

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

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October 4, 1982

Mr. William J. Dircks
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Dircks:

My purpose in writing is to seek the cooperation of your staff in a matter concerning the January 25, 1982, forced outage at the Ginna nuclear facility operated by the Rochester Gas & Electric Corporation (RG&E) due to a tube failure in the plant's steam generator.

The New York State Public Service Commission (PSC) has instituted a proceeding to investigate the causes of this outage and to determine whether replacement fuel costs incurred by the utility as a result of this outage should be passed on to consumers. As a prelude to this proceeding, the Department of Public Service (DPS) staff submitted a report to the PSC on the Ginna outage. The statement and conclusions contained in this report are the focal point of the current proceeding.

The DPS report in itself relies in large part upon the NRC report, NUREG 0916. More importantly, several statements in the DPS report are based upon DPS staff discussions with NRC staff (Mr. James Lyons of your office and Mr. Roy Zimmerman of the NRC's Region I office). The Administrative Law Judge in the PSC proceeding has requested that the accuracy the conclusions attributed to the NRC staff be verified.

Enclosed is a copy of the DPS report. Also enclosed is a copy of a DPS response to a Consumer Protection Board information request regarding the DPS characterization of the views of Messrs. Lyons and Zimmerman. I request that Mr. Lyons review these documents and prepare an affidavit attesting to the accuracy of the representations of his conclusions that they

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William J. Dircks

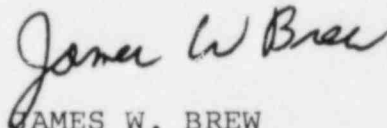
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contain, or noting any statements that are incorrect and require modification. A similar affidavit will be sought from Mr. Zimmerman as well, although I understand that arrangements for his statement will have to be made through the regional office. Hopefully, the submission of these affidavits will obviate the need for formal appearances by any NRC personnel in the PSC proceeding.

Please note that DPS staff must submit testimony in the PSC proceeding on October 22, 1982. I hope to present the requested affidavits with that testimony. Please call me at (518) 474-4535 after you have reviewed the enclosed documents so that we may discuss the arrangement I have proposed. Thank you for your cooperation in this matter.

Very truly yours,



JAMES W. BREW
Staff Counsel

Encs.

cc: Mitzi Young, Esq.

INTERROGATORY #1

With regard to page 11 of the report, who at the NRC told DPS staff that "The NRC did not believe that RG&E's prior practices were inadequate based upon the information and circumstances existing at the time of the accident"? To what prior practices does this statement refer? Please provide the names and titles of any NRC personnel who provided such an indication to DPS staff plus copies of any written materials or transcriptions of oral conversation in which such an indication was given. Please provide the approximate date upon which the indication was given. Please indicate whether this is an official NRC position or determination or a personal view on the part of NRC staff personnel.

RESPONSE

Staff's statement that "the NRC did not believe that RG&E's prior practices were inadequate based upon the information and circumstances existing at the time of the accident" is based upon numerous telephone conversations between the DPS and NRC staffs. Conversations were held, primarily with Roy Zimmerman (NRC-Resident Inspector - Ginna) and Jim Lyons (NRC - Operating Reactors Project Manager for Ginna), at various times in February, March, April and May of 1982. Mr. Lyons was responsible for the NRC review of the Ginna repair program and the development of NUREG 0916, the report which identifies the "deficiencies" concerning RG&E's removal of the downcomer resistance rings. Mr. Lyons, in consultation with NRC management, outlined areas for NRC review, made assignments for individual areas of study by other NRC technical staff, received input from these staff members, and edited and developed NUREG 0916.

Mr. Zimmerman was assigned the task of completing and submitting to Mr. Lyons a response to an NRC Task Interface Agreement (TIA) form regarding the quality assurance aspects of both the 1975 and 1982 repairs. That TIA identified three action steps that the Washington Office wanted Region I to complete, namely; 1) review the 1975 steam generator modification quality control procedures; 2) evaluate the adequacy of current steam generator maintenance procedures in terms of eliminating any identified problems; and, 3) prepare input for the Ginna restart Safety Evaluation Report and transmit to Mr. Jim Lyons.

Many of the conversations between Staff and Messrs. Zimmerman and Lyons were for the purpose of understanding the NRC's point-of-view or basis for finding these deficiencies. In our discussions, these gentlemen (and other members of the NRC's Quality Assurance Branch) indicated that they did not view RG&E's quality assurance program, including housekeeping practices, to be inadequate, either at the present time or in the past. The purpose of the NRC review and their point-of-view, noted above, should be closely considered when analyzing their reports.

No transcriptions of these telephone conversations were made.

The "prior practices" quoted from page 11 of Staff's report refers to RG&E practices in 1975.

In these discussions and meetings, the NRC staff personnel gave Staff their expert technical opinions; not official NRC rulings. NRC staff reports NUREG 0909 and 0916 were, however, accepted by the NRC and serve as the basis for an official NRC ruling. The fact that RG&E was not cited by the NRC, as is usually the case when a nuclear

plant does not meet NRC standards leads Staff to conclude that the official NRC view comports with those technical opinions.

INTERROGATORY # 2

With regard to page 11 of the report, who at the NRC told DPS staff that "the purpose of this assessment was to point out that RG&E had improved its practices"? Please provide the names and titles of any NRC staff personnel who made such a statement or gave such an indication to DPS staff. Please provide copies of any written materials or transcriptions of oral conversations in which such a statement was made or indication given. Please identify whether this is an official NRC position or determination or a personal view on the part of NRC staff personnel.

