



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS  
WASHINGTON, D. C. 20555

May 16, 1979

Max W. Carbon  
ACRS Chairman

M. Bender  
Subcommittee Chairman, Zimmer Nuclear Power Station

NUCLEAR POWER PLANT STAFFING, ZIMMER NUCLEAR POWER STATION - APPARENT  
FALSE STATEMENT

The attached indicates that during the course of the ACRS review of the Zimmer Station, the Committee was provided incorrect information regarding the backup to be provided operating, maintenance and other key supervisory personnel. In view of the importance attached to operator, etc. competence with respect to nuclear plant safety, it appears that this matter warrants reexamination by the Committee to determine if the plant staffing at Zimmer is considered adequate.

I will schedule discussion of this matter during the 230th ACRS meeting to discuss a specific course of action regarding this matter.

  
R. F. Fraley  
Executive Director

Attachments:

1. Memo for J. G. Keppler, Region III, from D. Thompson, I&E dtd. 5/2/79, Subject: Apparent False Statements by Applicant at Zimmer ACRS Subcommittee Meeting (AITS F30488H6), w/enclosures
2. Transcript of ACRS 227th Mtg., Pg. 118-125

cc: R. Savio. w/o atts.  
H. H. E. Plaine, w/att.  
Remaining ACRS members, w/att.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

MAY 02 1979

MEMORANDUM FOR: James G. Keppler, Director, RIII

FROM: Dudley Thompson, Executive Officer for Operations Support, IE

SUBJECT: APPARENT FALSE STATEMENTS BY APPLICANT AT ZIMMER ACRS SUBCOMMITTEE MEETING (AITS F30488H6)

In your memorandum of April 10, 1979, (enclosed) you advised IE:HQ that the Zimmer station superintendent had apparently provided false or erroneous information to the NRC - initially to an ACRS Subcommittee meeting on February 27, 1979, and subsequently to an ACRS Full Committee meeting on March 9, 1979. We understand that an NRC inspector was present during both ACRS meetings and that transcripts of both proceedings are available to you. We also understand that the station superintendent, Zimmer Nuclear Power Station, when interviewed during an inspection in early March 1979, admitted that the information provided the ACRS Subcommittee was untrue, indicated that it would be corrected at the Full Committee meeting, but failed to do so.

The foregoing was discussed with Mr. Charles A. Barth, Attorney, Hearing Division, ELD on April 30, 1979 who has been involved with the licensing hearings regarding Zimmer. Mr. Barth feels that an investigation of this matter is clearly warranted. Barth pointed out that not only does it raise some question regarding the accuracy of information provided NRC by the applicant, but that the issue involved - the general topic of operator qualification - is of particular interest to the NRC. He further recommended that ASLB, ACRS and NRR be advised both of the content of your memorandum and receive copies of your report of investigation. This matter was also discussed with Mr. Roger Fortuna, OIA, on April 30, 1979, who indicated that his Office would review your report for possible evidence of criminality such as violation of 18 USC 1001.

We share Mr. Barth's opinion and recommend that RIII conduct a full investigation of this matter. Signed statements should be obtained from the NRC inspectors who attended the ACRS meetings and those who interviewed the station superintendent during the inspection where his ACRS testimony was discussed. The interview of the station superintendent should, if possible, result in a written statement from him describing both his reason and motivation for making the

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James G. Keppler

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MAY 02 1979

statement. Upon completion of your investigation, we will take care of providing copies of your report to interested offices at Headquarters.

The above information was discussed with Chuck Norelius on May 1, 1979. Please feel free to contact either Bill Ward or Pete Baci of my staff if you need any additional information.

