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CONSUMERS
POWER
COMPANY

General Offices: 212 West Michigan Avenue, Jackson, Michigan 49201

October 29, 1976
Howe-157-76

Mr. Dudley Thompson
Acting Director
Division of Field Operations
Office of Inspection and Enforcement
US Nuclear Regulatory Commission
Washington, DC 20555

MIDLAND NUCLEAR PLANT
DOCKETS #50-329 & 50-330

Your letter dated August 13, 1976 to Mr. John Selby of Consumers Power Company enclosed a "Notice of Violation" which listed five items of non-compliance. Your letter states that in view of corrective actions already taken or committed to by Consumers Power Company, no response to those items of noncompliance is necessary. However, we do not feel that the descriptions of the items of noncompliance in the enclosure to your letter fully describe all the circumstances at the time which tend to explain positive and mitigating circumstances. Most, if not all, of these items had been discussed with the Nuclear Regulatory Commission personnel but have not appeared in any published report or letter, and we would like to take this opportunity to present them.

CONSUMERS POWER COMPANY'S COMMENTS
ON NRC "NOTICE OF VIOLATION" OF AUGUST 13, 1976

Infraction #1

"10 CFR Part 50, Appendix B, Criterion V, states in part, 'Activities affecting quality shall be prescribed by documented instructions, procedures, or drawings....'

"Contrary to this requirement, documented instructions were not available for the drilling and placement of reinforcement steel dowels which were being imbedded in the concrete structure to replace omitted rebar."

Comments

While documented instructions were not available for performing the "drilling and placement" of dowels, Bechtel Quality Control did have documented instructions for the inspection of this activity.

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the problem here, in part, is not so much that Bechtel personnel did not implement their procedures but that the procedures did not describe a very effective mechanism to develop a program of corrective action to preclude repetition.

- b. While the cited section of Field Inspection Procedure G-3 did not define a very effective mechanism to develop a program of corrective action to preclude repetition, there have been other mechanisms which have been used to develop programs of corrective action to preclude repetition. These programs have been developed based primarily on Consumers Power and Bechtel Quality Assurance Department reviews of Bechtel Nonconformance Reports. When either of these organizations observed that corrective action to preclude repetition should be taken in response to either single or multiple instances of nonconformances, those steps have been taken to modify the Quality Assurance program to preclude repetition of the nonconformances.
- c. The need for corrective action to preclude repetition of concrete reinforcement steel deficiencies was identified by both Consumers Power and Bechtel Quality Assurance Organizations and forceful corrective action taken. (Ref: CPCo NCR QF-36 which resulted in Stop Work Order #FSW-6 dated December 5, 1974 and Stop Work Order #FSW-7 dated March 22, 1976 based on Bechtel NCR's #396, 398 and 399; and Bechtel MCAR #10 dated March 3, 1975 based on Bechtel NCR's #295 and 326) We brought each of these deficiencies to the attention of the NRC I&E Region III office at the time. Where subsequent problems with reinforcement steel placement arose, previous corrective actions to preclude repetition were re-evaluated and, when appropriate, were improved.

Infraction #3

"10 CFR Part 50, Appendix B, Criterion X, states in part, 'A program for inspection of activities affecting quality shall be established and executed by or for the organization performing the activity, to verify conformance with the documented instructions, procedures, and drawings for accomplishing the activity.... Examinations, measurements, or tests of material or products processed shall be performed for each work operation where necessary to assure quality....'

"Contrary to the above, in some instances installation of reinforcement steel on safety-related structures requiring inspection were not adequately inspected to verify conformance with applicable drawings."

Comments

- a. It should be noted that while some rebar placements were not adequately inspected, a review of nonconformances related to missing rebar showed that less than 0.1 percent of the required rebar was missing in the installed structures. In each instance where rebar was found to be missing, either the bar in question was installed or an engineering analysis demonstrated that the rebar was not necessary. In some cases more bar than that required by engineering drawings was included in concrete placements.

- b. In some cases where missing rebar was replaced, analyses have been made as to whether there would have been an adverse effect on the function of the structure if the bar had not been placed. In each case these analyses resulted in the conclusion that the structure would have met design requirements even if the bar in question had not been placed.
- c. While many of the rebar deficiencies represent instances where the Bechtel Quality Control program did not perform an adequate inspection, it must be remembered that each instance of deficient rebar placement which formed the basis of the infraction was detected by Bechtel Field Engineers or Consumers Power Quality Assurance and therefore the problems did not go undetected and unreported.

Infraction #4

"10 CFR Part 50, Appendix B, Criterion XVI requires that, 'Measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition. The identification of the significant condition adverse to quality, the cause of the condition, and the corrective action taken shall be documented and reported to appropriate levels of management.'

- "Contrary to this requirement, Nonconformance Report No 260 issued on December 23, 1974, and resolved on November 3, 1975, covering the omission of reinforcement steel in several wall areas within the auxiliary building, did not contain a meaningful evaluation relative to the significance of the problem and its reportability pursuant to the requirements of 10 CFR Part 50, Paragraph 50.55e."

Comments

- a. Review of the requirements of 10 CFR 50.55e shows that it requires that "significant" problems be evaluated for reporting to the NRC. The use of the word "significant" is subject to considerable interpretation. That which is "significant" in one person's opinion may be less significant in another's opinion. Both the Bechtel Project Field Quality Control Engineer and the Bechtel lead Field Quality Assurance Engineer have said that they did review this NCR #260 and determined that it did not represent a "significant" problem in their opinion. Further, when an engineering analysis was concluded, it was determined that the missing rebar identified by NCR #260 would not have affected the safety of the plant and therefore the deficiencies reported in NCR #260 were not reportable per 10 CFR 50.55e.
- b. While perhaps NCR #260 should have been considered for reportability per 10 CFR 50.55e and therefore the program may have erred in not properly addressing the question, the record is clear that the Midland QA program has aggressively reviewed potentially reportable instances and has in general kept the NRC informed of more problems than those required to be reported per 10 CFR 50.55e. In fact, to our knowledge all NRC concerns