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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

TEXAS UTILITIES GENERATING COMPANY, et al.

(Comanche Peak Steam Electric Station Station, Units 1 and 2)

Docket Nos. 50-445-1
and 50-446-1

(OL)

CASE'S PARTIAL ANSWER IN OPPOSITION TO APPLICANTS' MOTION FOR AUTHORIZATION TO ISSUE A LICENSE TO LOAD FUEL AND CONDUCT CERTAIN PRECRITICAL TESTING

AND

MOTION FOR ADDITIONAL TIME TO RESPOND

On August 7, 1984, Applicants filed their Motion for Authorization to Issue a License to Load Fuel and Conduct Certain Precritical Testing, pursuant to 10 CFR 50.57(c). CASE (Citizens Association for Sound Energy), the only remaining Intervenor herein, received that pleading on August 8, 1984 (which would make CASE's Answer due to be mailed on August 18, 1984). We hereby submit CASE's Partial Answer in opposition to Applicants' Motion.

Applicants argue (Motion at page 2) that the Board should summarily grant this motion because "(1) the activities for which authorization is sought will not endanger public health and safety, and (2) the contention which is presently pending before this Board is not relevant to the proposed activities." However, both of Applicants' representations are false, as CASE will demonstrate in the following.

To begin with, by their own wording, Applicants have placed their Motion in the same category as their other recent Motions for Summary





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Disposition, and CASE submits that we should be accorded necessary discovery and additional time to adequately respond to this Motion. This will enable CASE to further research and develop the points made in this Partial Answer, allow us to include Affidavits where applicable, and is in keeping with the requirements of 10 CFR 50.57(c), under which Applicants filed their Motion.

CASE moves that the Board grant us discovery on Applicants' Motion, and twenty days from the time we receive answers and documents requested on discovery, in which to respond to Applicants' Motion.

Applicable NRC regulations under which Applicants have filed their Motion, and by which they and the Licensing Board are bound, are discussed below. 10 CFR 50.57(c) states, in part:

"50.57 **Issuance of operating license**

"(c) Action on such a motion by the presiding officer shall be taken with due regard to the rights of the parties to the proceedings, including the right of any party to be heard to the extent that his contentions are relevant to the activity to be authorized. Prior to taking any action on such a motion which any party opposes, the presiding officer shall make findings on the matters specified in paragraph (a) of this section as to which there is a controversy, in the form of an initial decision with respect to the contested activity sought to be authorized."

10 CFR 50.57(a) states, in part:

"(a) Pursuant to 50.56, an operating license may be issued by the Commission, up to the full term authorized by 50.51, upon finding that:

"(1) Construction of the facility has been substantially completed, in conformity with the construction permit and the application as amended, the provisions of the Act, and the rules and regulations of the Commission; and

"(2) The facility will operate in conformity with the application as amended, the provisions of the Act, and the rules and regulations of the Commission; and

"(3) There is reasonable assurance (i) that the activities authorized by the operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations in this chapter; and

"(4) The applicant is technically and financially qualified to engage in the activities authorized by the operating license in accordance with the regulations in this chapter. . .

"(5) The applicable provisions of Part 140 of this chapter have been satisfied; and

"(6) The issuance of the license will not be inimical to the common defense and security or to the health and safety of the public."

Applicants attempt to persuade the Board that the Diablo Canyon case and the Comanche Peak case are so similar that the Board should rely on the decision in Diablo Canyon as a precedent for a similar ruling here. (Motion at pages 8 and 9.) However, Applicants have failed to make the necessary comparisons to support such a conclusion. The Diablo Canyon case is different from Comanche Peak in many regards. One of the most important differences is that Diablo Canyon had already been granted an operating license once, which means that those Applicants had already proved their case to the satisfaction of the Licensing Board /1/. Certainly this is not the case with Comanche Peak, where there are many very serious, hotly contested issues still to be resolved before the Board can consider whether or not to grant an operating license. In addition, the issues raised at Diablo Canyon prior to the decision cited by Applicants were considerably different from those in Comanche Peak.

/1/ Even though that license was suspended in November of 1981, within about a week of its having been granted, and even though the Commission acknowledged at that time that the plant should probably never have been granted a license to begin with.

CASE submits that, for these reasons, Diablo Canyon does not present an appropriate comparison to Comanche Peak, and that the decision in that proceeding should not be used as a precedent for Comanche Peak.

Applicants also attempt to draw a comparison between Catawba and Comanche Peak (Motion at page 9). However, at Catawba there were several differences which render it an unacceptable comparison to Comanche Peak. For example, in Catawba, the Intervenors (for their own reasons, which Applicants have not documented) did not attempt to make a case that there were contentions which were relevant to the fuel load authority which was sought; and the Intervenors did not oppose the license to load fuel. That obviously is not the case with Comanche Peak, where the Intervenor is strongly opposing fuel load and citing specific reasons for doing so. It is also inappropriate and unfounded for Applicants to draw the inferences which they have attempted to draw from the lack of opposition to fuel load in the Catawba case. At Catawba, the Intervenors did not have the number or type of issues which CASE is presenting in the Comanche Peak hearings. (For example, they did not have the design issues which we have in our proceedings.) It is obvious that the decision in Catawba is not binding on the Board in this instance and is, in fact, totally irrelevant and immaterial to any issue at hand in these proceedings.

For these reasons, CASE submits that Catawba does not present an appropriate comparison for Comanche Peak, and that the decision in that proceeding should not be used as a precedent for the Comanche Peak proceedings.

Clearly, the decisions in Diablo Canyon and Catawba (the only two precedents cited by Applicants) were unusual decisions applicable only to those particular cases. It should be noted that there is no provision in NRC regulations for the specific type of no-criticality testing Applicants propose. The provision under which Applicants are filing is 10 CFR 50.57(c) which states very clearly that it is "for an operating license authorizing low-power testing (operation at not more than 1 percent of full power operation), and further operations short of full power operation" (emphases added). This is quite different from what Applicants propose. But if they are granted a license under this provision, CASE firmly believes that they will attempt to use it as a foot in the door to conduct further testing (either accidentally or "accidentally on purpose") at low criticality.

Applicants argue that they do not seek a low-power license which would permit Comanche Peak Unit 1 to go critical, and that they "seek only authorization to load fuel and to conduct certain testing that must be completed before initial criticality may be achieved." /2/. Applicants also state, however, that "The first two fuel assemblies loaded contain the neutron sources." (Motion at page 3.) Further, they do not claim that no risk to the public health and safety can occur. They claim that there will be no significant risk (Motion at page 7); however, there is no explanation as to what constitutes "significant risk" in the minds of Applicants. It should be assumed that Applicants do not believe operating the reactor at full power will pose a significant risk, based on their past representations

/2/ Applicants also state that "(in fact it will be shut down by a margin of at least 5%)" (Motion at page 7.) There is no further explanation of precisely what is meant by this terminology, and CASE does not understand what is meant by it. This is one of the questions we would like to have answered on discovery.

to the Board (which have not been made for some time now) that there is sufficient evidence in the record for the Board to make a decision favorable to the Applicants' receiving an operating license.

In addition, the Commission's decision in Diablo Canyon, which Applicants cite as a precedent (Motion at top of page 8) does not claim that there is no risk to the public health and safety from fuel loading and pre-criticality testing -- only that it is "extremely low since no self-sustaining nuclear chain reaction will take place under the terms of the license and therefore no radioactive fission products will be produced." (Motion at page 8; emphasis added.)

CASE submits that implicit in the Commission's decision in Diablo Canyon is the assumption (we believe an erroneous one in the case of the Comanche Peak Applicants) that Applicants will indeed comply with the terms of the license.

However, Applicants' trustworthiness and compliance with the terms of their present (construction) permit and applicable NRC regulations goes to the very heart of CASE's Contention 5, as the wording of our contention plainly indicates:

> "The Applicants' failure to adhere to the quality assurance/quality control provisions required by the construction permits for Comanche Peak, Units 1 and 2, and the requirements of Appendix B of 10 CFR Part 50, and the construction practices employed, specifically in regard to concrete work, mortar blocks, steel, fracture toughness testing, expansion joints, placement of the reactor vessel for Unit 2, welding, inspection and testing, materials used, craft labor qualifications and working conditions (as they may affect QA/QC), and training and organization of QA/QC personnel, have raised substantial questions as to the adequacy of the construction of the facility. As as result, the Commission cannot make the findings required by 10 CFR 50.57(a) necessary for issuance of an operating license for Comanche Peak."
>
> -- (Emphases added.)

Thus, contrary to Applicants' assertions, CASE's Contention 5 is directly concerned with whether or not Applicants can be relied upon to comply with their construction permits and applicable NRC regulations, and thus is directly applicable to the issues at hand.

Furthermore, as discussed in more detail herein, the Applicants in the Comanche Peak proceedings, by their own actions and statements, have called into serious question any assumption that they can be relied upon to comply with the terms of a license to load fuel and do pre-criticality testing, or that they will or have the ability to keep the plant from reaching criticality.

CASE submits that, in order to comply with the plain language of NRC regulations, the Licensing Board in the Comanche Peak proceedings, prior to granting Applicants' current Motion, must make the same findings which it would be necessary to make for a full operating license. For the Board to make the decision now to allow Applicants to load fuel and engage in non-criticality testing would amount to a prejudgement on the part of the Board on virtually all of the important safety issues which have been hotly contested over the past few years -- but without having all the facts necessary to make such a judgement. Were the Board to rule favorably on Applicants' Motion, it would be saying in effect that the Board members are ready to state without reservation that Applicants are completely trustworthy and that they believe everything Applicants have told them, that they do not believe what CASE's witnesses have told them, that they believe the plant has been designed and constructed correctly, and that Applicants have proven their case.