  
Dudley Thompson  
Executive Officer for  
Operations Support, IE

Enclosure:  
Memo JGKeppler to DThompson  
dtd 4/10/79

cc w/enclosure:  
C. A. Barth, ELD  
R. A. Fortuna, OIA  
G. R. Klingler, ROI  
N. C. Moseley, ROI  
H. D. Thornburg, RCI  
J. R. Yore, ASLB  
M. W. Carbon, ACRS  
H. R. Denton, NRR



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION III  
789 ROOSEVELT ROAD  
GLEN ELLYN, ILLINOIS 60137

April 10, 1979

MEMORANDUM FOR: Dudley Thompson, Executive Officer for Operations  
Support, IE

FROM: James G. Keppler, Director

SUBJECT: ERRONEOUS STATEMENTS PROVIDED BY APPLICANT  
AT ZIMMER ACRS SUBCOMMITTEE MEETING (AITS F30488H6)

Enclosed for your information and action is a summary statement relative to erroneous information provided by Cincinnati Gas and Electric Company to the ACRS during an ACRS Subcommittee Meeting on February 27, 1979. As we view it, the following points are pertinent:

1. The applicant clearly made false statements to the ACRS Subcommittee. After agreeing with NRC inspectors that this information was incorrect, the applicant failed to correct the false information during the subsequent ACRS Full Committee Meeting after indicating he would do so.
2. ACRS meetings do not involve sworn or notarized testimony. While we consider misleading the ACRS to be a matter of serious concern, we question our enforcement capabilities in this regard.
3. The applicant is meeting the minimum staffing requirements outlined in ANSI 18.1. The misinformation relates to commitments over and above these minimum staffing requirements.

Consistent with the above, we have the following recommendations and questions:

1. ELD, ASLB and ACRS should be informed of this matter (NRR was informed prior to the ACRS Full Committee Meeting).
2. An evaluation should be made as to whether this misinformation constitutes "material false statements."

~~7/12/90~~  
PDR

Dudley Thompson

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4/10/79

3. We have not pursued with licensee management why they did not clarify the misinformation at the Full Committee Meeting. Should we confront management as to why the false statements weren't corrected? Should we conduct an official investigation including signed statements?

If you desire further information relative to this matter, please contact me.

*Charles G. Moseley*

for James G. Keppler  
Director

Enclosure:  
As stated

cc w/encl:  
N. C. Moseley, IE  
H. D. Thornburg, IE

STATEMENT OF FACTS REGARDING ERRONEOUS INFORMATION  
GIVEN BY APPLICANT AT ZIMMER ACRS SUBCOMMITTEE MEETING

The Advisory Committee on Reactor Safeguards (ACRS) held a subcommittee meeting on February 27, 1979 to review the application of the Cincinnati Gas and Electric Company (CG&E) for a license to operate the Wm. H. Zimmer Nuclear Power Station, Unit 1. During the course of this meeting, the Station Superintendent, in response to questions from the ACRS, provided information on the capability of the utility to provide adequate back-up personnel for key positions in the event of a resignation, prolonged illness, etc.

It was stated that CG&E is now developing the back-up capability within the staff by designating alternate members of their station technical staff to act as backup to maintenance, operations, and other key second-line supervisory positions. This was being done to avoid a situation similar to one they had recently experienced --- loss of the maintenance supervisor who they have had difficulty replacing. According to CG&E, these designated personnel would have the same training as the primary personnel, but not necessarily the immediate experience. Individuals are assigned on a one-to-one relationship as a second-line assistant to the principal, with no other function. The applicant noted that, while this capability is being provided, they had not committed to these actions with the NRC staff.

In the course of reviewing the applicant's program for Preoperational Testing, NRC inspectors had expressed concerns regarding the adequacy of station staffing and, because of these concerns, have followed the status of station staffing closely over the past year. The applicant's statements at the ACRS Subcommittee Meeting appeared to be contrary to our knowledge of the station staffing.

As a result of these apparent contradictions, these statements were discussed with the Station Superintendent during an inspection the week following the ACRS Subcommittee Meeting. The station superintendent stated that there was presently no formal staff contingency plan as described at the Subcommittee Meeting. The station superintendent stated that he would discuss clarification of these statements with his management prior to the ACRS Full Committee Meeting. At the Full Committee Meeting on March 9, 1979, however, the applicant provided no clarification of his earlier statements with regard to staffing.

1 advantage of the statistical nature of the load.

