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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
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In the Matter of:)	
)	
TEXAS UTILITIES ELECTRIC)	Dockets Nos. 50-445 and
COMPANY, <u>et al.</u>)	50-446
)	
(Comanche Peak Steam Electric)	(Application for
Station, Units 1 and 2))	Operating License)

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APPLICANTS' MOTION FOR SUMMARY
DISPOSITION REGARDING TRIP REPORT
OF J.J. LIPINSKY

Pursuant to 10 C.F.R. §2.749, Texas Utilities Electric Company, et al. ("Applicants") submit this Motion for Summary Disposition Regarding Trip Report of J.J. Lipinsky. There is no genuine issue as to any material fact concerning the contents of Mr. Lipinsky's Report, and Applicants are entitled to a decision in their favor as a matter of law.

I. BACKGROUND

Intervenor CASE filed a pleading in November, 1983,¹ to which it attached a document titled "Departmental Correspondence," to R.B. Roth, from J.J. Lipinsky, on the subject "Trip Report OBC Job No. H8301 (Comanche Peak Unit 1-Glen

¹ CASE's (1) Partial Answer to Board's 10/25/83 Memorandum (Procedure Concerning Quality Assurance); (2) Motion for Additional Hearings; and (3) Motion for Protective Orders, filed Nov. 9, 1983.

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Rose, TX)." The Board has not received the Trip Report as evidence, and its contents are not, formally, issues in this proceeding. Because, however, CASE's reliance on the Trip Report as proof of its cont tions is seriously misplaced, and because the Trip Report does not accurately reflect the informed judgment of Mr. Lipinsky or of O.B. Cannon & Sons, Inc. regarding the Comanche Peak coatings program, Applicants move the Board for an order resolving the "issues" in the Report in Applicants' favor.

II. THE BOARD SHOULD GRANT APPLICANTS'
MOTION FOR SUMMARY DISPOSITION
OF THIS MATTER

Attached is the affidavit of Joseph J. Lipinsky, the author of the August 8, 1983 Trip Report. Mr. Lipinsky discusses the limited circumstances of his visit to Comanche Peak, the nature and purpose of the Trip Report, and his current judgments as to the items identified in the Report, based on information and documentation subsequently provided to him by Applicants. Also attached is the affidavit of C. Thomas Brandt, who provides extensive data and documentation regarding the Comanche Peak coatings program, as relevant to Mr. Lipinsky's Trip Report and his affidavit.

A. The Nature and Purpose of
the Trip Report.

Mr. Lipinsky's report was intended for internal use by O.B. Cannon only; in fact, Applicants were not given a copy until several months after it was written (Lipinsky, p. 2). Mr. Lipinsky did not intend his Report to become public, much less to represent the final views of himself or O.B. Cannon (id. at 4, 17). The Report consists of Mr. Lipinsky's impressions, based on fragmentary, incomplete information gathered during a three-day visit to Comanche Peak in July, 1983 (id. at 2-4, 17).

The Trip Report became public under questionable circumstances (id. at 4).

B. Mr. Lipinsky's Visit
to Comanche Peak.

Mr. Lipinsky based the observations in his Report on impressions gathered during a brief three-day visit to the site (id. at 1). In his judgment, then as now, a three-day visit did not allow him sufficient information to reach final judgments as to the Comanche Peak coatings program (id. at 4). Indeed, Mr. Lipinsky based certain items in the Report on matters that he observed, without investigating further (id. at 6), and on matters about which he was told by persons on site, which later turned out not to be true

(id. at 8, 9, 12). The Trip Report itself indicates that Mr. Lipinsky could not be too specific without a thorough review (Attachment to Lipinsky affidavit, p. 2).²

C. Mr. Lipinsky's Subsequent Analysis.

Following public disclosure of the Trip Report, Applicants requested a copy and invited Mr. Lipinsky back to the site to address his concerns in depth. Applicants have provided Mr. Lipinsky with substantial additional information and documentation, to allow him to reach informed and considered judgments as to each of his initial concerns. Mr. Lipinsky has concluded that each of his concerns was, based on his current understanding of Applicants' coatings program, unfounded.

