

CONVERSATION RECORD

TIME

DATE

6-27-90

TYPE

VISIT

CONFERENCE

TELEPHONE

INCOMING

OUTGOING

ROUTING

NAME/SYMBOL

INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

RIV-90-A-0047

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO.

SUBJECT

COPY OF CPSS NCR TO SUPPORT BASIS FOR

ACTION AGAINST TUEC

SUMMARY

NRC CANNOT PROVIDE COPIES OF INTERNAL LICENSEE MEMORANDUM, LETTERS OR REPORTS. ADVISED CALLER THAT COPIES SHOULD BE REQUESTED FROM TH. CALLER CONCERNED THAT DOCUMENTS WOULD BE DESTROYED IF REQUESTED. CALLER MAY PURSUE LEGAL CHANNELS TO OBTAIN DOCUMENTS.

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

R. Wise

6-27-90

ACTION TAKEN

SIGNATURE

TITLE

DATE

H/S

50271-101

U.S.G.P.O. 1986-491-248/40023

CONVERSATION RECORD

OPTIONAL FORM 271 (12-75) DEPARTMENT OF DEFENSE

9101230343 900925  
PDR FOIA  
CONDIT90-294 PDR

possess a thickness between 0.129 and 0.147 inches. 11-gauge sheet metal is not addressed by this specification, but ranges from approximately from 0.114 inches to 0.132 inches thick.

The inspector interviewed the mechanical QC group supervisor who had responsibility for HVAC duct fabrication. He stated that sheet metal was procured in gauges 10, 12, 14, 16, and 18; but he had no knowledge of any 11-gauge sheet metal being procured. In light of this, it appears that the allegor was referring to sheet metal procured as 10-gauge, but which, due to fabrication errors, had a thickness that fell in the 11-gauge range. The mechanical QC group supervisor stated that all sheet metal used in safety-related applications was inspected by QC for thickness and that any deviations were documented on NCRs. Depending on the specific application, the NCR may have permitted the 11-gauge thick sheet metal to be used as is in a duct originally designed for 10-gauge. In this case, a calculation would support the use of the thinner material. It is possible that the allegor was referring to this scenario and didn't realize the engineering controls that were in effect. It is also possible that the allegor was referring to nonsafety ducting which did not receive QC inspection. In either case, the impact on plant safety is negligible.

The inspector reviewed Procedure CHV 101-2, "HVAC Shop Fabrication," Revision 2, which states the requirement to verify sheet metal thickness in accordance with Specification 2323-MS-85. Additionally, Procedure NQA 3.09-6.01, "Quality Control Inspection of Quality Related HVAC System," provides programmatic requirements for QC thickness measurements. The inspector reviewed inspection records pursuant to Work Requests 5077 and 13951 and noted that sheet metal thickness was verified by both construction and QC.

Based on the above information, this allegation is closed.

- b. (Closed) Allegations (OSP-89-A-0018, OSP-89-A-0082, and OSP-89-A-0085): All three allegations concerned the poor control over painters resulting in paint overspray on electrical insulation (Kapton in particular), and that the solvents used during painting would degrade the electrical insulation and the materials in the electrical penetrations.

The inspector reviewed the SAFETEAM files and determined that an adequate investigation had been performed in regard to the alleged use of paint and solvents in close proximity of electrical penetrations and cables.

#11

The inspector notes that the NRC site group has performed hundreds of hours of detailed inspections of electrical penetrations and electrical cabling since 1985. The licensee performed massive reinspections of electrical systems during CPRT, CAP, and PCHVP programs. Where individual discrepancies were found, they were addressed and corrected by NCRs. These inspections, by all parties, provide reasonable assurance that plant electrical systems and structures are adequate.

The licensee also performed a complete QC reinspection of all exposed Kapton electrical insulation in safety and nonsafety areas. Kapton was specifically inspected at the penetrations and tray splices. Some individual physical damage was identified and corrected, but no degradation due to paint or solvent was identified. For other discussions of Kapton, see NRC Inspection Reports 50-445/89-04; 50-446/89-04 and 50-445/89-84; 50-446/89-84.

