: A. Bill Beach, Regional Administrator  
Region III

3-96-032

HEAD OFFICE

Frank J. Miraglia, Acting Director  
Office of Nuclear Reactor Regulation

Jack R. Goldberg, Deputy Assistant General  
Counsel for Enforcement  
Office of the General Counsel

FROM: James Lieberman, Director  
Office of Enforcement

SUBJECT: OI REPORT 3-96-032; RE: D.C. COOK

The above captioned OI report was initiated to determine if an employee of American Electric Power, working at the D.C. Cook Plant, moved a bar code strip on the door leading to the Unit 1 reactor cable tunnel. The bar code strip was used by security personnel to validate firewatch tours. This action could have inhibited security personnel's capability to confirm entry into the area designated by the bar code.

After a preliminary OI review, RIII concluded that, although the bar code strip appeared to have been moved by an individual as a prank, the moving the bar code strip itself was not a violation of an NRC requirement. The OI investigation was subsequently closed. Accordingly, I do not intend to request an OGC analysis of this report. OE will consider the matter closed unless we receive a different view within three weeks of the date of this memorandum. Please contact Mark Satorius of my staff at (301) 415-3280 with any comments.

cc: J. Milhoan, DEDR  
R. Zimmerman, NRR  
G. Caputo, OI  
B. Burgess, RIII

GG/15



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

April 9, 1996

MEMORANDUM TO: L. J. Callan, Regional Administrator  
Region IV

William T. Russell, Director  
Office of Nuclear Reactor Regulation

Jack R. Goldberg, Deputy Assistant General  
Counsel for Enforcement  
Office of the General Counsel

FROM: James Lieberman, Director  
Office of Enforcement

SUBJECT: OI REPORT 4-95-070; RE: DISCRIMINATION AT WATERFORD

The above captioned OI report involves alleged discrimination against an employee of the Wackenhut Corporation (TWC) who disagreed with his supervisor's instruction to move a Morse Watchman Key at Waterford. OI did not substantiate the alleged discrimination, observing among other things that the individual said in the OI interview that he reached a "mutual agreement" with TWC that he would be terminated. The NRC is not aware of a complaint being filed by the contract employee with the Department of Labor. Therefore, it appears that enforcement action is not appropriate in this case.

I do not intend to request an OGC analysis of this report. We will consider the matter closed unless we receive a different view within three weeks of the date of this memorandum. Please contact Dick Rosano of my staff with any comments.

cc: J. Milhoan, DEDR  
R. Zimmerman, NRR  
G. Caputo, OI  
G. Sanborn, RIV

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*Lockley*

# WINSTON & STRAWN

35 WEST WACKER DRIVE  
CHICAGO, ILLINOIS 60601-9703

1400 L STREET, N.W.  
WASHINGTON, D.C. 20005-3502

6, RUE DU CIRQUE  
75008 PARIS, FRANCE

200 PARK AVENUE  
NEW YORK, NY 10166-4193

(202) 371-5700

SULAYMANIYAH CENTER  
RIYADH 11495, SAUDI ARABIA

FACSIMILE (202) 371-5950

43, RUE DU RHONE  
1204 GENEVA, SWITZERLAND

NICHOLAS S. REYNOLDS  
(202) 371-5717

December 28, 1995

Mr. Joseph R. Gray  
Deputy Director  
Office of Enforcement, M.S.-07H5  
Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Douglas Harrison v. Stone & Webster  
Engineering Corporation

Dear Joe:

I thought you might be interested in an update on the Harrison case. The Secretary of Labor denied Stone & Webster's Motion for a Stay, but apparently did not consider that Harrison has dismissed his attorney and is filing for bankruptcy. We have asked the Secretary to reconsider his denial in light of these recent developments. Obviously, any payments to Mr. Harrison or his attorney in these circumstances would likely be unrecoverable if Stone & Webster were to prevail in its Petition for Review filed in the Eleventh Circuit. We expect to be filing our brief in the Eleventh Circuit in early January, and will provide a copy of the brief to the NRC when it is filed.

Please feel free to call me or Bob Rader if you have any questions.

Sincerely,

*Nicholas Reynolds*  
Nicholas S. Reynolds

Enclosure

cc: Ellis W. Merschoff

*2-93-030*  
*Red. 1/4/96 A.1*  
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