2 MR. CATTON: That was my earlier understanding.  
3 I was just confused momentarily.

4 MR. BENDER: Fine.

5 I think we have probably gotten about as far as  
6 we can.

7 Are there other questions on the Mark II that  
8 anyone wants to raise?

9 Milt?

10 DR. PLESSET: No.

11 MR. BENDER: For the purpose, Jim, of getting  
12 through the agenda and being sure some points are covered  
13 that we are interested in, could we get you to respond  
14 briefly to the times that are listed as general discussion  
15 to be included in Presentations A through F, on page 2 of  
16 the agenda?

17 MR. FLYNN: Yes, sir. The first item is  
18 arrangements for firefighting personnel. We will address  
19 this with Mr. Jim Schott.

20 MR. SCHOTT: James Schott, Cincinnati Gas &  
21 Electric.

22 We have included in our emergency planning  
23 provisions, arrangements with, first of all, the Washington  
24 Township Volunteer Fire Department, as the primary  
25 responding group who would come to the plant, if requested,

bw 1 for any particular fire that we would not have on-site  
2 capability.

3 As I point out, this is a volunteer fire group,  
4 and they are approximately no more than five minutes from  
5 the plant.

6 They could respond in five minutes or less with at  
7 least five people. And they are adequately equipped and  
8 we have personally investigated and found that they are an  
9 adequately equipped volunteer fire group to respond in case  
10 of a contingency.

11 Backing up the Washington Township group is  
12 the New Richmond Fire Department, which is about, I'd say,  
13 10 to 12 minutes away.

14 They have mutual aid agreements with the  
15 Washington Township group that would provide the necessary  
16 back-up capability in case additional manpower or equipment  
17 was required, or if some other event would take place that  
18 would require back-up capability in the Washington Township  
19 jurisdiction.

20 MR. BENDER: New Richmond is also a volunteer  
21 group?

22 MR. SCHOTT: That's correct, sir.

23 MR. BENDER: Thank you. Can we go to the next  
24 item?

25 MR. FLYNN: Status of Applicant's requirements of



bw 1 operating personnel is also Jim Schott.

2 MR. SCHOTT: I believe we touched on that this  
3 morning briefly. We have a maintenance engineer reporting  
4 March 5. We have secured the services of an additional man  
5 with the necessary credentials to back up our reactor  
6 engineer. He's been on-site now for four months.

7 We are in the process of recruiting several  
8 additional staff members. But the basic staffing issues  
9 we believe we have adequately addressed.

10 MR. BENDER: In the event, you should run into  
11 the kind of circumstances that occurred recently, in which  
12 you lost a man that you had on the payroll for several  
13 months, it looks to me like you always have the prospect  
14 that you may be without adequate supervision, because of  
15 the lack of depth in the organization.

16 What contingency plans have you got?

17 MR. SCHOTT: At this point in time — I don't  
18 think this thing is working.

19 MR. BENDER: Why don't you come up to the podium.  
20 That will work.

21 MR. SCHOTT: We are addressing that situation  
22 by designating alternate members of our technical staff to  
23 act as back-up to maintenance, back up to operations or  
24 back-up to whatever second line supervisory position you  
25 might select in an effort to avoid a situation like we have

bw 1 Just experienced.

2 MR. BENDER: Will those people have the same  
3 training as the person you have designated to be —

4 MR. SCHOTT: Yes, sir, that is a commitment we  
5 have made. They will not have the immediate experience that  
6 the primary people have, but they will be accumulating  
7 experience such that if someone would resign, or other  
8 reasons, we would be able to adequately staff the plant.

9 MR. BENDER: Can you rely on getting advice and  
10 assistance from other organizations, if worse came to worst?

11 MR. SCHOTT: Well, we have to have that capability.  
12 But we also have individuals on the plant staff that can  
13 function adequately in more than one area of expertise.

14 MR. BENDER: I understand that kind of statement.  
15 But my own observation is that the depth of knowledge that  
16 a guy can have when he's not doing things every day is not  
17 likely to be nearly enough to deal with the complexity of  
18 the problems that you might have in a — when you really need  
19 maintenance work done in large quantities and your maintenance  
20 engineer was incapacitated for some reason or other. It  
21 seems to me you ought to make arrangements to have access  
22 to other resources in some way other than just to say you  
23 will take some other member of the staff and have him take  
24 over.