An additional part of one allegation was that one of the concernees had refused to paint in a room until nearby penetrations were wrapped. The inspector interviewed the crew chief who performed the subsequent painting and was assured that all penetrations were covered as per procedure when he did the job. The inspector also notes that a subsequent room/area turnover inspection by a group of NRC inspectors did not turn up any examples of electrical penetration or wiring insulation damage.

The inspector notes that one of the concernees has allegations in regard to the use of respirators; the "right to know" law; and coating materials containing silica sand and asbestos. These concerns are not in the purview of the NRC and are being addressed by OSHA.

In summation, the inspector notes that there has been no indication of any degradation of electrical insulation (including Kapton) due to paint overspray, solvent fumes, or solvent application. Therefore, these three allegations are closed.

- c. (Closed) Allegation (OSP-89-A-0081): An allegation was received from an individual who was employed as a third-class fitter's helper for Brown & Root during 1982-1983. He alleges the following events took place while he worked under a general foreman; a foreman; and at different times, two journeyman pipe fitters:
- (1) In March 1983, he was involved with the cutting out of a 1" - 1 1/2" stainless steel pipe from the top of a tank, rotating the pipe 90 degrees, and reinstalling it without a traveler or QC coverage. The line had been

- c. (Closed) Violation (445/8859-V-01): FVM-89 walkdown discrepancies. This violation involved the failure of engineering personnel to properly identify and document actual conduit conditions while performing field verification method inspections. As previously noted in NRC Inspection Report 50-445/88-83; 50-446/88-79, the NRC inspector had requested further information regarding the applicant's addressing of the root cause of the violation. A supplemental response was issued by the applicant on February 15, 1989, by letter TXX-89055. The applicant also issued additional guidance to site management and supervisory personnel on February 28, 1989, by letter TSL-89-67. This letter emphasized the need to closely monitor the performance of individuals conducting work assignments outside of their normal disciplines. The above mentioned corrective actions appear adequate to preclude future reoccurrence; therefore, this item is closed.

4. Action on 10 CFR Part 50.55(e) Deficiencies Identified by the Applicant (92700)

- a. (Closed) Construction Deficiency (SDAR CP-86-10): "Electrical Penetration Assemblies." On February 14, 1986, the applicant verbally informed the NRC of a potentially reportable deficiency involving the electrical penetration assemblies (EPAs) supplied by Bunker Ramo. The applicant informed the NRC by letter TXX-4774 on April 24, 1986, that the deficiency was deemed reportable. Subsequently, the applicant notified the NRC that all EPA modules supplied by Bunker Ramo would be replaced with modules supplied by Conax. As noted in previous reports (indicated below), the NRC inspector had requested additional information and documentation relative to the module change out. Specifically, the NRC inspector requested work packages, travellers, NCRs, and QC inspection reports documenting that cables and wiring had been properly reterminated to the EPAs, as well as more complete replacement documentation discussed in NRC Inspection Report 50-445/89-04; 50-446/89-04. Documentation for 15 Unit 1 and 7 Unit 2 EPA replacements (out of a possible 81 EPAs per unit) were reviewed. Also, the documentation for additional EPAs were reviewed for closure of related SDAR 86-49 which was documented in NRC Inspection Report 50-445/89-04; 50-446/89-04. In addition to extensive documentation reviews, the EPAs were also physically inspected over several report periods. One additional EPA was selected by the NRC inspector to follow the documentation recovery process and independently obtain the EPA replacement documents including wiring drawings, a sampling of cables connected

