

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
OF DEFENSE
OPERATIONS & SERVICE
1311 CH

emp

In the Matter of)

CLEVELAND ELECTRIC ILLUMINATING)
COMPANY, et al.)

(Perry Nuclear Power Plant,)
Units 1 and 2))

Docket Nos. 50-440
50-441
(OL)

SUNFLOWER ALLIANCE et al. THIRD SET OF INTERROGATORIES
(WITH REQUESTS FOR PRODUCTION OF DOCUMENTS) TO NRC STAFF

These interrogatories (Third Set) are filed by Sunflower Alliance Inc., et al., pursuant to the previous orders of the Atomic Safety and Licensing Board and pursuant to 10 CFR 2.740 b. These interrogatories are directed to the NRC Staff and pertain to Issue #3 which is admitted in this proceeding.

It is required that each interrogatory be answered separately and fully in writing under oath or affirmation, within 14 days of service. These interrogatories shall be continuing in nature and the answers must be immediately supplemented or amended, as appropriate, should the Staff offer any new or differing information responsive to the interrogatories.

For purposes of these interrogatories the term "documents" means all records of every type in the possession, control, or custody of the Staff or of the Staff's attorneys, including, but not limited to, memoranda, correspondence, reports, surveys, tabulations, charts, books, pamphlets, photographs, maps, bulletins, minutes, notes, speeches, articles, transcripts, voice recordings, and all other writings, recordings or video tapes of any kind. "Documents" shall also mean copies of documents even though the originals thereof are not in the possession, custody, or control of the Staff.

For purposes of these interrogatories, a document shall be deemed to be within the "control" of the Staff or Staff's attorneys if they have ownership, possession, or custody of the document or copy thereof from any person or public or private entity having physical possession thereof.

When identification of a document is requested, briefly describe the document, i.e., letter, memorandum, book, pamphlet, etc., and state the following information as applicable to the particular document: name, title, number, author, date of publication and

publisher, addresses, date written or approved, and the name and address of the person(s) having possession of the document.

Statement of Purpose: The following interrogatories deal with Issue #3 which has been admitted into this proceeding. The purpose of the interrogatories is to discover information which will show that Applicants have an inadequate QA program that has caused or is causing unsafe construction at the Perry plant.

1. Produce the SALP reports issued in 1980 and 1982 concerning the Perry Nuclear Power Plant, and produce also any notes, memoranda, or correspondence upon which the reports were based.
2. Produce the findings (and any notes, memoranda, or correspondence) made by the NRC Special Assessment Team for Region III in their recent inspection of Perry.
3. Is it the NRC's practice to make unannounced inspections at nuclear facilities? List every unannounced inspection made at the Perry site, and indicate whether the findings made then were any different from those made during announced inspections.
4. Has the NRC ever requested of Applicants the information detailed in 10 CFR 50.54(f)? If so, produce all such requests and Applicants' responses.
5. What type of action or response does the NRC require of applicants/licensees for each of the following: IE Bulletins; IE Circulars; IE Information Notices.
6. Does the NRC consider Applicants' methods of evaluating and responding to the 3 IE publications above to be adequate? Outline any deficiencies.
7. Explain why, since 1981, very few IE Bulletins and Circulars

were issued and most items of interest are now distributed through Information Notices.

8. Does the Staff consider repaired welds and patched concrete to be as good as if the work were done properly the first time? Explain why or why not.
9. Describe in detail the Staff's procedures for closing out open items identified in inspection reports, e.g., non-compliances and resolved items. Does the NRC rely on the Applicants' assessment, or are actual inspections made by the NRC to ensure the proper resolution of the problem?
10. To what extent is engineering judgement used in NRC inspections and in the closing out of open items? Upon what is this judgement based?
11. Approximately how much actual construction work is seen by NRC inspectors? How much of the inspector's time is spent in paperwork review?
12. To what extent is the NRC's inspection program based on voluntary reporting of violations by the applicant/contractor?
13. To what extent is the NRC's inspection program based on allegations made by workers at nuclear sites?
14. For every NRC inspector who has been at PNPP, provide:
 - (a) name and business address and phone number
 - (b) education, experience, and professional qualifications.
 - (c) date when the inspector was first employed by the NRC, and if employment was terminated, indicate why.
15. Produce any trend analyses performed by the NRC concerning QA performance at PNPP.
16. List all violations identified at PNPP, from the inception