CASE submits that not only would this be patently unfair and extremely

prejudicial to CASE, but it is in fact contrary to the NRC's own regulations as set forth in 10 CFR 50.57(c). Further, we do not believe that the Board can, based on what is in the record (and what is soon to be be in the record, such as additional CASE Answers to Motions for Summary Disposition), make a favorable finding at this time.

Were the Licensing Board to rule favorably on Applicants' Motion at this time -- without having all the facts -- it would in effect amount to a prejudgement by the Board that Comanche Peak will be granted an operating license and that the possibility that it will not be granted is in actuality non-existent. If this is true, what have we all been doing in these proceedings for the past five years?

Were the Board to rule favorably on Applicants' Motion at this time -- without having all the facts -- it would send a clear and unmistakable message to the whistleblowers who testified in the past and in the recent intimidation depositions (and who may yet come forward), who have placed their future livelihoods in jeopardy and altered their lives forever, that this Licensing Board and the NRC had a complete lack of concern about their sacrifices or about the important issues they have raised. It would say to the world that the wording of 10 CFR 50.7 /3/ is hollow and meaningless.

/3/ 10 CFR 50.7 states, in part:

> "(a) Discrimination by a Commission licensee, permittee, an applicant for a Commission license or permit, or a contractor or subcontractor of a Commission licensee, permittee, or applicant against an employee for engaging in certain protected activities is prohibited. . . .
>
> "(c) A violation of paragraph (a) of this section by a Commission licensee, permittee, an applicant for a Commission license or permit, or a contractor or subcontractor of a Commission licensee, permittee, or applicant may be grounds for:
>
> "(1) Denial, revocation, or suspension of the license. . . " (Emphasis added.)

Were the Board to rule favorably on Applicants' Motion at this time -- without having all the facts -- it would send a clear message to the Applicants in the Comanche Peak proceedings that they will not be punished for violating NRC regulations but will be instead rewarded. In addition, it would send a clear message to Applicants in other proceedings that it really doesn't matter whether or not they comply with 10 CFR 50.7 or 10 CFR Part 50, Appendix B, or 10 CFR 50.57, they will still be allowed to load fuel and eventually get their operating licenses. Such a ruling at this point would have repercussions far beyond the Comanche Peak proceedings.

Were the Board to rule favorably on Applicants' Motion at this time -- without having all the facts -- it would send a clear message to Messrs. Walsh and Doyle, who have sacrificed their time, money, and effort for almost two years in order to bring facts to the Board (even after having been told that Applicants would be allowed to relitigate the design/design QA issues admittedly without having to show good cause), that their efforts have been unappreciated and in vain, that the Board is not really interested in the design/design QA issues, and that Messrs. Walsh and Doyle have in actuality been participating in what amounts to a farce.

Were the Board to rule favorably on Applicants' Motion at this time -- without having all the facts -- it would send a clear message to individuals with vitally important information regarding problems with documentation (including falsification of documents) that the Board is not interested in finding out the facts about Applicants' important "paper trail," upon which the NRC is so dependent for its reasonable assurance that the plant has been constructed and designed properly.

Were the Board to rule favorably on Applicants' Motion at this time -- without having all the facts -- it would send a clear message to CASE that the NRC intended CASE's participation in these proceedings for all these years to serve one purpose and one purpose only, to add credibility to a system designed not to arrive at the facts, but only to allay the concerns of the public about Comanche Peak.

CASE does not and cannot believe that this was or is this Licensing Board's intent.

The NRC is under close scrutiny already for other actions taken. In fact, Congressman Udall's committee is holding hearings on August 30 about the very case cited by Applicants -- Diablo Canyon. In addition, the competence and credibility of the NRC has already been called into question and the public confidence in the NRC severely damaged recently in these very proceedings by the violation of confidentiality for whistleblowers by NRC Staff and counsel. This Licensing Board, in deciding whether or not to grant Applicants' Motion to load fuel, has a clear choice to make in the Comanche Peak case -- a choice which will either increase and help to restore the public's confidence in the Nuclear Regulatory Commission, or deal what may well prove to be a death blow to the public's trust.

Further, CASE submits that Applicants' arguments are not logical and that they have failed their burden of proof as proponents of the requested Order /4/.

/4/ 10 CFR 2.732 (Burden of proof) states:
"Unless otherwise ordered by the presiding officer, the applicant or the proponent of an order has the burden of proof."

Nowhere in their pleading have they explained exactly why it is necessary to load fuel in order to make the tests which they propose. If there is no need for the neutron sources, why is it necessary to load them into the reactor prior to tests? CASE submits that there is no good reason for Applicants being allowed to load fuel prematurely. In fact, a brief review of Applicants' recent biweekly updates of the schedule for fuel loading for Unit 1 reveals that Applicants have been increasingly deferring preoperational testing items until after fuel load /5/. This was a willful management decision. Applicants have totally failed to meet their burden of proof in this regard, and CASE submits that they are using this as a deliberate ploy at this time to put additional pressure on the Licensing Board to rush to a favorable decision which the Board cannot possibly make based upon the information it now has.

Applicants claim that Comanche Peak will not be allowed to become critical (Motion at page 7). However, CASE believes that it should be obvious to the Board, from the Answers to Applicants' Motions for Summary Disposition which we have filed to date and the numerous Walsh/Doyle allegations which Applicants have not yet even addressed, that there are still many unresolved questions regarding the design and design QA at Comanche Peak, sufficient to call into question Applicants' ability to assure that the plant will not be allowed to reach criticality.

/5/ Compare, for example, Applicants' third biweekly status report (under 6/18/84 cover letter to Messrs. Eisenhut and Collins), page 2, to the fourth biweekly status report (under 7/5/84 cover letter to the Board), page 2, where Applicants have added yet another test (Control Room Air Balance) to their list of deferred preoperational testing items to be conducted after fuel load.

See also discussions in CASE's 10/13/83 (1) Motion to Add a New Contention, (2) Motion for Discovery, and (3) Offer of Proof.

In addition, there is another problem of which the Board is probably not aware which CASE believes should be considered before the Board makes its decision. This matter first came to CASE's attention on 8/9/84, when we received a copy of NRC Inspection and Enforcement (I&E) Report 50-445/84-08, 50-446/84-04 (copy attached). Like Applicants' Motion, our discussion here is premature. However, although we have not completed our evaluation of the problem at this point in time, we believe that the potential impact of the problem is so great that we must call it to the Board's attention now for the Board's consideration before making its decision.

In this I&E Report, Applicants were cited with a Notice of Violation (Appendix A of Report) for:

> "Failure to Perform Inspections of Installation Activities Related to Unit 1, Main Coolant System Crossover Leg Restraints
>
> "Criterion X of Appendix B to 10 CFR Part 50 requires that inspections of activities affecting quality shall be established and executed by or for the organizations performing the activity to verify conformance with the documented instructions, procedures, and drawings for accomplishing the activity.
>
> "Texas Utilities Electric Company Quality Assurance Plan, in Section 10.0, requires that planned written inspection procedures be utilized. It further requires that inspection activities include the types of characteristics to be measured, the methods of examination, and the criteria.
>
> "Contrary to the above, it was determined that inspections were not made of the installations of the Unit 1 crossover leg restraints, nor were any documents requiring such an inspection issued. Specifically, the requirements for installation, as specified in Gibbs & Hill Drawing 2323-S1-0550, were not inspected and documented. The eight crossover restraints (2 per loop) are major components of the main coolant piping seismic restraints and support system.
>
> "This is a Severity Level IV Violation. (Supplement II.D) (445/8408-02)"
>
> (First emphasis (title) in the original; remaining emphases added.)

This matter is discussed further on pages 9 and 10 of Appendix C to the Report. Although the total disregard for NRC regulations (and the Applicants' own requirements) for inspection and documentation of these vitally important restraints is, in and of itself, disturbing enough, there is another aspect not discussed in the I&E Report to which we now call the Board's attention.

As CASE understands it, these restraints are rupture restraints, used for energy dissipation. They are passive under normal conditions (normal, upset, and emergency), but they are absolutely critical to the survivability of the plant in the event of a double guillotine break. (It should be noted that Applicants have made an assumption of where the pipe can break, but that does not necessarily mean that that is where it's going to break. There could also be a horizontal break at the nozzles of the steam generator or the recirculating pump, for instance.)

If these cross-over leg restraints cannot take the load during such an event (i.e., if they fail), the effects of the double guillotine break are transferred by couple into the upper and lower lateral restraints for the steam generator. It is CASE's belief that these two cross-over leg restraints (for each loop) take a vertical component in one direction and a horizontal component in one direction, and that they are bi-directional supports, whereas they should be tri-directional supports (only restrain 2 degrees of freedom, whereas they should restrain 6 degrees). If the cross-over breaks, it would be similar to a jet engine (i.e., the steam comes out like a jet); it causes the steam generator to, in effect, take a flip, but

the angle there stops it from doing that. If the cross-over restraints fail in their function, then the only restraint left for the steam generator (at least) are the upper and lower lateral restraints (which are already in question); and the loading into the effects has not been included into the analysis of the upper and lower lateral restraints because Applicants are relying on the ability of these cross-over restraints to dissipate their portion of the energy. One must consider that each element of the restraint system has got to contribute its own weight in the dissipation of energy in the event of an accident, and the failure of any one of these elements transfers an additional, unanticipated, and unanalyzed load to other parts of the system.

Further, CASE questions whether or not the upper and lower lateral restraints have been inspected either. (To what criterion, to what requirement were they inspected? To the earlier criterion, which failed completely? Or to the latest, where both the upper and the lower lateral restraints were included?)

There will be further discussions (after Messrs. Walsh and Doyle have had sufficient time to review the details of this matter) in CASE's Answer to Applicants' Motion for Summary Disposition regarding the upper lateral restraint.