to the EPA, printouts of data base information on origin/destination designations for cables, and to obtain copies of documentation for the selected cables final acceptability. Complications were encountered in the process, such as the test data sheet being missing from the package for cable EO028508. The test data sheet was eventually located in an in-process work package, SWP-2-4428, in the Startup department. The test data sheet was properly completed and the overall documentation of the cable installation process appeared adequate. Other complications encountered in the documentation review process involved DCAs against EPAs or connecting cables which were developed following the module replacements which were stored in separate documentation packages. Though the documentation retrieval process was cumbersome and time consuming, the NRC inspector did locate, or was provided with, sufficient information to conclude that the EPAs appeared to be properly replaced and that the required terminations were correctly reperformed. Retermination of Unit 2 EPAs which have not been completed, due to concentration of effort on Unit 1 work, appear to be adequately documented and programs that are in place should assure proper completion prior to Unit 2 fuel load. This construction deficiency is therefore closed.

- b. (Closed - Unit 1 only) Construction Deficiency (SDAR CP-87-38): Fire Detection System PC Boards." On July 15, 1987, the NRC was notified of a potentially reportable deficiency involving possible excessive current damage to the annunciator circuitry of the printed circuit (PC) boards associated with the fire detection system. Interim reports were provided by the applicant by letters TXX-6651 dated August 14, 1987, and TXX-6863 dated October 16, 1987, with a final report submitted by letter TXX-7070 dated December 29, 1987, which identified this item as nonreportable. As stated in the final report, this discrepancy was attributed to an internal failure of the indicating lamp sockets and was limited to sockets identified as "CMLW" which are used on the fire detection system PC boards. These lights provide local alarm and trouble indication for each fire protection zone.

The NRC inspector reviewed the applicant's analysis of the safety implications as stated in Stone and Webster's letter SWTU-4304 dated October 21, 1987, and concluded that the applicant's determination of nonreportability was acceptable. TU Electric's determination was based on the existence of unimpaired protection system capability (i.e., sprinkler and halon systems) and the instituted compulsory fire watch provisions. The NRC inspector also

b. (closed) allegations (OSP-89-A-0018, OSP-89-A-0019 & OSP-89-A-0085): all three allegations concerned the poor control over painters resulting in paint over-spray on electrical insulation (Kapton in particular), and that the solvents used during painting would degrade the electrical insulation and the materials in the electrical penetrations.

The inspector reviewed the Safetec files and determined that an adequate investigation had been performed in regard to the use of paint and solvents in close proximity of electrical penetrations and cables.

The inspector notes that the NRC site group has performed hundreds of hours of detailed inspections of electrical penetrations and electrical cabling since 1985. The licensee performed massive re-inspections of electrical systems during CPRT, CAP, and PCHVP programs. Where

individual discrepancies were found, they were addressed and corrected by NCRs. These inspections, by all parties, provide reasonable assurance that plant electrical systems and structures are adequate.

The Licence also performed a complete QC reinspection of all exposed Kapton electrical insulation in safety and non-safety areas. Kapton ~~at the penetrations~~ was specifically inspected at the penetrations and stray splices. Some individual physical damage was identified and corrected, but no damage due to paint or solvent was identified. For other discussions of Kapton, see NRC inspection reports 89-04 and 89-84.

An additional part of one allegation was that one of the concernees had refused to paint in a room until nearby penetrations were inspected. The NRC

inspector interviewed the crew chief who performed the subsequent painting and was assured that all penetrations were covered, as per procedure, when he did the job. The NRC inspector also notes that a subsequent non/area turnover inspection by a group of NRC inspectors did not turn up any examples of electrical penetration or wiring insulation damage.

The NRC inspector notes that one of the concerns has allegations in regard to the use of respirators; the "right to know" law; and coating materials containing silica sand and asbestos. These concerns are not in the purview of the NRC and are being addressed by OSHA, as they should be.

In summation, the NRC inspector notes that there has been no indication of any degradation of electrical insulation (including Kapton) due to paint overspray.



solvent fumes, or solvent application. Therefore, these three allegations are closed.