25 MR. SCHOTT: Well, what I mentioned before a few

1 moments ago was that we are now developing the back-up  
2 capability within the staff. Those individuals on one-to-one  
3 relationship as more or less second-line assistants to the  
4 principals.

5 In that manner, we believe that there is sufficient  
6 capability.

7 MR. BENDER: But that guy has another job as well  
8 as being the backup; is that right?

9 MR. SCHOTT: No, sir. Not necessarily, no sir.  
10 That isn't what we had in mind. In other words, if there is  
11 a staff member who is assigned as assistant to the maintenance  
12 supervisor, that is his function, and he would act as an  
13 assistant maintenance supervisor.

14 MR. BENDER: Have you made that commitment to the  
15 staff, that you will have a maintenance supervisor and an  
16 assistant to the supervisor full time?

17 MR. SCHOTT: No, sir, we have not.

18 MR. BENDER: Well, what are you telling me, that  
19 you are thinking about doing it, or that you are going  
20 to do it?

21 MR. SCHOTT: We are going to do it, but we have not  
22 made that commitment to the Regulatory Staff, because it is  
23 a difficult situation you find yourself in sometimes.

24 If the backup leaves, then what do you do?  
25 It's nothing different than we do in our fossil fuel plants.

1.3

bw 1

MR. BENDER: I understand that, but you have a number of fossil fuel plants.

2  
3 You have got a lot o experience. You have got one  
4 nuclear plant with which you have limited experience. And  
5 the back-up does seem to be a little weak.

6 That's all I am saying. All I am saying is tuat  
7 if you can find other utilities that will be willing to  
8 give you a helping hand, it seems to me that most of us  
9 would feel a little bit more comfortable, even though we  
10 know you are committed to doing the job right.

11 We are not questioning that aspect of it.

12 But circumstances sometimes can put you in a  
13 situation where you don't have access to all the people you'd  
14 like to have.

15 And an organization with limited depth always  
16 has to keep that in mind.

17 MR. SCHOTT: We understand, sir.

18 MR. BENDER: Let's go to the next item.

19 MR. FLYNN: The next item is also a Jim Schott  
20 item. Mechanisms established for obtaining information on  
21 and utilizing industry experience.

22 MR. SCHOTT: There are several mechanisms that  
23 we presently utilize.

24 First, not necessary in any priority order, but  
25 we receive wht is called service information letters from

1 the vendor, General Electric, that addresses many items  
2 that occur as a matter of experience from their operating  
3 plants. And we incorporate those items as required either  
4 in our procedures, or, if a plant modification is suggested,  
5 why, appropriate engineering is given to that and a decision  
6 is made as to whether it would be or not be incorporated  
7 in our plant.

8 We receive information naturally from the  
9 Enforcement and Inspection Branch of the NRC, and we, as a  
10 matter of routine, incorporate those on our stationery  
11 review board agenda for discussion and appropriate action.

12 We receive copies of all of the incident reports  
13 from all utilities that are routinely filed with the  
14 Edison Electric Institute, and we utilize the experience,  
15 and sometimes the malfunctions or whatever cause the incident,  
16 in making suggestions to our engineering group or  
17 modifications to our procedural controls.

18 We also are members of the Edison Electric  
19 Institute, where periodic meetings are held at the minimum  
20 of three times per year.

21 And we are members of that group and actively  
22 participate in information exchange.

23 Those are just four of the samples that we use  
24 on a formal basis.

25 And then on a -- I would consider it an informal

bw 1 basis, why, we are in communication with sister plants at  
2 personnel levels. For example, maintenance engineers call  
3 and talk to other maintenance engineers, and so forth.

4 MR. BENDER: Are you participating in the NPRDS  
5 system?

6 MR. SCHOTT: Yes, sir, we are just about finished  
7 now with the accumulation of all the NPRSD baseline  
8 information. And we are about ready to submit that to  
9 Southwest.

10 MR. BENDER: Okay.

11 MR. FLYNN: The next item, method for making  
12 foundation settlement methods will be discussed by John  
13 Herman.

14 MR. HERMAN: We have got 22 settlement points  
15 at the Zimmer Station where we monitor the settlements.  
16 These are monitored on a three-month basis, and they  
17 started in October of 1975.