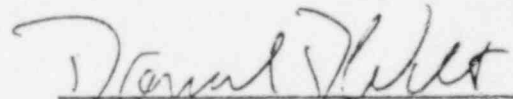
- of construction to the present, and list their severity and specific section of Appendix B to 10 CFR Part 50 with which Applicants were in non-compliance.
17. Has any monetary penalty ever been imposed on Applicants for QA violations at PNPP? If so, provide all details.
 18. Is Applicants' QA program approved by the NRC? Explain how the NRC evaluated the QA program. Describe any deficiencies which the NRC has identified in Applicants' construction QA program.
 18. For problems not identified with the 1978 work stoppage, was any work redone at PNPP? If so, provide complete details, including date, specific location in the plant, relevant inspection reports and other documents, reason for redoing the work, and evidence of the satisfactory completion of the work.
 19. In the Staff's response to Sunflower's Interrogatory 6 (First Set) it is stated that, as a result of the 1978 work stoppage, no structural or erection work was redone at the plant. What, if any, other type of work was redone?
 20. Set forth the number of times (other than those associated with the 1978 work stoppage) the NRC has received complaints or allegations from employees of Applicants or their contractors concerning a failure of the Perry QA program. For each such occurrence, state:
 - (a) date of the complaint or allegation
 - (b) nature of complaint and specific area of construction involved
 - (c) NRC response to the complaint.

21. Is the NRC aware of any Perry plant worker who was or may have been fired because of making allegations to the NRC, news media, or any other person or entity? If so, provide all details.
22. Is the NRC aware of any instances of harassment or intimidation of inspectors at Perry? If so, list every such incident and provide all details.
23. Is the NRC aware of instances of drug and/or alcohol use or abuse by workers on the Perry site? If so, provide all details. What procedures should be implemented by Applicants to avoid such problems? Have Applicants done so?
24. List every act of vandalism known to the NRC directed at the PNPP structure of components thereof. Does the NRC have any measures Applicants should implement to avoid such incidents? If so, have Applicants done so?
25. Does the NRC consider PNPP to be subject to State and local fire and building codes? If not, why not?
26. List all local, State, federal or independent agencies or organizations having jurisdiction or authority over the construction activities at PNPP. Do such organizations routinely communicate with the NRC concerning possible QA problems at Perry? If so, detail all such communication, giving also the NRC's response.
27. What inspection programs exist for the NRC inspection of non-safety related equipment at nuclear facilities?
28. Define "safety related". What criteria are used for classifying

- structures, equipment, or components as safety related or non-safety related? Who is responsible for this classification, the NRC or Applicants?
29. One of the criticisms made by the Technical Staff Analysis Report on Quality Assurance to the President's Commission on the Accident at Three Mile Island is that "safety related" is too narrow a classification and that quality control for non-safety related equipment is inadequate. Does the NRC agree? If not, why not? What improvements have been made in this situation by the NRC since the Report was issued?
30. Define specifically the influence of cost and scheduling considerations on the NRC's inspection program. I.e., are decisions to cite applicants/licensees influenced in any way by the utility's financial situation or impending schedules, or are NRC inspections ever curtailed due to lack of time or allocated funds by the NRC?
31. NRC Chairman Palladino has stated that quality must be built into a plant and cannot be inspected in. Explain how the NRC's inspection program meets this goal.
32. List all items (unresolved, non-compliance, responses to IE Bulletins, Circulars, or Information Notices, and occurrences reportable under 10 CFR Part 21 or 10 CFR 50.55(e)) concerning the Perry plant or any subpart thereof which still have open status. Provide the following information:
- (a) when the item was identified
 - (b) nature of the item, system of the plant affected, and location in the plant


- (c) Applicants' efforts to correct the situation
- (d) why the item is still open.
33. Are there any QA problems or violations which seem repetitive at Perry? If so, describe these.
34. Are there any contractors/subcontractors at Perry which have a continuing history of QA deficiencies? If so, provide all details.
35. List all documents relied upon in preparing these responses, and list all persons responsible for these responses.

Respectfully submitted,


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PROOF OF SERVICE

This is to certify that a copy of this Third Set of Interrogatories has been sent to all persons on the Service List on this 30 day of September, 1982.


Daniel D. Wilt, Esq.
Attorney for Sunflower Alliance