



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

March 16, 1994

Docket No. 99900404
EA 93-075

Mr. Steve Tritch, General Manager
Nuclear and Advanced Technology Division
Energy Systems Business Unit
Westinghouse Electric Corporation
Post Office Box 355
Pittsburgh, Pennsylvania 15230

Dear Mr. Tritch:

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT 99900404/89-01)

This letter addresses the inspection of the Westinghouse Electric Corporation (WEC) facility at Monroeville, Pennsylvania, conducted by Messrs. J. Petrosino and J. Gavula, of the U.S. Nuclear Regulatory Commission (NRC) staff on June 28 and 29, 1989; the subsequent NRC staff investigation of activities surrounding the disposition of potential defects identified to WEC in October 1979 and June 1988 regarding incorrect valve drawing weights and centers of gravity that were supplied by WEC to numerous NRC licensees for valves that WEC purchased from the Copes-Vulcan Company (CVC); interim staff findings that were transmitted to WEC in a June 10, 1993 NRC letter; associated WEC correspondence in response to the subject NRC inspection; the WEC presentation given to NRC staff at a September 29, 1993 enforcement conference, including subsequently provided information; and NRC staff conclusions based on a review of the circumstances of this matter.

The 1989 inspection was conducted to follow up on an NRC concern regarding piping systems at D.C. Cook and Prairie Island that were found by the licensees in 1988 to exceed allowable stress limits. Because of incorrect CVC valve weight and center of gravity information that was supplied by WEC prior to 1979 (as a result of an error at CVC), more than 70 piping subsystems at both sites had to be modified in order to comply with code requirements. In several cases, the calculated pipe stresses were more than eight times the allowable limits, and justifications for continued operation were required because the operability of the associated system was in question.

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Certain of your activities were found to be in violation of Title 10 of the Code of Federal Regulations, Part 21 (Part 21) requirements, as specified in the enclosed Notice of Violation (Notice). The violation is of concern because WEC did not fulfill its Part 21 responsibilities to its customers in 1979, when Bechtel Power Corporation first made WEC aware of incorrect CVC valve drawing data that could be applicable to NRC licensees' piping system seismic stress analyses. Further, as discussed during the enforcement conference, when Northern States Power Company (NSP) raised similar concerns on CVC drawing deviations in 1988, WEC again failed to appropriately inform its customers of the CVC drawing deviations. Lastly, the 1989 WEC task force, which was formed to evaluate WEC's performance in this matter, did not identify that NSP's 1988 request was improperly handled. In summary, although the initiating events and WEC's initial Part 21 violation occurred a considerable time ago, the more recent reporting violation in 1988 and incomplete root-cause analysis in 1989 were more recent indicators of significant weaknesses in WEC programs. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), 10 CFR Part 2, Appendix C (1993), the failure to perform an adequate Part 21 review is being classified as a Severity Level III violation.

The NRC staff acknowledges that after the Part 21 responsibilities were discussed with WEC during a June 1989 inspection, WEC undertook extensive corrective action to preclude recurrence and to apprise its customers of the deviations. For example:

- WEC established a corrected CVC valve drawing weight and center of gravity list and transmitted those corrected lists to applicable customers in 1989 and 1990.
- WEC established and enhanced appropriate departmental, administrative, and 10 CFR Part 21 procedures.
- More recently, WEC transmitted a technical bulletin to customers to clarify previous misconceptions or misunderstandings concerning the CVC valve drawing data.

No deliberate actions were identified by the NRC staff concerning the accuracy of information transmitted by WEC in the April 1980 and December 1989 letters to the NRC. However, the NRC staff developed evidence which indicated that WEC, with careless disregard, made false and misleading statements to the NRC in these letters, and based upon NRC interviews and record reviews, it appeared that the results of the WEC 1989 task force review

Mr. Steve Tritch

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were not fully factored into the letter to provide an accurate representation of the matter. As discussed during the enforcement conference, the NRC staff recognizes that WEC considers that ambiguous language in WEC's correspondence contributed to the NRC's concerns in this area. Nevertheless, sufficient examples of incorrect and misleading statements occurred to warrant the NRC's concern. Although the NRC has not proposed any enforcement action for the false and misleading statements to the NRC, the staff has substantial concerns about this problem and the staff emphasizes that (a) WEC's actions resulting in the submittal of inaccurate or incomplete information to the NRC is unacceptable and (b) the NRC expects all licensee and vendor communications to be complete and accurate, and to properly reflect situations that could have implications to public health and safety. Accordingly, we request that WEC respond to these concerns by describing those actions WEC has taken or intends to take to ensure that information provided to NRC is complete and accurate in all material respects.

Although Section 2.201, "Notice of Violation," of 10 CFR Part 2 would normally require WEC to submit to the NRC a written statement of explanation, we recognize that this violation has been corrected and WEC has taken steps to preclude recurrence, as discussed herein. Therefore, no response with respect to this Notice of Violation is required. The adequacy of WEC's corrective actions will be reviewed during a future inspection. The response concerning your corrective actions with regard to the accuracy and completeness of information is requested within 30 days of the date of this letter.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be placed in the NRC Public Document Room.

Sincerely,

Roy P. Zimmerman

Roy P. Zimmerman, Deputy Director
Division of Reactor Inspection
and Licensee Performance
Office of Nuclear Reactor Regulation

Enclosure:
Notice of Violation