



UNITED STATES  
 NUCLEAR REGULATORY COMMISSION  
 REGION I  
 678 ALLENDALE ROAD  
 KING OF PRUSSIA, PENNSYLVANIA 19406

FEB 28 1980

MEMORANDUM FOR: Dr. Thomas E. Murley, Director, Office of Nuclear Reactor Regulation

FROM: William T. Russell, Regional Administrator

SUBJECT: REGION I REVIEW OF CONCERNS OF FORMER SEABROOK LEVEL III NDE EXAMINER

Region I has completed an expedited review of the above subject and concluded that no current conditions material to full power licensing are involved. That conclusion is based on the following:

1. Alleged Radiation Barrier Violations by Supervisors

This item refers to the alleged violation of radiography radiation barriers by construction contractor supervisors during plant construction. The described purpose of the supervisory intrusion into the areas was to try to catch technicians asleep. Since New Hampshire is an agreement State, this radiation safety concern was handled by the State. A February 1, 1984 letter from the State to the alleged (Enclosure 1) shows State knowledge of this concern.

Inasmuch as no regulatory component inadequacy is stated or implied in this item, and NRC inspection and licensee performance assessment have found an acceptable operational radiation protection program, our conclusion is that this was a State matter which is not relevant to full power licensing.

2. Alleged Improper Termination for Being a Whistleblower

This examiner submitted a discrimination complaint to the U.S. Department of Labor on January 8, 1984 (Enclosure 2). In this complaint, the examiner stated that he was terminated for bringing a safety violation (the radiography barrier violations) to the attention of management. The complaint also identified the employer's stated rationale for the termination as being for improper conduct, i.e., causing dissension between management and technicians.

On February 7, 1984, the Department of Labor informed the examiner in writing (Enclosure 3) that their investigation had disclosed that the termination was due to the examiner's inability to maintain a satisfactory working relationship with other management employees. The examiner appealed this finding and, after one hearing day before an administrative law judge, settled this matter with his employer. The settlement agreement did not deny NRC information on the examiner's concerns, since as stated in the DOL transcript, he had already reported those concerns.

9003070523 900228  
 PDR ADDCK 05000443  
 P PNU

Thomas E. Murley

2

FEB 28 1990

The licensee's program for handling employee and contractor safety concerns has been reviewed during several NRC inspections. Specific examples are documented in Inspection Reports 50-443/88-07, Section 10, page 14 and 50-443/88-10, Section 9, page 29 (Enclosures 4 and 5). While no specific NRC requirements are placed on licensee programs for addressing employee concerns, our ongoing inspection efforts have made us aware of instances of employee use of and satisfaction with their ability to address safety concerns and get them resolved.

The examiner confirmed, as documented in the DOL transcript, that the only potential violation of any rule or procedure that was discussed with DOL was the "Barrier Safety" question. Further, although he felt pressure to complete his review and to disposition a backlog of weld radiograph packages, for which he felt he found excessive rejections, he maintained that he properly dispositioned the packages that he processed and made no allegation of violations by himself or others in reviewing these films (Enclosure 6, pages 219, 220). Both the examiner's description of his activities and his stated knowledge of the certainty of subsequent review by the licensee of his work were consistent with our expectations, based on our understanding of the licensee's quality assurance program.

The Department of Labor issue was concluded by settlement between the examiner and the construction contractor who employed him. No inadequacy in the present licensee program for responding to safety concerns has been identified. No current component condition that would impact operational safety was identified. The concern regarding alleged high rejection rate for radiographs is reviewed below. Therefore, any remaining matters here are not material to a full power licensing decision.

### 3. Alleged High Rejection Rate for Radiographs

The examiner stated (Enclosure 6, page 74) that his review of backlogged weld radiograph packages identified an excessive 20% rejection rate for either film quality or weld indications, where his expectations would normally be about 5%. He indicated that he corrected paperwork errors, as he was expected to do, and wrote NCRs in every case where he was unable to conclude either that the film was archival quality or that the weld was acceptable, as was expected by his employer's quality assurance program. He stated (Enclosure 6, pages 219 and 220) that his identification of these items as NCRs was consistent with the program for resolving the rejectable radiographs and that there was no concern about the functioning of the process; however, he did feel pressure to quickly complete his work (Enclosure 6, Pages 74-80). He also specifically testified to the Department of Labor that there was no violation in having a backlog of films to be reviewed, that he was aware of no violation in the reviewing of the films by his employer, that he was not aware of any violations in reviewing the films at any other level at the site, that he was not alleging any violation in regard to radiographic films, that his complaint to the Department of Labor did not allege any such violations, and that the only potential violation involved was the "Barrier Safety" question.