ROUTING AND TRANSMITTAL SLIP

Date 5/25/88

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Jim Lyons Agree	JL	5/26
2. Phil McKee ditto	PM	6/1
3. Gower		
4.		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

This is the summary of the calls made following a referral from Gary Santorn, R.IV. Do you see any particular aspect of this issue that needs further follow-up at present. I plan to open a file on the issue but not on AMS

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No. — Bldg.
	Phone No.

Gower

5041-102

\* GPO : 1987 O - 581-529 (223)

OPTIONAL FORM 41 (Rev. 7-76)  
 Prescribed by GSA  
 FPMR (41 CFR) 101-11.206

H/3

8 53  
call again 9<sup>30</sup>

5/25/88

1. No to talk to CASE -  
do myself -

"Not anti-nuke"

3/24/88 - painting ROF (B&R) <sup>sup</sup>

Hearing -  
B&R - won't get to paint plant

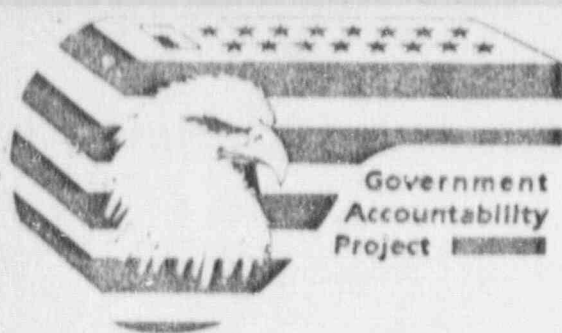
Been to ST many times -  
Nature of C 2 yrs - asbestos...  
in 1986 - where proof -  
Safetram - have he - 1/88 <sup>ST</sup>  
No report - talk with them

No Reason

Convey - coating floor and walls  
Mfg - MSDS  
Imperial Coating. Formica -  
sheets - lies -  
No harmful in state it is in.  
in - [REDACTED] NU TEC. IIS since  
MSDS sheets 1978 -

3/22/88 - OSHA & DOL  
Corp Security - (Major cover) -

H/4



June 26, 1990

Mr. D. Grimsley, Director  
Division of Rules and Records  
Office of Administrative and Resource Management  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-90-294  
Rec'd 6-27-90

BY FIRST CLASS MAIL

FREEDOM OF INFORMATION ACT REQUEST

Dear Mr. Grimsley:

We would appreciate your prompt personal handling of this request, as it involves documents on critical issues relating to the investigation of the transport, distribution and disposal of nuclear coatings and related materials by Texas Utilities. Pursuant to the Freedom of Information Act, 5 U.S.C. §552, as amended, the Government Accountability Project hereby requests the following records (as the term "records" is defined in Appendix A):

(1) All records generated in connection with the inquiry, review, investigation, inventory, and inspection of the use, storage, disposal, sale, handling, salvaging, and surplussing of Texas Utilities' nuclear coatings and related materials between January 1, 1987 and the present. This information should include, but not be limited to, any violations of industry standards or of regulations issued by the NRC or other agencies.

(2) All records regarding all on site inspections of the Comanche Peak Steam Electric System plant between August 1, 1987 and December 31, 1987.

(3) All records regarding the technical specifications for nuclear coatings and related materials used at Comanche Peak between January 1, 1987 and the present, including all records regarding mixing and application procedures and safety and handling precautions.

(4) All records regarding hazards involved when nuclear

~~9101070149~~

6 pp.

coatings and related materials have exceeded their shelf life and regarding which, if any, materials have in fact exceeded their shelf life while stored at Comanche Peak.

(5) All records regarding circumstances under which the NRC will approve of the extension of the shelf life of nuclear coatings and related materials.

(6) All records of any communications between Texas Utilities, its agents or contractors and the NRC regarding nuclear coatings and related materials between January 1, 1987 and the present.

(7) All records regarding former Comanche Peak employee Linda Porter.