However, CASE submits that there is sufficient doubt due to what we know so far to raise serious doubts in the Board's mind regarding these important matters -- at least to the extent that Applicants should not be allowed to load fuel until these questions are resolved.

Also included in I&E Report 50-445/84-08, 50-446/84-04 is a Notice of Violation regarding the Unit 1 Polar Crane:

> "Gaps on Unit 1 Polar Crane Bracket and Seismic Connections Exceed Design Requirements
>
> "10 CFR 50, Appendix B, Criterion V requires that, 'activities affecting quality shall be prescribed by documented instruction, procedures, or drawings, of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings.'
>
> "Design change Authorization 9872 required that all gaps on the Unit 1 polar crane bracket and seismic connections greater than 1/16 inch be shimmed.
>
> "Contrary to the above on February 13, 1984, the NRC inspector reviewed the polar crane bracket and seismic connections listed below and observed that there were unshimmed gaps that exceeded 1/16 inch."
>
> (8 girders were listed, three of which had gaps of approximately 1/8", three with gaps 3/16", and two with gaps 5/32"; see copy of report attached.)
>
> "This is a Severity Level IV Violation (Supplement 11.D) (445/8408-01)." (First emphasis (title) in the original; remaining emphases added.)
>
> On page 4 (last paragraph) of Appendix C to the Report, the Inspector states that these were randomly selected girder connections, which would seem to indicate that they may not be all of the girders with gaps greater than 1/16 inch.

This matter is important because the NRC Inspector discovered this violation while checking out Licensee Action on Previous Inspection Findings (see discussion on page 4, last paragraph, of Appendix C to the I&E Report). The previous inspection finding which was checked out and closed was in regard to a previous violation (445/82-11): Failure to Perform Inspections of Installation Activities Related to Unit 1 Containment Polar Crane.

This is the same matter discussed in the Board's 7/29/83 Proposed Initial Decision (Concerning aspects of construction quality control, emergency planning and Board questions) at page 19. The Board stated:

". . . the Board does not believe that it is a matter which the Board should pursue sua sponte because it appears that the staff and the applicant are addresing it. The staff issued a Notice of Violation in connection with the failure to inspect these shims /76/. The applicant has stated that all the shims in the polar crane girder support bracket assemblies will be removed and inspected. Shims which have clipped 'fingers' will be evaluated by an engineer to determine whether they are acceptable /77/.

"/76/ Staff Ex. 148B.

"/77/ Testimony of John T. Merritt, Jr. Regarding Placement of Shims in Polar Crane Glider (sic) Support Bracket Assemblies, App. Ex. 127, at 6."

However, as stated in I&E Report 84-08/84-04 (page 4 of Appendix C):

"The Licensee's Nonconformance Report (NCR) M-82-00894 documents the above violation. The disposition of NCR M-82-00894 directed that the polar crane girder connection finger shims previously installed per DCA 9872 were to be removed and inspected and any deviations from the requirements of DCA 9872 were to be identified to engineering for resolution. . .

"The shim inspection and rework was inspected and documented by quality control (QC) inspectors on NCR M-82-00894. This NCR was closed on January 24, 1983. The quality control inspection of the shim rework satisfies the requirements which were previously not met and which resulted in the original violation. This item is closed. However, the NRC inspector performed a random inspection of the polar crane girder connection shims and had the following two concerns:

"(1) Design Change Authorization (DCA) 9872 required that all gaps greater than 1/16 inch be shimmed. In addition QC personnel verified that the gap for each polar crane girder connection was less than 1/16 inch and documented this on a shim documentation card which was attached to Traveler CE-82-370-8104. However, the NRC inspector observed that the following randomly selected girder connections had gaps that exceeded 1/16 inch:" (list of eight girders is given, with three have gaps of approximately 1/8", three with 3/16", and two with 5/32".)

"This is an apparent violation (445/8408-01).

"(2) DCA 9872 required that the shims be tack welded as shown on Gibbs and Hill sketch SK82032 (Sheet 3 of DCA 9872). General Note 4 of SK82032 states that shims in the seismic connection may be welded to either vertical plate; however, on the seismic connections for girders 18, 22, 26, and 27 the tack welds which welded the shims together also tack welded the vertical plates together. This concern was discussed with licensee personnel. This is an unresolved item (445/8408-04)." (Emphases added.)

Obviously Applicants' corrective action was not adequate.

There is yet another reason why this matter is noteworthy. In responding to a reporter's questions about this violation, a TUGCO engineer stated (see attached copy of 8/14/84 DALLAS MORNING NEWS article):

> "The most serious violation concerned earthquake supports for a heavy crane above the reactor core that previously had been approved by TUGCO plant inspectors but later rejected by NRC inspectors, officials said.
>
> "TUGCO engineer Tom Rose said that plant engineers believe that the TUGCO inspections had been performed correctly, but that changes in temperature had caused the metal in the earthquake supports to expand and contract, resulting in the violations cited." (Emphasis added.)

If the statement made by Mr. Rose is correct, and this expansion and contraction came about at ambient temperatures, this obviously raises serious questions about what might happen under LOCA conditions, which was not discussed in the article but which is obviously a concern which must be addressed.

Applicants claim that Comanche Peak will not be allowed to become critical (Motion at page 7). As stated by Applicants (Motion at page 7):

> ". . . the public health and safety can be at risk from nuclear power reactor activities only when fission products can be released to the environment. Fission products are the by-products of the fission process which occurs in the core after criticality."

Applicants further argue that "Critical operation at significant power levels is required to generate enough fission products to be hazardous." (Emphasis added.) However, once Applicants put in the high neutron source, they have a hot plant, whether it is operated at 1% or higher. Further, the possibility of an accident would exist even then, although obviously there would not be anywhere near the reactivity of a plant being operated at 100%.

But once the plant is operated at 1% for a short time, there is low grade spent fuel. Once Applicants are allowed to go to low power, the fuel is now self-energizing and the neutron source is no longer required. All we would be talking about at that point is degree of reactivity; it would no longer be a question of whether or it there is spent fuel, but just the degree of degradation. There will be transuranics and other elements; it is just a matter of the degree. Applicants should be asked if they can return the spent fuel to the stockpile after, say, a month. CASE challenges Applicants' top officials to reach in there and pull a rod out with their bare hands after operating just a week at 1%. It should also be noted that 1% = about 13 MW electric = about 40 MW thermal = the total capacity of a nuclear submarine reactor (which under full operation, normally never even gets to 13 MW). Further, 1% is equal to about 10% of the capacity of the FFTF = about 40 MW thermal.

Once fission products have been produced (even at only 1% power) and decay heat has been produced, it is necessary for all safety-related systems to be functional, due to the increasing level of fission products and decay heat. As discussed herein and in other recent CASE pleadings, there is strong question at this point in time as to whether or not all safety-related systems would indeed be functional. For the reasons discussed in this pleading, CASE questions whether Applicants have either the desire or the ability to assure that the plant will not be allowed to become critical. Further, once the plant went critical, CASE questions the ability of Applicants, and the reliability of the safety-related systems in the plant, to keep it under control.

It is CASE's understanding that, in order to assure that the plant does not go critical, the neutron detectors must be fully operable, since they are the means used to measure the neutron flux. However, there have been problems identified regarding the neutron instrument detector slots and wells which call into question the wisdom of allowing Applicants to proceed with fuel load and testing without having further information in the record:

(1) In the 7/6/77 letter from R. E. Hersperger, Project Manager, Gibbs & Hill, to H. C. Schmidt, Project Manager - Nuclear Plants, TUGCO (attached to CASE Exhibit 479, NCR C-669, admitted into evidence in accordance with the Board's Order (Proposed Findings of Fact; CASE Exhibits) of December 7, 1982, and admitted into evidence in the May 1983 hearings), Gibbs & Hill stated:

> ". . . G&H was notified that a series of rebars had been omitted from the reactor cavity concrete between Elevations 812'-0" and 819'-0-1/2". The missing rebars were located adjacent to the neutron detection slots and had been added only recently as a change in G&H drawings 2323-S1-0572, 2323-S1-0574 and 2323-S1-0575. . . the omission of this additional reinforcement does not in any way impair the structural integrity of the reactor primary shield structure under any postulated lozding condition. The additional rebar had been added by G&H as a precaution against cracking which might possibly occur in the vicinity of the neutron detector slots following a LOCA. They provide a means of uniformly distributing accident loading stresses around the slots precluding the possibility of local cracking.
>
> ". . . These bars were added to the design because in the judgement of the design engineer they provided a prudent improvement in the performance of the reactor cavity structure."
>
> (Emphases added.)

The missing bars were never installed.

(2) Inspection and Enforcement Report 50-445/83-34, 50-446/83-18, which was forwarded to the Board by the NRC Staff Counsel under cover letter of September 26, 1983, stated (page 5):

"The SRIO (Senior Resident Inspector-Operations) reviewed the HFT (hot functional test) log for any notation on the shield wall/reactor vessel interface. There were no entries related to this specific subject in the log. There was a notation that PT-45-06 'Containment Ventilation' failed to meet its acceptance criteria because the following areas were too hot (thermally):

"(1) All vessel supports

"(2) Neutron Instrument Detector Wells

"(3) Pressurizer Room

"(4) All Steam Generator Compartments"

(Emphases added.)

This problem was also discussed in regard to Applicants' Containment Temperature Survey (during hot functional testing) /6/. Engineering evaluation was required prior to retesting section 7.1 containment temperature survey, which was tested a total of 3 times. Upon completion on 3/27/83 it was discovered that the temperature indicators were unreliable in ambient temperature above 104 degrees. Test Deficiency 839 was issued and section 7.1 was required to be retested. Retest for TDR-839 was completed on 4/5/83 and TDR-908 issued to identify areas that did not meet acceptance criteria.

