



# Western Piping & Engineering Co., Inc.

Nuclear Components Division

1485 Yosemite Avenue, San Francisco, California 94124 (415) 822-6464

May 25, 1982

Nuclear Regulatory Commission  
Region IV  
611 Ryan Plaza Drive, Suite 1000  
Arlington, Texas 76011

REF: Docket No. 99900302/81-02

ATTN: Uldis Potapovs, Chief  
Vendor Programs Branch

Gentlemen:

Regarding your notice of nonconformance: We must take exception to the conclusion that a nonconformance existed. We have discussed this matter with several members of the ASME code committee on component supports and in each case the committee member stated without reservation that the part in question in this instance is code exempt under paragraph NF 2121(b), and therefore, one cannot have a code required condition applying on a code exempt item.

Regarding the allegation itself: The person instigating the allegation did so even though he knew before-hand the part in question was code exempt and even though he had so acknowledged in writing in answer to an inquiry from Western Piping made prior to manufacture. With this thought in mind the allegation itself becomes a self-serving matter to the person who filed it, as changes in code exempt items cannot possibly affect whether or not a part complies or does not comply with the code. The allegation also misleads in that it states the clamps in question were sold to "Nuclear Power Plants" when only one was involved and only two clamps were for "Safety-Related Systems" use. Actually we have no way of knowing what use the customer intended for these clamps as he did not state how they were to be used in the contract documents other than stating that he did not want the clamps to be code stamped. In view of the contract conditions, of which Van Meter was not aware, there can be no other conclusion but that Van Meter really had no factual basis upon which to make this allegation and did so therefore not in the interest of public safety but purely for reasons of personal interest.

Regarding the interview with the investigator Van Meter made statements on matters he could not possibly have had first hand knowledge and obviously misled the investigator as follows:

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i) He stated the clamps in question were designed and certified to ASME code when such was not the case and the customer had specifically indicated no such certification was required.

ii) He stated the clamps were for "several" nuclear power plants when he had been advised and his own documents indicated both clamps went to the same plant.

iii) He stated the clamps were for use on Class I piping systems when he could not have known this to be so as the customer gave no indication as to where they were to be used other than requesting they not be code stamped.

iv) He stated that he indicated welding of the ear was alright when actually it was Van Meter who vetoed such a solution and insisted it be as he designed.

v) His statement that Western Piping chose not to weld because of "all the welding procedures" shows his total lack of understanding, as obviously only one procedure would be involved and as it was not to be code stamped even less of a problem existed for Western Piping to follow this solution path.

vi) He stated the ear was attached to the plate with "one" threaded type fastener when he knew from documents provided to him that each ear was attached with two screw fasteners and a drive lock pin.

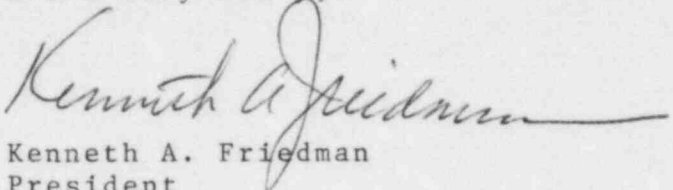
vii) He stated that clamps "with this unapproved design" did not meet the ASME code, when actually in any form, the part is still code exempt and in this contract no code requirements existed. None the less, the clamps, as manufactured, would have met all requirements if same had been required. Van Meter did not at the time or ever has held a valid ASME certificate of authorization and obviously does not understand code certification requirements. In fact, Van Meter does not even have an engineering degree.

viii) He stated "no stress analysis was done on this design change". This is true, but what he evidently did not say was that no stress analysis was performed on his original design either as no analysis was required to be performed on this code exempt part. Why he chose to mislead the investigator in this manner is not clear. You will note that each statement in the Van Meter interview section is either false or totally misleading.

In summary, we feel the nonconformance, as written, is not in order for the reasons stated. We feel the allegation made 15 to 16 months after the facts were disclosed was based on self-serving motivations rather than concern for public safety. We feel that during the investigative portion, for the reasons above, a definite clear attempt to purposely mislead the investigators took place.

With the foregoing in mind, it is our opinion that the matter should be dismissed in its entirety.

Yours Very Truly,

A handwritten signature in cursive script that reads "Kenneth A. Friedman". The signature is written in dark ink and has a long, sweeping horizontal line at the end.

Kenneth A. Friedman  
President  
Western Piping & Engineering