Thomas E. Murley

3

FEB 28 1980

Our assessment is that a 20% reject rate of radiographs during the first review by a Level III examiner is not unusual. The Level III NDE examiner review follows the preliminary, Level II review, and is much more thorough. Correcting paperwork errors and preparation of NCRs shows implementation of the licensee's program for resolving record deficiencies and indications of potential weld problems. Further, after the alleged departed the site, the licensee performed a 100% check of the radiographs (Enclosure 8, pages 91 and 92) and required re-radiographing and rework as appropriate for any weld, regardless of who had previously reviewed it.

Our conclusion is that the alleged high reject rate for radiographs is not unusual, that the description of his activities and findings are evidence of good people making the process work and that the weld adequacy was assured by the normal program for resolving such items. An independent licensee recheck further assured the adequacy of the welding.

The NRC staff has also independently verified the acceptability of the welding and nondestructive examination programs at Seabrook. These programs were regularly reviewed by resident and region-based inspectors throughout plant construction. Adequacy of the welding process and acceptability of a sample of welds was shown in 1982 by NRC Independent measurements inspection (Inspection Report 50-443/82-06, Enclosure 7). A detailed review by an NRC Construction Assessment Team in 1984 (Inspection Report 50-443/84-07, Enclosure 8) included examination of this construction contractor's welding and radiography. Also, the NRC's Mobile Nondestructive Examination Laboratory performed radiographic examinations during its two other inspections at Seabrook. During these inspections, a comparison of NRC radiographs to licensee file film was performed to assure that the associated welds were adequate, the radiographic program was being properly administered and that the film quality complied with applicable ASME Code requirements. The results of these inspections, and the licensee's response to these results, provided this assurance; therefore, this concern is not material to a full power licensing decision.

#### 4. Alleged Inadequacy of Nonconformance Report Resolution

The examiner stated (Enclosure 9, page 1) a concern for resolution of the NCRs he had in preparation at the time he was terminated.

On January 12, 1984, the examiner was advised (Enclosure 10, page 1) that the completion of those NCRs would be reviewed during routine NRC inspection. Inspection Report 50-443/83-22 (Enclosure 11, pages 4 and 5) which covered the period of time during which this review was completed, documented acceptable completion of the last two NCRs generated by the examiner. Further, the reporting inspector concluded that the concerns of the Level III examiner were being properly handled by his successors based on a sampling inspection.

Thomas E. Murley

4

FEB 28 1990

The NCR process and its proper functioning have been addressed during NRC inspections in many areas. The adequate functioning of that process was an essential ingredient of the NRC staff's conclusion that safety significant activities had been and were being acceptably performed and that an operating license could be issued. In addition, as stated in Item 3 above, the licensee's subsequent independent review of the radiography provided an additional assurance of weld adequacy. This conclusion is further supported by multiple NRC inspections of welding activities.

Our conclusion is that the examiner's in-process concerns and nonconformance reports in question were acceptably resolved, and that no weld condition which would adversely affect the decision to issue a full power license has been identified in this case.

Finally, we have reviewed the February 27, 1990 letter from Senator Kennedy to Chairman Carr. Although we have not had time to develop detailed answers to the contained 15 questions and currently lack complete knowledge of answers to who knew what when, we are confident, based on our extensive inspections and analysis, that Senator Kennedy has raised no new safety issue that has not been previously reviewed and resolved, or that is material to the full power licensing of Seabrook.



William T. Russell  
Regional Administrator

Enclosures: See Attached List

cc w/encls:  
J. Taylor, EDO

LIST OF ENCLOSURES

1. February 1, 1984 Letter from State of New Hampshire to Mr. Joseph Wampler
2. January 8, 1984 Complaint from Mr. Joseph D. Wampler to U.S. Department of Labor
3. February 7, 1984 U.S. Department of Labor Letter to Mr. Joseph D. Wampler
4. Excerpt from NRC Region I Inspection Report 50-443/88-07
5. Excerpt from NRC Region I Inspection Report 50-443/88-10
6. Excerpts from Hearing Testimony Before the U.S. Department of Labor
7. NRC Region I Inspection Report 50-443/82-06
8. NRC Region I Inspection Report 50-443/84-07
9. Allegation Receipt Form from Mr. Wampler's Allegation to the Senior Resident Inspector
10. NRC Region I January 24, 1984 Allegation Acknowledgement Letter to the Allegor
11. Excerpt from NRC Region I Inspection Report 50-443/83-22

[Enclosures to be furnished the Commissioners by cob 2/28/90.]