This request is continuing, and is intended to cover all records generated on or after the date of this request until the date it has been completely fulfilled by NRC. This request includes all commission records responsive to this request which have ever been within the commission's custody or control, whether such records currently exist in commission, contractor, or subcontractor "working," investigative, special, retired, or other files or at any location, including "Do Not File" files, and documents located in the offices, desks and homes of NRC investigators and their staffs. We request that all relevant records be produced with the administrative or filing pages and information intact, and to be supplied copies of any and all "see reference" cards, abstracts, search slips, including search slips used to process this request, and file covers.

If any records covered by this request have been destroyed and/or removed, or are destroyed and/or removed after receipt of this request, please provide all surrounding records, including but not limited to a list of all records which have been destroyed and/or removed, a description of the actions taken, relevant dates, and individual, office and/or department-wide policies and/or justifications for the action(s).

Should you or your advisors deem any part of this request to cover exempt materials, we also request that you review all sections of the document for any segregable parts, as required under Founding Church of Scientology v. Bell, 603 F.2d 945, 950-951 (D.C. Cir. 1979). Please "black out" excised portions rather than "white out" or "cut out" such portions.

For any documents or portions of documents that you might deny due to specific FOIA exemption(s), please provide a Vaughn index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming such an exemption, in explaining why each exemption is relevant to the document or

See note  
on L. Robbins  
6/28/90 memo  
reclassification  
of #7

portion of document withheld. See, e.g., Vaughn v. Rosen, 484 F.2d 820, (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

The Government Accountability Project (GAP) requests that you waive any fees associated with this request because waiver "is in the public interest because furnishing the information can be considered as primarily benefiting the general public." 5 U.S.C. §552(a)(4)(A). Disclosure of the above-requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government. Finally, disclosure of the above-requested information is in no way connected with any commercial interest of the requesters. GAP is a non-profit, non-partisan public interest organization concerned with honest and open government. GAP has no commercial interests. We are requesting the above information as part of an investigation of whether or not environmental and transportation laws have been violated by Texas Utilities, its contractors or agents. We are also inquiring into the status of the investigation by appropriate government agencies.

The Government Accountability Project is designated as a 501(c) (3) tax-exempt organization under the IRS code, and is a group dedicated to assuring open accountable government and protecting the rights of public and private employee whistleblowers. Since the information obtained will be disseminated to the public by GAP through the media or state and federal agencies, we request that all copying and search fees be waived.

To aid you in your analysis of our requested fee waiver, we provide the following additional information --

- (i) the use proposed for the documents and whether we will derive income or other benefit from such use;

GAP proposes to use the documents to inform Congress and the press about the underlying facts, and those facts may be published in a special report. The information will also be used in reports to Congress, the media, Texas officials and to any and all interested parties. GAP will not derive profit income or other commercial benefit from such use. Such profit or benefit is not permitted under our charter. All such reports receive wide circulation at minimal charge, in order to cover the costs of reproduction, staffing and mailing.

- (ii) a statement of how the public will benefit from such use and from the release of the requested documents;

The public will benefit from use of the requested documents because it has a vested interest in seeing public officials comply with the law. In order for the public to make an educated

and informed decision about whether the government is proceeding to protect their best interests in its continuing oversight of environmental protection and transportation safety issues, the public needs information such as would be provided by the requested records.

- (iii) if the specialized use of the documents or information is contemplated;

GAP would like to inform you that no specialized use of these documents is contemplated.

- (iv) a statement indicating how you plan to disseminate the documents or information to the public;

The information will be disseminated to the public in the form of information provided to Congressional committees, the news media, various other government officials and possibly via distribution of a special report to interested public interest groups and individuals.

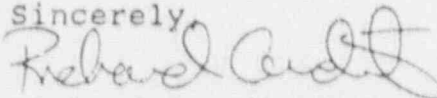
- (v) any additional information you deem relevant to your request for a fee waiver.