As stated in TDR 908:

"The following areas did not meet the acceptance crtieria:

"1. R.P.V. (Reactor Pressure Vessel) supports #1 Hot Leg, #2 Cold Leg, #3 Hot Leg, #4 Cold.

"2. Detector wells" (3)

"3. PZR Room 905

"4. Steam Generator Compartments #1, #2, #3, #4.

/6/ See CASE Exhibit 857, attached to CASE's 10/13/83 (1) Motion to Add a New Contention, (2) Motion for Discovery, and (3) Offer of Proof; and discussion on pages 35 and 36 of our 10/13/83 Motion).

"See CPPA-29.488 'Minutes of Meeting' on April 20-21, 1983 (attached) for corrective actions. K. F. McDonald 5/3/84"

(Note: The Minutes of the April 20-21 meeting were not attached to CASE's copy of TDR 908 when we received it from Applicants, and since CASE's Motion was denied, we were not able to get it on discovery in the operating license hearings.)

Upon completion of engineering evaluation the Containment Ventilation System was adjusted. Due to Hot Functional Testing the changes in pressurizer area could not be initiated. Section 7.1 was retested on 5/18/83 and the same areas addressed in TDR-908 still did not meet this acceptance criteria. TDR-908 was closed and TDR-1221 issued against section 7.1. There were two test deficiencies which remained open at the conclusion (report was dated 6/1/83) of this test; one of them was:

"Test deficiency report #1221 issued against Section 7.1 Containment Survey. Various areas in section 7.1 did not meet their respective acceptance criteria. This area will be tested during initial startup. (Emphases added.)

In addition, regarding the Control Room Heating & Ventilation System Performance test /7/, the following was stated:

"The status of Control Room HVAC System at the end of the preoperational test is as follows:

"System functions per design. Temporary modifications 124-127 were left installed because smoke detectors are not functional. Temporary modifications 130-133 were left installed because radiation monitors are not functional, chlorine detectors were left in the OFF position because they had not been calibrated, as of this date.

"The System Test Engineer recommends approval of the test as performed."

Dated 6/9/83. (Emphases added.)

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/7/ See CASE Exhibit 359, attached to CASE's 10/13/83 (1) Motion to Add a New Contention, (2) Motion for Discovery, and (3) Offer of Proof; and discussion on page 37 of our 10/13/83 Motion).

If Applicants are to be allowed to load fuel and engage in testing, it is absolutely imperative that the neutron detectors be capable of fully performing their intended function. The combination of the preceding two identified and documented problems calls into question the wisdom of allowing Applicants to proceed with fuel load and testing without having further information in the record. CASE opposes Applicants' being able to load fuel. However, if the Board disagrees in this regard, we urge that the Board, at a minimum, require Applicants to provide sufficient information and documentation to resolve the concerns raised about the neutron detector wells and slots.

In this pleading and in recent CASE Answers to Motions for Summary Disposition and other pleadings /8/, the Board has been presented with information and documentation which calls into serious question the adequacy

/8/ See, for example:
CASE's 8/6/84 Answer to Applicants' Motion for Summary Disposition of Certain CASE Allegations Regarding AWS and ASME Code Provisions Related to Design Issues (especially those pages identified on page 2 of cover letter);
CASE's 8/6/84 Answer to Applicants' Motion for Summary Disposition Regarding Alleged Errors Made in Determining Damping Factors for OBE and SSE Loading Conditions (especially those pages identified on page 2 of cover letter);
CASE's 8/6/84 Answer to Applicants' Motion for Summary Disposition Regarding Consideration of Friction Forces in the Design of Pipe Supports with Small Thermal Movements (especially those pages identified on page 2 of cover letter);
CASE's 8/13/84 Answer to Applicants' Motion for Summary Disposition Regarding CASE Allegations Regarding Section Property Values (especially those pages identified on page 2 of cover letter);
CASE's 8/13/84 Answer to Applicants' Motion for Summary Disposition Regarding the Effects of Gaps on Structural Behavior Under Seismic Loading Conditions (especially those pages identified on page 2 of cover letter);
CASE's 8/14/84 Motions Regarding ANI Documents.
See also CASE's 8/22/83 Proposed Findings of Fact and Conclusions of Law (Walsh/Doyle Allegations), entire document.

and effectiveness of Applicants' QA/QC program, the competence of Applicants with regard to the design of Comanche Peak, and the credibility of Applicants and their witnesses; further, the information and documentation presented strongly challenge the adequacy and intent of Applicants' management of the design and construction process at Comanche Peak.

In addition, there are still many outstanding issues which CASE fully expects will continue to substantiate CASE's position, and which must be addressed before Applicants are allowed even to load fuel and perform tests. For one thing, all of the issues previously identified have not yet been resolved; for example, consider the following items listed in the Board's 3/15/84 Memorandum (Clarification of Open Issues):

Intimidation

The issue of intimidation, harassment, threatening, and firing of QC inspectors and others at Comanche Peak is a very important one, since a finding by the Board against Applicants could, in and of itself, be grounds for denial of an operating license, and/or revocation or suspension of Applicants' construction permit (see 10 CFR 50.7 and footnote on page 8 of this pleading). As CASE has discussed previously, we believe that intimidation (including a discouragement from doing the job right to begin with) is rampant at Comanche Peak -- that it is, in fact, a way of life at the plant which is so ingrained that the quality of construction and design is indeterminate at best and deficient at worst.

D. Intimidation in the Protective Coatings Area (page 7 of the Board's Memorandum). See item V. following.

F. Dismissal of Robert Hamilton (page 8). Already decided. See item V. following.

J. Termination of Henry Stiner (page 9). See item V. following.

V. Intimidation of QC Inspectors (pages 13 and 14). Extensive Depositions have already been taken; Expected Findings are due 8/31/84; hearings begin 9/10/84.

HH. Intimidation of Mrs. Stiner (page 18). See item V. preceding.

MM. Office of Investigations Reports (page 19).

Protective Coatings

As the Board is aware (although Applicants have not officially presented their position to the Board), Applicants are in the process of attempting to convince the NRC Staff that it would be all right if all the protective coatings inside the containment fell off the walls, because it would still not stop up the sump pumps /9/.

However, we want to call to the Board's attention that recently the North Anna nuclear plant was shut down because the utility could not provide the NRC with documentation to prove that protective coatings on the reactor's ventilation duct met NRC standards. (See

/9/ See Transcript of 6/7/84 and 7/27/84 NRC/Applicants meetings in Bethesda; especially Tr. 85/3-13 of 7/27/84 meeting.

See also 5/18/84, 5/23/84 (2 letters), letters to TUGCO from Richard L. Bangart, Director, Region IV Comanche Peak Task Force, NRC, Region IV, Arlington, Texas; 5/22/84 Board Notification 84-106, Interim Report on Protective Coatings; 7/27/84 notice of meeting to be held 8/8/84 (which was subsequently cancelled with the understanding that Applicants would answer the questions attached in writing).

attached copy of August 8, 1984, WALL STREET JOURNAL article /10/.) As stated in the article:

"The problem was discovered when Unit 1 was closed recently for routine maintenance and inspection. Investigators could find no record indicating that paint on the reactor's ventilation duct met Nuclear Regulatory Commission standards . . . A paint that doesn't chip is essential because, during an accident, a flaking under intense heat could hinder safety operations.

"No records on paint could be found for Unit 2 and it was closed last week . . .

"The utility is now wrapping mesh wire around the ducts to trap any paint that might chip under heat stress. The interim solution was approved by the NRC . . . "

It should also be noted that there appears to have been no discussion to date about another aspect of the failure of protective coatings to perform their intended function -- that of helping with the ease of clean-up in the event of a nuclear accident and decreasing the amount of radioactivity to which members of the clean-up crew would be subjected. The possibility of workers being needlessly exposed to increased radiation risk should the plant go critical and have an accident during Applicants' proposed fuel load and testing is one which we believe the Board must deal before making its decision on fuel loading.

(E. Protective Coatings Technical Issues (page 7). It should be noted that CASE has decided to drop attempting to answer Applicants' pleading on the issue of maximum roughness. We do not have any expert witnesses to

/10/ We realize that newspaper articles are not the best documentation; however, we just received this article from one of our members yesterday and have not had time yet to obtain more information through the NRC public document room (if the information is even available there yet).

testify, and would have had to rely upon admissions from Applicants or the NRC Staff. This does not mean, however, that we concede that this is not an important issue, or that Applicants' response is adequate or acceptable -- but only that CASE does not have the means available at this time to do anything about it within the context of the hearings process, through which we have always tried to work if at all possible. We believe that eventually the truth of the matter will come out, but in this instance apparently without CASE's help in the hearings.)

H. Inadequate Disposition of Paint Defect Repairs (page 8).

KK. Protective Coatings (page 19).

I. Undocumented Removal of Cable Trays (page 9).

K. Welding Issues (page 9). Proposed Findings are due 8/31/84.

Q. Heat Input for Welding (page 11).

See also CASE's 8/14/84 Motions Regarding ANI Documents, especially pages 2 through 6 of Motion, and summary section on ANI REPORTS -- WELDING.

/3/, page 2 -- Memorandum (Brandt Interpretation of Stiner Testimony), February 10, 1984 (unpublished).

P. Traceability of Materials (pages 10 and 11).

Information relevant and material to this issue is contained in the same I&E Report discussed previously in this pleading, I&E Report

84-08/84-04 (Appendix B, Notice of Deviation, and Appendix C, page 9, item 11.a. Platforms Inside Containment), which is self-explanatory.

In addition, see CASE's 8/14/84 Motions Regarding ANI Documents, especially:

CASE Exhibits 1,033 and 1,051 -- major generic problem -- nonconforming material used on attachments for Class I attachments.

CASE Exhibit 1,052 -- Class 1 piping attachment material installed in the field; Class 2 pressure retaining material after installation in Class 1 fabrication.