18 Now, the settlement of these 22 points are shown,  
19 and the settlements, about 90 percent of what we predicted.

20 The settlement on most these points have just  
21 about ceased.

22 The differential settlement, that is the settlement  
23 across the reactor going between the two adjacent points that  
24 we are measuring, is also within the limits of the  
25 differential settlement that was predicted in the FSAR.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
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WASHINGTON, D. C. 20555

June 19, 1979

MEMORANDUM TO: Lee V. Gossick  
Executive Director for Operations

FROM: R. F. Fraley, Executive Director, ACRS

SUBJECT: REQUESTS, AGREEMENTS AND COMMITMENTS DURING 230TH  
ACRS MEETING - JUNE 14-16, 1979

During the 230th ACRS Meeting the Committee reached the following decisions and conclusions regarding several matters related to ACRS activities as noted below:

Millstone Nuclear Power Station Unit 2 - Power Level Increase

The Committee concluded that it would not object to the NRC Staff plan to license the Millstone Station Unit 2 to operate at a power of 2700 Mwt.

Sequoyah Nuclear Plant - Operating License

The ACRS deferred completion of its review of the OL application for Sequoyah until the NRC Staff has completed its review of the implications of the TMI-2 accident as they relate to the Sequoyah application and has reported its findings and intentions to the ACRS in a specific or generic manner.

In order to avoid unnecessary and/or unproductive administrative delays in the consideration of this application, the ACRS is willing to consider licensing actions to permit fuel loading and low-power testing at this facility to an extent that will not preclude those modifications to the plant that may be considered necessary by the NRC or the ACRS.

Palo Verde Nuclear Generating Station Units 4 and 5 - Construction Permit

The ACRS deferred completion of its review of the CP application for Palo Verde Units 4 and 5 until the NRC Staff has completed its review of the implications of the TMI-2 accident as they may affect the design of these plants and has reported its findings and its intentions to the ACRS.

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2. 7912190362

Nuclear plants on which the ACRS has already reported on OL applications but the OL has not yet been issued

The Committee expects that the NRC Staff will keep it informed regarding the additional requirements arising from consideration of the TMI-2 accident to be imposed on those plants for which the ACRS has already reported to the Commission on OL applications but for which the OL has not yet been issued. The information supplied to the ACRS may be provided either case-by-case or in generic form, as appropriate. The ACRS expects to review this information and any actions proposed by the Staff and to report thereon to the Commission as considered appropriate by the Committee or as requested by the Commission.

Return to Operation of Three Mile Island Nuclear Station Unit 1

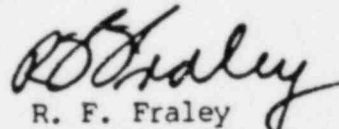
The Commission expects that the NRC Staff will keep it informed regarding the applicant's proposals and the Staff's intentions regarding the conditions that must be satisfied prior to the return to operation of TMI Unit 1. The ACRS expects to review this matter with special attention to the interactions between Unit 1 and the recovery operation at Unit 2. It is our understanding that this matter will be ready for Committee consideration during the August (232nd) meeting.

Bailly Nuclear Power Plant - Modified Piling Design

In response to a request from Dr. Hendrie dated June 8, 1979 (see attached) the Committee plans to consider this matter during its July (231st) meeting.

Zimmer Nuclear Station - Apparent false statement made during ACRS Subcommittee meeting

The Committee discussed the matter identified in the memo from James G. Keppler, Director, RIII to Dudley Thompson, I&E dated April 10, 1979 regarding apparent erroneous information provided to the ACRS during its review of the operating license application for the Zimmer Nuclear Station. The Committee requested that it be informed regarding the resolution of this matter.

  
R. F. Fraley  
Executive Director

Attachment: Ltr. frm. J. M. Hendrie, Chairman, NRC, to  
M. W. Carbon, Chairman, ACRS dtd. 6/8/79

cc:  
S. Chilk, SECY                      R. Mattson, NRR  
R. Baer, NRR                        V. Stello, I&E  
H. Denton, NRR                      D. Vassallo, NRC