GAP is clearly entitled to a fee waiver under the amended FOIA fee waiver standard. The fee waiver standard calls for a waiver "if the disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. §552(a)(4)(iii). The legislative history defining this standard is scant because there were no hearings or committee reports created during the legislative process. However, in the absence of Congressional hearings or reports, floor statements by key legislators provide a basis for legislative interpretations. Senators Leahy and Hatch negotiated a floor amendment to the FOIA that included a provision revising the fee waiver standard. Representatives English and Kindness made several changes to the Senate-passed FOIA amendments on behalf of the House, which the Senate accepted with minor revisions. Reps. English and Kindness indicated the fee waiver standard would be met if "the information disclosed is new; supports public oversight of agency operations, including the quality of agency activities and the effect of agency policy or regulations on public health or safety; or otherwise confirms or clarifies data on past or present operations of the government." 132 Cong. Rec. H9464 (October 8, 1986)(Statements of Reps. English and Kindness). This interpretation was accepted by Senator Leahy and has been adopted by at least one court. See, McClellan Ecological Seepage Situation (MESS) v. Carlucci, 835 F.2d 1282, 1284-86 (9th Cir. 1987).

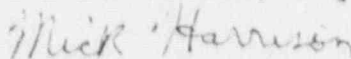
The information GAP has requested meets all of the criteria outlined in the legislators' statements noted above. The information requested pertains to the exercise of authority by DOT, EPA, NRC, and OSHA over hazardous materials distribution, disposal and transportation laws -- areas that need proper accountability. This information would be "new" to the public domain, as the discovery of events taking place near the Comanche Peak Steam Electric Station has been a recent occurrence. In addition, the requested information would "support public oversight" and allow the public to assess the nature, structure and performance of various governmental agencies relating to the Comanche Peak/TU inquiry. Therefore, our fee waiver request squarely falls within the amended FOIA fee waiver provision, 5 U.S.C. §552(a)(4)(iii), and within the legislative history that supports the provision.

We look forward to a response within ten working days of the receipt of this letter. Please call us if we may be helpful to you during your processing of our request. All correspondence should be sent to the Government Accountability Project at the address provided.

Sincerely,



Richard Condit, Esq.



Mick Harrison

cc: (via First Class Mail)  
Ms. Juanita Ellis  
CASE  
1426 South Polk Avenue  
Dallas, Texas 75224



## APPENDIX

The term "record" as used in this Freedom of Information Act request means the original or a copy of the original and any nonidentical copy, including copies with marks, comments or marginal notations, regardless of original location, of any recorded, written, printed, typed or other graphic material of any kind, variety, character or type, including by way of example but not limited to, the following: agendas; reports; recommendations; transcripts; minutes; charters; books; records; contracts; subcontracts; requests for proposals; proposals; bids; Commerce Business Daily and Federal Register notices; contract modifications; deliverables; drafts; final products; questions; comments; suggestions; agreements; invoices; orders; bills; certificates; deeds; bills of sale; certificates of title; financing statements; instruments; expense accounts; receipts; disbursement journals; tax returns; financial statements; check stubs; promissory notes; resumes; address books; appointment books; telephone logs; worksheets; pictures; income statements; profit and loss statements; deposit slips; credit card receipts; records or notations of telephone or personal conversations; conferences; intraoffice communications; postcards; letters; telex; partnership agreements; catalog price lists; sound, tape and video records; memoranda (including written memoranda of telephone conversations, other conversations, discussions, agreements, acts and activities); manuals; diaries; calendars or desk pads; scrapbooks; notebooks; correspondence; bulletins; circulars; policies; forms; pamphlets; notices; statements; journals; postcards; letters; telegrams; reports; interoffice communications; photostats; microfilm; microfiche; maps; deposition transcripts; drawings; blueprints; photographs; negatives; and any other data, information or statistics contained within any data storage modules, discs, or any other memory devices (including IBM or similar cards for information, data, and programs) or any other information retrievable on storage systems, including computer-generated reports and print-outs.