CASE Exhibit 1,056 -- NCR's, used to upgrade supports from Class 2 to Class 1, possibly with nonconforming material.

R. Unqualified QA/QC Supervisory Personnel (page 12).

Vendor Surveillance

S. QC Surveillance of Chicago Bridge and Iron (page 12).

T. NPSI's Adequacy to Fabricate Pipe Restraints (page 13).

Use of Polar Crane to Force 32" Main Steam Pipe into Position

W. Messerly Allegations (page 15).

BB. Cold Springing of Pipe (page 16).

Information which is relevant and material to these matters (sufficient that CASE believes the record should be reopened, at least

to the extent of allowing them to be included in Proposed Findings) is contained in CASE Exhibit 1,054 (attached to CASE's 8/14/84 Motions Regarding ANI Documents). As discussed in the summary section on ANI REPORTS -- PROMPT IDENTIFICATION AND CORRECTION OF NONCONFORMANCES (page 9), this ANI Report documents a major problem: use of applied force during fabrication of component supports (unauthorized use of a porta-power to spread the horizontal members of a box support in order to achieve required clearance, a practice which is not acceptable to the ANI, but which was closed by the ANI on 5/16/84 "based on PSE Chief Engineer Jay Ryan assuming responsibility"). This ties in with and adds credibility to CASE Witness Bob Messerly's deposition regarding the use of the polar crane to force a 32" main steam line into position /11/; also with testimony by CASE Witness Charles Atchison that he had observed "cold springing" of two lines from reactor coolant pump compartment number three /12.

Document Control; Prompt Identification and Corrrection of Nonconforming Condition

In addition to the following specific items mentioned in the Board's 3/15/84 Memorandum, CASE still plans to file a Motion for a New Contention regarding the subject of document control (including

/11/ See pages 25-32 of 4/14/84 Messerly NRC Deposition, attached to CASE's 8/3/83 letter to Board under Subject of Record Regarding Discouragement from Reporting Nonconforming Conditions at Comanche Peak Nuclear Plant.

/12/ See discussion on page 46 of Board's 7/29/83 Proposed Initial Decision (Concerning aspects of construction quality control, emergency planning and Board questions); closed with Board's 9/23/83 Memorandum and Order (Emergency Planning, Specific Quality Assurance Issues and Board Issues), page 36.

falsification of documentation), failure to promptly identify and correct nonconforming conditions, inadequacy of procedures, and related matters (including documentation problems with the important N-5 program /13/, lack of and inability to find adequate documentation regarding the fuel pool liner and transfer canal). This information calls into question the entire "paper trail" on which the NRC is so dependent to assure that the plant has been constructed and designed properly and can operate without endangering the public health and safety.

Earlier this week, we received approval from Mr. Roisman to obtain an affidavit direct from Dobie Hatley regarding the reasons for withdrawing her February 1984 testimony; however, Ms. Hatley has been out of town ever since that time, and we do not yet have the necessary affidavit. In addition, the mini-public document room does not yet have all the transcripts (of depositions taken during the Intimidation portion of the hearings) to which we need to refer in making our Motion. We are hopeful that we will have all the necessary documents in hand sometime during the coming week, and will file our Motion just as soon as possible.

X. Component Modification Cards (pages 15 and 16).

FF. Computerization of Non-Conformance Reports (pages 17 and 18).

/3/, page 2 -- Memorandum (Records Retrieval), LBP-84-8, 19 NRC ___, January 30, 1984.

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/13/ See Testimony of NRC Staff Witness Robert Taylor during October 1983 hearings, Tr. 8875/8-8877/24.

AA. Number of Inspectors (page 16).

EE. Reactor Vessel Mirror Shield (page 17). CASE is not certain whether or not the Board is satisfied with the state of the record on this matter.

II. Staff Walkdown Inspections (page 19).

LL. Recent Changes in QA/QC Program (page 19).

MM. Office of Investigations Reports (page 19).

CASE believes that the Byron decision mandates that the Board not close the record until all OI Reports on outstanding items applicable to the hearings have been received and an opportunity provided for rebuttal to such reports.

PP. Walsh/Doyle Allegations (now also referred to as Design Decision allegations) (page 20).

JJ. Cygna Report (page 19).

/3/, page 2 -- Partial Initial Decision (A-500 Steel), LBP 83-63, 18 NRC ___, October 6, 1983. Being treated as a Motion for Summary Disposition.

The design and design QA problems identified by Messrs. Walsh and Doyle (including those identified regarding the Cygna Report) become even more important because it appears that everyone is relying on Applicants to be certain that Comanche Peak has been designed correctly and adequately. The NRC's routine inspections are certainly not sufficient; and their Special Inspection Team (SIT), which looked into

the allegations of Messrs. Walsh and Doyle, even then did not adequately identify or address some of the problems. In addition, the Authorized Nuclear Inspectors (ANI's) do not inspect for design problems, but only for fabrication and installation /14/. This adds increased importance to the problem identified by Messrs. Walsh and Doyle, and since design problems are not inspected by QC Inspectors, or by ANI's, or routinely by the NRC inspectors, it is reasonable to assume that the design problems identified by Messrs. Walsh and Doyle are not isolated incidents, but are in fact only a small tip of the iceberg.

Applicants' current Motion is based on some basic underlying assumptions -- that the plant has been constructed and designed and will operate in a predictable manner, and that there is a sufficient factor of safety to take care of any problems. However, it should be noted that CASE has not yet answered Applicants' Motion for Summary Disposition on safety factors, and any decision by the Board at this point in time on Applicants' current Motion would be reached without having seen CASE's response on the issue of safety factors. It should also be noted that, were the Board to rule based on its original 12/28/83 Board Memorandum and Order (Quality Assurance for Design), Applicants could not be granted an operating license at all (which would make the question of whether or not to grant a license to load fuel moot).

/14/ See Testimony of NRC Staff Witness Robert Taylor in the October 1983 hearings, Tr. 8875/8-8877/12.

CASE believes that the Board will find little to resolve its concerns about the design/design QA issues in CASE's Answers to Applicants' Motions to Summary Disposition (some of which we have already sent in and some of which we are presently working on). In fact, in many instances in their Motions for Summary Disposition, Applicants have brought new information to the attention of Messrs. Walsh and Doyle which increases or substantiates those concerns.

It should be obvious to the Board, from the Answers to Applicants' Motions for Summary Disposition which we have filed to date and the numerous Walsh/Doyle allegations which Applicants have not yet even addressed, that there are still many unresolved questions regarding the design and design QA at Comanche Peak -- not only about pipe supports, but about the entire plant -- some of which raise questions of sufficient significance that Applicants should not be granted a license even to load fuel and perform testing until those questions are resolved in Applicants' favor. CASE does not believe such resolution is possible, based upon what is already in the record and what will soon be sent in. If there is no confidence in the design and design QA, there can be no reasonable assurance that Applicants can control precriticality, and they cannot be permitted to load fuel and perform tests without such assurance.

RR. Trends or Patterns of Non-conforming Conditions

Due to the heavy workload CASE has encountered, we have not as yet been able to complete our work on trends or patterns of non-conforming conditions. As we have discussed previously, this is a mammoth

undertaking and we are still reviewing recently acquired information which is applicable to this. However, a rough sample of the type of information we would include in such trending is contained in CASE's 8/14/84 Motions Regarding ANI Documents, in the attached summaries. From a review of those relatively few documents, the amount of time and effort necessary can be readily understood.

/3/, page 2 -- Memorandum (Adequacy of Record: Deleval Diesel Generators), January 31, 1984 (unpublished).

In conclusion, as discussed herein, CASE has demonstrated (contrary to Applicants' argument) that there is a very good possibility that the activities for which authorization is sought will endanger public health and safety, and that CASE's Contention 5 is directly relevant to the proposed activities.

As discussed herein, there is documentation and evidence to call into serious question Applicants' trustworthiness and compliance with the terms of their present (construction) permit and applicable NRC regulations. This goes to the very heart of CASE's Contention 5, as the wording of our contention plainly indicates, and is therefore directly relevant and material to Applicants' current Motion. Furthermore, Applicants in the Comanche Peak proceedings, by their own actions and statements, have called into serious question any assumption that they can be relied upon to comply with the terms of a license to load fuel and do pre-criticality testing, or that they will or have the ability to keep the plant from reaching criticality.

It should also be noted that Applicants' Motion is premature and that by their own admission (Footnote 1, page 3) they are already (apparently irretrievably) three weeks behind what CASE believes is their overly optimistic schedule to fuel load. There is no good reason (and none is offered by Applicants) for their having to load fuel in order to conduct many of the tests, which they have by management decision deliberately and unnecessarily postponed until after fuel load.

In any event, CASE submits that, in order to comply with the plain language of NRC regulations, the Licensing Board in the Comanche Peak proceedings, prior to granting Applicants' current Motion, must make the same findings which it would be necessary to make for a full operating license. For the Board to make such findings now -- without having all the facts necessary to make such a judgement -- would not only be patently unfair and extremely prejudicial to CASE, but is in fact contrary to the NRC's own regulations as set forth in 10 CFR 50.57(c). Further, for the reasons discussed herein, CASE does not believe that the Board can, based on what is in the record (and what is soon to be in the record), make a favorable ruling at this time.

For these reasons and the other reasons discussed herein, CASE moves that the Board deny Applicants' Motion in its entirety.