RESPONSE

Messrs. Lyons and Zimmerman of the NRC explained to DPS staff that the purpose of their review of quality assurance and maintenance work was primarily to ensure that RG&E would take adequate precautions to eliminate the possibility of introducing foreign objects into the steam generators during 1982 repair and modification work. In conducting its review the NRC examined the 1975 quality assurance and maintenance practices, then compared the two methods. They concluded that the 1982 methods were improved over the 1975 methods.

As noted in the response to question #1, no transcriptions of these conversations were made. The answers to the remainder of this question are the same as in response #1.

INTERROGATORY #4

With regard to page 11 of the report, did DPS Staff ask RG&E whether the company had performed a post-maintenance accountability inspection of the removed resistance plates to ensure all pieces were accounted for? If not, why not? If yes, please explain RG&E's response. Did DPS Staff discuss this criticism with NRC or ask for further explanation or substantiating evidence? If yes, please provide any material provided by NRC and explain NRC's response.

RESPONSE

Yes, Staff discussed this matter with RG&E personnel.

The company explained that the process of removing the downcomer flow resistance ring was carefully preplanned. This planning involved consultation with Westinghouse, developing written procedures, training personnel and establishing routine quality control surveillance. The procedure called for blanketing the area and using catch troughs to collect foreign objects. The flow resistance rings that were removed were radioactive and upon removal from the steam generator were bagged in plastic and removed from the work area and the site as radioactive waste. No subsequent accountability inspection was performed because the company believed that it had taken the adequate precautions necessary to preclude the introduction of foreign objects. Staff's discussions with the NRC are described in responses #1 and #2. No additional materials were requested of the NRC.

INTERROGATORY #5

With regard to page 11 of the report, did DPS Staff ask RG&E whether the company had inspected and ensured that the blanket material was properly sealed prior to the initiation of work on the removal of the downcomer flow resistance plate? If not, why not? If yes, please provide RG&E's response. Did DPS discuss this criticism with NRC or ask for further explanation or substantiating evidence or materials? If yes, please provide any material provided by NRC and explain NRC's response.

RESPONSE

Staff's discussions with RG&E on this matter were the same as those described in the answer to interrogatory #3. Staff discussed this item with the NRC in order to determine the basis for their identification of the company's deficiency. The NRC found that RG&E's procedure did not independently document quality control inspections aimed to ensure that the blanket material was properly sealed prior to the initiation of work. The NRC found no surveillance reports which documented that the seal was inspected. The procedure did, however, document that personnel performing the work properly installed the blanket prior to cutting operations. NRC's criticism went to the fact that the quality control inspector did not make an independent record of his observations of the work being done.

Attached for your information is a copy of the downcomer flow resistance ring removal procedure.

INTERROGATORY #6

With regard to page 11 of the report, did DPS Staff ask RG&E to respond to the NRC criticism that the company had failed to provide a mechanical barrier to catch dropped material of a sufficient design to compensate for the poor blanket seal? If not, why not? If yes, please explain RG&E's response. Did DPS Staff discuss this criticism with NRC or ask for further explanation or substantiating evidence or materials? If yes, please provide any material provided by NRC and explain NRC's response.

RESPONSE

Staff's discussions with RG&E concerning the NRC's criticisms are described in the response to Interrogatory #3. Staff's discussions with the NRC concerning these criticisms are discussed in the response to Interrogatories #1 and #2.

INTERROGATORY #7

Did DPS Staff ask RG&E to respond to the NRC criticism that the company had failed to perform an adequate inspection of the steam generator secondary side to assure identification and retrieval of all foreign material? If not, why not? If yes, please explain RG&E's response. Did DPS Staff discuss this criticism with NRC or ask for further explanation or substantiating evidence or materials? If yes, please provide any material provided by NRC and explain NRC's response.

RESPONSE

Staff did not specifically ask RG&E to respond to this NRC noted "deficiency". As noted previously, the NRC report compares the quality control methods and practices used in 1982 with those used in 1975 but does not cite the company for violating any standards applicable in 1975.

Staff has discussed visual secondary side inspections with RG&E and the NRC. Certainly, the extensive video camera and fiber optic inspections performed by the company in 1982 were a marked improvement to the lack of secondary side visual inspection in 1975. However, neither PSC Staff, the NRC nor the company is aware of whether the inspection technology used in 1982 was available in 1975. If it was, it was not used by either RG&E or the industry in general for secondary side steam generator inspections.

The NRC is developing requirements for steam generator secondary side video inspections, but no such requirements are currently effective.

Staff did not request additional supporting evidence from the NRC.

INTERROGATORY #8

With regard to the statement on page 12 of the report that "The NRC's quality assurance concerns which existed in 1975 were generally implemented in a manner consistent with NRC and industry philosophy at that time." How did DPS staff learn what the "industry practice" was "at that time"? Please provide the names, titles, addresses and telephone numbers of all individuals to whom DPS staff spoke to learn the "industry practice at that time." Provide copies of any materials identifying the "industry practice" in 1975 of which DPS staff has possession and the titles of any other such materials of which DPS staff does not have possession.

RESPONSE

Staff's knowledge of industry practice in 1975 is based upon first hand experience in the field of nuclear power at the time. The Consumer Protection Board may wish to review such items as the 1974 American Society of Mechanical Engineers - Boilers and Pressure Vessel Code with its subsequent Addenda; the 1974 through 1982 copies of 10 CFR Parts 0 through 199; copies of NRC Regulatory Guides (formerly AEC Regulatory Guides) in effect at the time; correspondence between the NRC and various utilities regarding issues of quality assurance at that time; or what is known as the NRC rainbow books on quality assurance. Staff has a copy of the Brown Book in which the NRC outlined its position as of October 26, 1973.

Staff confirmed its opinions concerning industry practice with the NRC personnel previously referenced.

These documents are very voluminous, and it is not practical to provide copies of all of this material. Staff will, however, make these documents available for review as we have in the past.