² CASE claims (pleading dated Nov. 9, 1983, at 9) that the fact that Mr. Lipinsky could note the concerns expressed in the Trip Report based on "just three short days" indicates that those concerns "are so unmistakable [sic], so pervasive, and so blatant that one would have to be blind in both eyes not to be able to see them." To the contrary, as Mr. Lipinsky's affidavit shows, the more time that he devoted to evaluating the program, the less concerned he became regarding what he had initially identified as deficiencies. If CASE's use of Mr. Lipinsky's initial Report shows anything, it shows that shooting from the hip in a highly technical context is inappropriate.

1. Materials storage.

When Mr. Lipinsky visited the site, he looked for certain coatings traceability indicators with which he was familiar and which, to him, "would indicate good materials storage practices" (Lipinsky, p. 5). He did not see them. He was not, however, familiar with the control system utilized by Applicants. At Comanche Peak, coatings materials are inspected, identified and controlled--all of which is documented--from the moment that they arrive on site until they are actually applied (Brandt affidavit at 2-5). As Mr. Lipinsky acknowledges, had he been aware of Applicants' tracking and documentation system for coatings at the time of his initial visit, he would not have identified traceability or storage of coatings materials as concerns (Lipinsky, p. 6). Based on his current understanding of Applicants' procedures, Mr. Lipinsky has no further concern as to these matters.

2. Workmanship

The "workmanship" in Mr. Lipinsky's Trip
observation of sags and runs in
7). As both Mr. Lipinsky (id.
7) observe, however, runs

and sags in applied films are common at large nuclear plant construction sites. The question is whether sags and runs are procedurally addressed and controlled.

Applicants' quality procedures for steel substrate surfaces require the QC inspector to identify and inspect sags and runs visually for evidence of mudcracking, and to measure the Dry Film Thickness (DFT) of the sag or run (Brandt, p. 7 and Attachment H). If mudcracking is present, or if unacceptable DFT readings are obtained, the procedure requires that the sag or run be repaired or reworked (Brandt, p. 7). Applicants' quality procedures for concrete substrate surfaces include similar provisions for sags and runs (id.).

Based on his review of these procedural requirements, Mr. Lipinsky is satisfied that Applicants have procedurally addressed any problems that sags or runs might otherwise presented (Lipinsky, p. 7).

3. Painter qualification and indoctrination

Mr. Lipinsky identified painter qualification and indoctrination as a possible problem at three different places in his Trip Report (pp. 1, 2, 3). As it now turns out, his concerns were triggered by erroneous information given to Mr. Lipinsky by one or more QC inspectors.

Mr. Lipinsky was concerned that Applicants did not qualify painters by the actual application of coatings as a test for competence (affidavit, p. 8). But during a subsequent site visit, Mr. Lipinsky actually observed craft personnel undergoing hands-on testing (id.). Indeed, not only must painters at Comanche Peak satisfactorily coat test panels in order to be certified, but the procedures require that they receive classroom instruction and pass written examinations, as well (Brandt, p. 8).

Mr. Lipinsky was also led to believe, during his initial visit, that QA/QC personnel did not oversee the painter qualification process (affidavit at 8) but QC inspectors do examine the painters test panels to assure their acceptability (Brandt, pp. 8-9).

Mr. Lipinsky is now satisfied that his original impressions, which were based on erroneous information, were incorrect (Lipinsky, p. 8).³

³ The Trip Report (p. 2) states that "by Brown and Root standards, only 34 out of 452 individuals were of any value as painters." As Mr. Brandt explains (affidavit, p. 8), the statement is, literally, true. At the time of Mr. Lipinsky's visit, Applicants employed 34 certified painters at Comanche Peak. These were the only individuals "of any value" as painters, because only a certified painter may apply coatings at Comanche Peak (id.). All other personnel in the paint department were support personnel (id.). That organizational structure was as Applicants intended it.