Respectfully submitted,

Juanita Ellis

(Mrs.) Juanita Ellis, President
CASE (Citizens Association for Sound Energy)
1426 S. Polk
Dallas, Texas 75224
214/946-9446

J. Collins

Rcd. 8/9/84

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 1000
ARLINGTON, TEXAS 76011

July 26, 1984

In Reply Refer To:
Dockets: 50-445/84-08
50-446/84-04

Texas Utilities Electric Company
ATTN: M. D. Spence, President, TUGCO
Skyway Tower
400 North Olive Street
Lock Box 81
Dallas, Texas 75201

Gentlemen:

This refers to the inspection conducted under the Resident Inspection Program by Messrs. J. E. Cummins, W. F. Smith, L. E. Martin and C. R. Oberg of this office during the period November 14, 1983, through March 31, 1984, of activities authorized by NRC Construction Permits CPPR-126 and CPPR-127 of the Comanche Peak facility, Units 1 and 2, and to the discussion of our findings with Mr. J. T. Merritt, and other members of your staff at the conclusion of the inspection.

Areas examined during the inspection included licensee action on previous findings, 10 CFR Part 50.55(e) report followup, 10 CFR Part 21 report follow-up, allegation followup (Unit 1), independent inspection of coatings, training of protective coatings inspectors, review of safety-related systems (Unit 1), inventory of audit material in custody of NRC, and plant tours. Within these areas, the inspection consisted of selective examination of procedures and representative records, interviews with personnel, and observations by the inspectors. The inspection findings are documented in the enclosed inspection report.

During this inspection, it was found that certain of your activities were in violation of NRC requirements. Consequently, you are required to respond to this violation in writing, in accordance with the provisions of Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. Your response should be based on the specifics contained in the Notice of Violation enclosed with this letter.

During this inspection, it was found that certain of your activities appeared to deviate from a commitment made to the NRC. This item and reference to the commitment are identified in the enclosed Notice of Deviation. You are requested to respond to this deviation in writing. Your response should be based on the specifics contained in the Notice of Deviation enclosed with this letter.

In accordance with 10 CFR 2.790(a), a copy of this letter and the enclosures will be placed in the NRC Public Document Room unless you notify this office, by telephone, within 10 days of the date of this letter, and submit written application to withhold information contained therein within 30 days of the date of this letter. Such application must be consistent with the requirements of 2.790(b)(1).

The responses directed by this letter and the accompanying Notices are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96511.

Should you have any questions concerning this inspection, we will be pleased to discuss them with you.

Sincerely,

Richard L. Bangart

Richard L. Bangart, Director
Region IV Task Force

Enclosures:
1. Appendix A Notice of Violation
2. Appendix B Notice of Deviation
3. Appendix C NRC Inspection Report
   50-445/84-08
   50-446/84-04

cc w/encl:
Texas Utilities Electric Company
ATTN: H. C. Schmidt, Manager
Nuclear Services
Skyway Tower
400 North Olive Street
Lock Box 81
Dallas, Texas 75201

Texas Utilities Electric Company
ATTN: B. R. Clements, Vice President, Nuclear
Skyway Tower
400 North Olive Street
Lock Box 81
Dallas, Texas 75201

APPENDIX A

NOTICE OF VIOLATION

Texas Utilities Electric Company
Comanche Peak Steam Electric
Station (CPSES) Unit 1

Docket: 50-445/84-08
Construction Permit: CPPR-126

Based on the results of an NRC inspection conducted during the period of November 14, 1983, through March 31, 1984, and in accordance with the NRC Enforcement Policy (10 CFR Part 2, Appendix C), 49 FR 8583, dated March 8, 1984, the following violations were identified:

A. Gaps on Unit 1 Polar Crane Bracket and Seismic Connections Exceed Design Requirements

10 CFR 50, Appendix B, Criterion V requires that, "activities affecting quality shall be prescribed by documented instructions, procedures, or drawings, of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings."

Design change Authorization 9872 required that all gaps on the Unit 1 polar crane bracket and seismic connections greater than 1/16 inch be shimmed.

Contrary to the above on February 13, 1984, the NRC inspector reviewed the polar crane bracket and seismic connections listed below and observed that there were unshimmed gaps that exceeded 1/16 inch.

| Girder Number | Connection location on Girder (looking from inside containment) | Approximate Gap |
|---|---|---|
| 23 | center | 1/8" |
| 23 | right | 1/8" |
| 26 | right | 3/16" |
| 20 | center | 5/32" |
| 20 | left | 3/16" |
| 19 | right | 3/16" |
| 17 | center | 5/32" |
| 16 | right | 1/8" |

This is a Severity Level IV Violation (Supplement 11.D) (445/8408-01).

B. Failure to Perform Inspections of Installation Activities Related to Unit 1, Main Coolant System Crossover Leg Restraints

Criterion X of Appendix B to 10 CFR Part 50 requires that inspections of activities affecting quality shall be established and executed by or for the organizations performing the activity to verify conformance with the documented instructions, procedures, and drawings for accomplishing the activity.

Texas Utilities Electric Company Quality Assurance Plan, in Section 10.0, requires that planned written inspection procedures be utilized. It further requires that inspection activities include the types of characteristics to be measured, the methods of examination, and the criteria.

Contrary to the above, it was determined that inspections were not made of the installations of the Unit 1 crossover leg restraints, nor were any documents requiring such an inspection issued. Specifically, the requirements for installation, as specified in Gibbs & Hill Drawing 2323-S1-0550, were not inspected and documented. The eight crossover restraints (2 per loop) are major components of the main coolant piping seismic restraints and support system.

This is a Severity Level IV Violation. (Supplement II.D) (445/8409-02)

Pursuant to the provisions of 10 CFR 2.201, Texas Utilities Electric Company is hereby required to submit to this office, within 30 days of the date of this Notice, a written statement or explanation in reply, including: (1) the corrective steps which have been taken and the results achieved; (2) corrective steps which will be taken to avoid further violations; and (3) the date when full compliance will be achieved. Consideration may be given to extending your response time for good cause shown.

Dated: July 26, 1984

APPENDIX B

NOTICE OF DEVIATION

Texas Utilities Electric Company
Comanche Peak Steam Electric
Station (CPSES) Unit 1

Docket: 50-445/84-08
Construction Permit: CPPR-126

Based on the results of an NRC inspection conducted during the period of November 14, 1983, through March 31, 1984, and in accordance with the NRC enforcement Policy (10 CFR Part 2, Appendix C), 49 FR 8583, dated March 8, 1984, the following deviation was identified:

Deviation from Design Information for Installation of Seismic Category I/ Seismic Category II Structural Steel for the Bolted Connections Between the W16x40 and the Wall on Platform OP-11 in the Pressurizer Compartment.

1. CPSES FSAR Section 1A(B), on page 1A(B)-26, states, "The quality assurance program for design and construction at CPSES incorporates the intended objectives of ANSI N45.2.11." (Draft 2, Revision 2 - May 1973)

   Contrary to the above, the licensee did not incorporate the intended objectives of ANSI N45.2.11 into the design of certain personnel access platforms at CPSES. A review of the design documentation, including Gibbs and Hill Drawing 2323-S1-0556, Revision 4, Design Change Authorization (DCA) 9764, Revision 3, and DCA 1090, indicated that the above platform was originally designed as nonsafety-related.

2. ANSI N45.2.11 (Draft 2, Revision 2 - May 1973), paragraph 3, requires that design input requirements be specified to the level of detail necessary to permit the design activity to be carried out in a correct manner and should include basic functions, loads, and physical interfaces. ANSI N45.2.11, paragraph 8, requires that design changes be subjected to design control measures commensurate with the above.

   Contrary to the above, the design documentation was upgraded to Seismic Category II with the particular beams supporting safety-related instrument tubing for two channels of pressurizer level upgraded to Seismic Category I. DCA 1090 required that the bolted connections between the W16x40 and the wall be "hand tight only", but did not address any locking device or thread upset to prevent nut backoff.

3. AISC Manual for Steel Construction in the Specification for Design, Fabrication, and Erection of Structural Steel for Building in Section 1.23.5 addresses the need for tightening high strength bolted connections to prevent the nut from loosening and falling off.

In deviation from the above, DCA 9764 upgraded the platform to Category I and changeout of material, but did not change the connection requirements specified in DCA 1090.

This is a deviation (445/8408-03).

Texas Utilities Electric Company is hereby requested to submit to this office within 30 days of the date of this Notice of Deviation, a written statement or explanation in reply, including: (1) the corrective steps which have been taken and the results achieved; (2) corrective steps which will be taken to avoid further deviation from commitments made to the Commission; and (3) the date when full compliance will be achieved. Consideration may be given to extending your response time for good cause shown.

Dated: July 26, 1984

APPENDIX C

U. S. NUCLEAR REGULATORY COMMISSION
REGION IV

NRC Inspection Report: 50-445/84-08
50-446/84-04

Dockets: 50-445; 50-446 Construction Permits: CPPR-126
CPPR-127

Licensee: Texas Utilities Electric Company(TUEC)
Skyway Tower
400 North Olive Street
Lock Box 81
Dallas, Texas 75201

Facility Name: Comanche Peak Steam Electric Station (CPSES), Units 1 and 2

Inspection At: Glen Rose, Texas

Inspection Conducted: November 14, 1983 through March 31, 1984

Inspectors: for D M Hunnicutt 4/10/84
J. E. Cummins, Senior Resident Inspector-Construction Date
(paragraphs 1, 2, 3, 5, 6, 7, 8, 9, 10, 13)

for D M Hunnicutt 4/10/84
W. F. Smith, Resident Inspector-Operations Date
(paragraphs 1, 4, 13)

L. E. Martin 4/10/84
L. E. Martin, Reactor Inspector, Engineering Section Date
(paragraphs 1, 11, 13)

C. R. Oberg 4/10/84
C. R. Oberg, Reactor Inspector, Reactor Project Sec. A Date
(paragraphs 1, 11, 13)

Richard L Bangart for 07/26/84
D. M. Hunnicutt, Chief, Reactor Project Section A Date
(paragraphs 1, 3, 9, 13)

Approved: Richard L Bangart for 07/26/84
D. M. Hunnicutt, Chief, Reactor Project Section A Date

Inspection Summary

Inspection Conducted November 14, 1983 through March 31, 1984 (Report 50-445/84-08)

Areas Inspected: Routine, announced inspection of licensee action on previous findings, 10 CFR Part 50.55(e) report followup, 10 CFR Part 21 followup, allegation followup, independent inspection of coatings, training of protective coatings inspectors, review of safety-related systems, inventory of audit material in custody of NRC, plant status, and plant tours.

The inspection involved 190 inspector-hours onsite by five NRC inspectors.

Results: Within the ten areas inspected, two violations (gaps on Unit 1 polar crane bracket and seismic connections exceed design requirements, paragraph 3 and failure to perform required inspections, paragraph 11) and one deviation (deviation from FSAR design requirement, paragraph 11) were identified.

Inspection Summary

Inspection Conducted November 14, 1983 through March 31, 1984 (Report 50-446/84-04)

Areas Inspected: Routine, announced inspection of licensee action on previous findings, 10 CFR Part 50.55(e) report followup, 10 CFR Part 21 report follow-up, independent inspection of coatings, training of protective coatings inspectors, inventory of audit material in custody of NRC, and plant tours.

The inspection involved 44 inspector-hours onsite by two NRC inspectors.

Results: Within the seven areas inspected, no violations or deviations were identified.

## DETAILS

1. Persons Contacted

Principal Licensee and Contractor Employees

*B. R. Clements, Vice President, Nuclear Operations
*J. C. Kuykendall, Manager, Nuclear Operations
*J. T. Merritt, Site Project Manager
*R. A. Jones, Manager, Plant Operations
*T. L. Gosdin, TUGCO Public Information Coordinator
*R. T. Jenkins, Operations Support Superintendent
*M. McBay, Engineering Manager, TUGCO, Engineering and Construction (E&C)
*R. P. Baker, Staff Engineering Manager, TUGCO E&C
*R. G. Tolson, TUGCO Site QA Supervisor
S. Spencer, QA Auditor (Corporate Office)
J. Marshall, Licensing Supervisor (Corporate Office)
*D. E. Deviney, Operations QA Supervisor
*T. P. Miller, Lead Startup Engineer, TUGCO
*C. H. Welch, QA Services Supervisor
*H. A. Lancaster, Startup QA Specialist
*J. C. Smith, Operations QA
*M. Riggs, Operations Support Engineer
B. C. Scott, QA Supervisor
A. Vega, QA Services Supervisor
R. Kissenger, Project Civil Engineer
J. D. Hicks, Assistant Site QA Supervisor
R. L. Moller, Westinghouse Site Project Manager
G. Purdy, Site QA Manager Brown & Root (B&R)
H. Hutchinson, Project Control Manager
G. L. Morris, Site Mech. Level III ASME Quality Engr., B&R

The NRC inspectors also contacted other plant personnel including members of the construction, operations, technical, quality assurance, and administrative staffs.

*Denotes those attending one or more exit interviews.

2. Plant Status

Construction of Unit 1 is approximately 97% complete with fuel loading scheduled for July 1984. There is presently a great deal of effort to complete areas and then turn the completed areas over to Texas Utilities Generating Company (TUGCO) operations. The turnover process requires two phases. The first phase takes place when construction completes a specified area and turns that area over to the startup group. The second phase of the turnover process is when TUGCO operations completes final acceptance of the area from the startup group. The licensee has identified 422 distinct areas which are to be turned over. As of March 9, 1984, 158 of these 422 areas had been turned

over from construction to the startup group. TUGCO operations has made final acceptance of 66 of the 422 areas. The 422 distinct areas identified by the licensee to be turned over vary greatly in size and complexity; therefore, the number of areas turned over provides an indicator that progress is being made, but to make a determination as to the degree of progress, the size and complexity of each area must be evaluated.

Construction of Unit 2 is approximately 65% complete. Fuel loading is scheduled for January 1986.

3. Licensee Action on Previous Inspection Findings

a. (Closed) Violation (445/82-11): Failure to Perform Inspections of Installation Activities Related to Unit 1 Containment Polar Crane.

The licensee's Nonconformance Report (NCR) M-82-00894 documents the above violation. The disposition of NCR M-82-00894 directed that the polar crane girder connection finger shims previously installed per DCA 9872 were to be removed and inspected and any deviations from the requirements of DCA 9872 were to be identified to engineering for resolution. The licensee removed and inspected all of the finger shims associated with the Unit 1 polar crane bracket and seismic connections. During this inspection, any shim that did not meet the design requirements of DCA 9872 was replaced. This included the replacement of ten finger shims that were found to have clipped fingers. Operational traveler CE-82-370-8104 was issued to accomplish and document the shim inspection and rework directed by NCR M-82-0094. Traveler CE-82-370-8104 also instructed that the new shims were to be installed per the requirements of DCA 9872.

The shim inspection and rework was inspected and documented by quality control (QC) inspectors on NCR M-82-00894. This NCR was closed on January 24, 1983. The quality control inspection of the shim rework satisfies the requirements which were previously not met and which resulted in the original violation. This item is closed. However, the NRC inspector performed a random inspection of the polar crane girder connection shims and had the following two concerns:

(1) Design Change Authorization (DCA) 9872 required that all gaps greater than 1/16 inch be shimmed. In addition QC personnel verified that the gap for each polar crane girder connection was less than 1/16 inch and documented this on a shim documentation card which was attached to Traveler CE-82-370-8104. However, the NRC inspector observed that the following randomly selected girder connections had gaps that exceeded 1/16 inch:

| Girder Number | Connection Location on Girder (looking from inside containment) | Approximate Gap |
|---|---|---|
| 23 | center | 1/8" |
| 23 | right | 1/8" |
| 26 | right | 3/16" |
| 20 | center | 5/32" |
| 20 | left | 3/16" |
| 19 | right | 3/16" |
| 17 | center | 5/32" |
| 16 | right | 1/8" |

This is an apparent violation (445/8408-01).

(2) DCA 9872 required that the shims be tack welded as shown on Gibbs and Hill sketch SK82032 (Sheet 3 of DCA 9872). General Note 4 of SK82032 states that shims in the seismic connection may be welded to either vertical plate; however, on the seismic connections for girders 18, 22, 26, and 27 the tack welds which welded the shims together also tack welded the vertical plates together. This concern was discussed with licensee personnel. This is an unresolved item (445/8408-04).

b. (Closed) Severity Level IV Violation 445/8323-02: Instructions.

The five jam nuts identified as being loose were reworked and verified by QC to be "snug tight." The inspection checklist of procedure CP-QAP-12.1 was revised so that jam nut tightness is verified.

c. (Closed) Unresolved Item 446/8309-01: NDE Level III Certification

The licensee inspector's NDE Level III certification was rewritten on May 27, 1983, to show that his certification was based, in part, on successful completion of examinations.

4. 10 CFR Part 50.55(e) Report Followup Inspection

The RRI (Operations) conducted a review of all reports made by the licensee pursuant to 10 CFR 50.55(e) since the CPSES construction permit was issued on December 19, 1974. During the period between December 19, 1974, and February 17, 1984 NRC reading files showed that 103 reports were transmitted to the Commission. TUGCO logs were in agreement. Of these, subsequent correspondence indicated that the licensee, upon further investigation, concluded that 57 reports did not meet the reporting criteria of 10 CFR 50.55(e) and thus were "not reportable."

The balance of 46 10 CFR 50.55(e) reports appear to be reportable except for three recent items, which were under investigation at the time of the inspection.

The RRI noted that 26 10 CFR 50.55(e) reports had been closed by the licensee. However, the status report published weekly by the site QA secretary indicaced that they were awaiting NRC action for closure. The licensee's representatives stated that the item would be closed and removed from the weekly report as soon as the SRRI (Construction) reviewed the records submitted to him and specifically addressed each in an inspection report as satisfactorily closed. At the exit interview of March 2, 1984, the RRI pointed out that this is not a requirement of the NRC and as such the NRC should be removed from the status report as actionee for closure of each item. The records submitted to the SRRI (Construction) should be retrieved and placed in the appropriate licensee-controlled file, subject to future NRC audits. During the exit interview the licensee stated that this would be done.

The RRI reviewed eight of the 10 CFR 50.55(e) report folders in detail. The licensee refers to them as "Significant Deficiency Analysis Reports" (SDARs). Attributes evaluated included followup correspondence, depth of investigation, and compliance with reporting requirements. The eight folders were numbered SDAR 81-07, 82-03,82-07, 82-09, 82-13, 82-14, 83-03, and 83-20. Half were ruled "non-reportable" by the licensee, and half were "reportable." The RRI did not observe any deficiencies in any of the folders.

In addition to reviewing specific SDAR records, the RRI reviewed the following applicable procedures:

| | |
|---|---|
| CP-EP-16.3 | "Control of Reportable Deficiencies" |
| DQP-CS-6 | "Reporting of Significant Deficiencies" |
| CP-QP-16.1 | "Significant Construction Deficiencies" |
| CP-QP-15.6 | "SDAR Status Tracking" |

The above procedures appear to meet the requirements of 10 CFR 50. The condition and tracking of each of the SDAR packages substantiate this. However, the RRI noted that the corporate office in Dallas, Texas, has one numbering system with their own log for SDAR's originated in the corporate office. The CPSES site QA office has another numbering system, with their own log, for SDAR's originated at the site. The corporate office tracks all SDAR's, but CPSES tracks only the SDAR's originated at the site. At the exit interview of March 2, 1984, the RRI commented that Site status report addressees could be led into believing the site tracking system is complete when such is not necessarily the case.

No violations or deviations were identified.

5. Followup of Part 21 Report

On February 3, 1984, a licensee audit of one of it's suppliers, Gulfalloy, Inc., identified an apparent falsification of inspector's eye examination records. This apparent falsification of records was reported to the NRC by Gulfalloy, Inc., in accordance with the reporting requirements of 10 CFR Part 21. The falsification of eye exam records occurred when the eye exam records from an eye exam given to three inspectors on November 13, 1980, were photocopied and the date changed so that it would appear that the three inspectors had also received eye exams on October 22, 1981. Additional eye exams were given to the inspectors on September 15, 1982, and again on January 16, 1984. The Gulfalloy, Inc., employee responsible for ensuring that the inspectors received the required eye exam was also responsible for reviewing material manufacturers chemical and physical test results.

The NRC inspectors discussed this event with licensee personnel and were informed that corrective action would include a review of the records of material received from Gulfalloy, Inc. The NRC inspector will continue to monitor the licensee's corrective action.

No violations or deviations were identified.

6. Followup of Allegation

The following allegation was relayed from the NRC Region IV office to the NRC inspector for followup: "Fork lift ran into guide rods by missile shield. Rods were approximately 2½" diameter stainless steel." Representatives from the Office of Investigations interviewed the alleger in order to obtain more details regarding this allegation, but were unsuccessful in this effort.

The NRC inspector was unable to identify an event that fit all the specifics in the above allegation. As far as the NRC inspector could determine from discussions with personnel familiar with work in the reactor building, fork lifts have not been used in the reactor building. However, the following event could have been what was observed by the alleger:

On October 14, 1983, the refueling crane struck and bent a thermocouple column. This incident and subsequent corrective action were documented on Westinghouse Field Deficiency Report TBX-10285 and Brown and Root NCR M-11438. The thermocouple column that was bent is a long (approximately 17 feet) tube that provides support for incore thermocouple tubing between the upper core internals and the reactor vessel head. The lower end of the thermocouple column is attached to the upper core assembly.

The refueling crane is a bridge type crane that spans the refueling cavity. At the time the incident took place, the upper core assembly was mounted on extension legs and stored in its normal storage location in the refueling cavity. The extension legs elevated the upper end of the thermocouple column high enough to place it in the path of the refueling crane. The bent thermocouple was reported, evaluated, and straightened as reported in the two documents identified above. This allegation is closed.

No violations or deviations were identified.

7. Independent Inspection of Coatings

Brookhaven National Laboratories (BNL) has been contracted by the NRC to conduct an independent inspection of the CPSES protective coatings program and its implementation, and to investigate allegations of improprieties in the protective coatings area.

During this inspection period BNL inspectors performed three onsite inspections at CPSES.

The scope and findings of this ongoing inspection will be documented in a subsequent NRC report.

8. Training of Protective Coatings Inspectors

On March 8, 1984, the NRC inspector attended a training session given for protective coatings quality control inspectors. The purpose of the training session was to review and discuss recent changes to protective coatings Procedure QI-QP-11.4-26, "Inspection of Steel Substrate, Surface Preparation, Primer Application, Primer Repair Seal and Finish Coat Application and Repair". The lesson plan for the training session was followed and the attendees were allowed ample opportunity to discuss the topics covered.

No violations or deviations were identified.

9. Inventory of Audit Material in Custody of NRC

On March 9, 1984, the NRC inspector took custody of a box containing file folders from the site quality assurance supervisor. The box of file folders had been collected by licensee personnel during an audit of quality control inspectors conducted on March 8, 1984. An NRC representative subsequently made an inventory of the contents of this box.

10. Plant Tours

At various times during the inspection period, the NRC inspector conducted general tours of the reactor building, fuel building, safeguards building,

electrical and control building, and the turbine building. During the tours the NRC inspector observed housekeeping practices, preventive maintenance on installed equipment, and ongoing construction work.

No violations or deviations were identified.

11. Review of Safety-Related Systems (Unit 1)

a. Platforms Inside Containment

On December 14, 1983, the NRC inspector observed loose bolted connections on platform OP-11 in the pressurizer compartment. Platform OP-11 supports safety-related instrument tubing for two channels of pressurizer level on the under side of the platform. A review of the design documentation including Gibbs & Hill Drawing 2323-S1-0556, Revision 4, DCA 9764, Revision 3, and DCA 1090 indicated that this platform was originally designed as nonsafety-related. It was upgraded to Seismic Category II with the particular beams in question being Seismic Category I as they were supporting safety-related instrument tubing for two channels of pressurizer level. DCA 1090 required that the bolts be "hand tight only" to allow for lateral expansion of the platform, but it did not address any locking device or thread upset to prevent nut backoff. DCA 9764 upgraded the platform to Category I and changeout of material but did not change the connection requirements specified in DCA 1090. Subsequent to identification of this problem by the NRC inspector, a DCA was initiated requiring the use of jam nuts or upset threads to correct this problem with the platforms shown on G&H Drawing 2323-S1-0556. The NRC inspector advised the licensee that DCA 1090 affected more than one drawing and that engineering would have to look at all similar connections for general application and corrective action.

This is a deviation (445/8408-03).

b. Main Coolant Loop Restraints

During an inspection inside containment, Unit 1, the crossover leg restraints of main coolant loop No. 1 were examined for conformance to applicable drawings for materials, construction, and installation. Materials and welding were found to be as specified on the drawings.

There are two similar restraints on each main coolant loop made of 1¾ inch ASTM A36 carbon steel. The restraints were manufactured by AFCO Steel Corporation in accordance with G&H 0550,

Revision 4. The restraints are massive, approximately 11 feet long, 3 feet wide and 5½ feet tall. Each restraint is fastened to the base mat by 16 prepositioned 2½ inch diameter anchor bolts as specified on G&H drawing 2323-S1-0551, Detail B.

Drawing S1-0550 required that each anchor bolt be pretensioned to "90 plus or minus 10 kips" and utilize a washer, two regular nuts and a jam nut made of ASTM A 540 material. The bottom nut and the washer required a tack weld as noted in the drawing. The tack welds were not found on any of the anchor bolts inspected. In addition, no record of a QC installation inspection of the restraints for loop No. 1 or any other loop of Unit 1 could be found. Thus, pretensioning of the anchor bolts could not be confirmed.

The crossover leg restraints are major components of the main coolant piping seismic restraint and support system. Appendix B of 10 CFR 50, Criterion X, requires that inspections of activities affecting quality shall be established and performed to verify conformance with documented instructions, procedures, and drawings for accomplishing the activity.

TUEC QA Plan, Section 10.0 requires that planned written inspection procedures be used. No requirement for inspection of the crossover leg restraints had been issued. This is also contrary to 10 CFR 50, Appendix B, Criterion X.

This is a violation (445/8408-02).

12. Unresolved Items

Unresolved items are matters about which more information is required in order to determine whether they are acceptable items, violations or deviations. One unresolved item related to polar crane shims (Unresolved Item 8408-04) is discussed in paragraph 3.

13. Exit Interviews

The NRC inspectors met with members of the TUEC staff (denoted in paragraph 1) at various times during the course of the inspection. The scope and findings of the inspection were discussed.

Tuesday, August 14, 1984 The Dallas Morning News

# NRC cites four safety violations at Comanche Peak

The builder of the Comanche Peak nuclear power plant has received notice from the Nuclear Regulatory Commission of four violations of safety requirements, officials announced Monday.

The violations are not a cause for significant concern, but could lead to a more serious situation if left uncorrected, inspectors said.

Officials of the Texas Utilities Generating Co., which is building the plant about 75 miles southwest of Dallas near Glen Rose in Somervell County, said engineers are preparing responses to the violations pinpointed by the NRC.

The most serious violation concerned earthquake supports for a heavy crane above the reactor core that previously had been approved by TUGCO plant inspectors but later rejected by NRC inspectors, officials said.

TUGCO engineer Tom Rose said that plant engineers believe that the TUGCO inspections had been performed correctly, but that changes in temperature had caused the metal in the earthquake supports to expand and contract, resulting in the violations cited.

Another violation concerned lack of welds on anchor bolts in the coolant system and a failure to inspect the bolts, NRC officials said.

8-8-84
Wall St. Journal

# Vepco's North Anna Nuclear Units Closed For Ductwork Repairs

By a WALL STREET JOURNAL Staff Reporter

RICHMOND, Va. — Virginia Electric & Power Co. said both of its North Anna nuclear units have been closed until repairs can be made to the reactors' ductwork so that they meet federal standards.

The problem was discovered when Unit 1 was closed recently for routine maintenance and inspection. Investigators could find no record indicating that paint on the reactor's ventilation duct met Nuclear Regulatory Commission standards, said Vepco spokeswoman Nolene Hassett. A paint that doesn't chip is essential because, during an accident, a flaking under intense heat could hinder safety operations.

No records on paint could be found for Unit 2 and it was closed last week, Miss Hassett said. Both units provide about 16.5% of the utility's capacity.

The utility is now wrapping mesh wire around the ducts to trap any paint that might chip under heat stress. The interim solution was approved by the NRC, Miss Hassett said. Once that work is completed the utility hopes to have both reactors back in operation in two to three weeks.

The utility now has a contract with Appalachian Power Co. to buy electricity if needed. The company had no estimate of how much the closings will cost.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

| | | |
|---|---|---|
| In the Matter of | }{ | |
| | }{ | |
| TEXAS UTILITIES ELECTRIC | }{ | Docket Nos. 50-445-1 |
| COMPANY, et al. | }{ | and 50-446-1 |
| (Comanche Peak Steam Electric | }{ | |
| Station, Units 1 and 2) | }{ | |

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of CASE's Partial Answer in Opposition to Applicants' Motion for Authorization to Issue a License to Load Fuel and Conduct Certain Precritical Testing and Motion for Additional Time to Respond

have been sent to the names listed below this 18th day of August, 1984, by: Express Mail where indicated by * and First Class Mail elsewhere.

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