4. Adequacy of documentation

During his three-day visit to the site in July, 1983, Mr. Lipinsky derived the conclusion--apparently without examining the documents in question--that Applicants' painter qualification forms and Inspection Reports did not require the recording of pertinent information set forth in ANSI standards (Lipinsky, p. 9). He has now reviewed samples of Applicants' Painter Certification Records and IR's, and is satisfied that both forms fully comply with ANSI standards (id.).

Attachments J and K to Mr. Brandt's affidavit are copies of Painter Certification Records used by Applicants to record painter qualifications, and the form recommended by ANSI. Plainly, Applicants' forms include all information recommended for inclusion by ANSI.

Attachments G, and H and I to Mr. Brandt's affidavit include sample IR's in use at Comanche Peak for different types of coatings. Attachment L to Mr. Brandt's affidavit is the inspection record form recommended in ANSI 101.4-1972. For the most part, Applicants' IR's require the entry of more data, in greater detail, than the ANSI version. As Mr. Brandt states (affidavit, pp. 9-10), the only information suggested by ANSI that Applicants' IR's do not require

is not relevant to the quality of safety-related coatings at Comanche Peak: the name of the shift foreman, and the condition of "sky," "wind," and "precipitation."

5. Coatings integrity

Mr. Lipinsky's Trip Report (p. 4) questioned Applicants' practice of abrading Carbo-Zinc 11, an inorganic zinc steel surface primer, with power grinders. Mr. Lipinsky was also concerned with the application of Phenoline 305 over an older coat of Phenoline 305, without extensive surface preparation.

As Mr. Brandt explains, Applicants permit sags or runs in excess of allowable DFT ranges to be abraded to achieve acceptable DFT (Brandt, p. 10). This practice is based on the recommendation of Carboline Company, CZ-11's manufacturer (id., pp. 10-11 and Attachment M). As reflected in Carboline's letter (Attachment M), the manufacturer approved this practice as consistent with ANSI standards.

Applicants' practice of preparing a previously-applied Phenoline 305 coated surface with a solvent wipe prior to application of a new coat of Phenoline 305, was also recommended by the manufacturer (Brandt, p. 11 and Attachment N). Indeed, the application of a thin coat of Phenoline 305, as

a sealant, over cured CZ-11 was also recommended by Carboline to address potential problems with bubbling (Brandt, pp. 11-12 and Attachment N).

Carboline's approval of these procedures fully satisfies Mr. Lipinsky's concerns (Lipinsky, p. 10).

6. Morale problems

Although Mr. Lipinsky perceived a morale problem in the ranks of QC coatings inspectors--based on his conversations with several inspectors--he has "no basis for concluding that morale at the site was detrimental to quality" (Lipinsky, p. 11). Because his observation does not relate to a quality concern, it is not relevant.

7. Management's commitment to quality

On his original visit to the site, Mr. Lipinsky thought that management was disinterested in quality, and actually attempted to discourage efforts to report quality problems. Mr. Lipinsky's impression was, however, the result of misunderstanding and erroneous information (Lipinsky, p. 11).

Part of the basis for Mr. Lipinsky's negative impression was a conversation with Ronald G. Tolson, then Applicants' site Quality Assurance Supervisor (id., p. 11). This

meeting with Mr. Tolson lasted approximately 10 minutes (id., p. 2) During the meeting, Mr. Tolson understood Mr. Lipinsky's comments to refer to licensing questions, as to which Mr. Tolson indicated he was not interested (id.). Mr. Lipinsky, however, thought that Mr. Tolson was saying that he was not interested in problems relating to quality (id.). This misunderstanding was subsequently resolved by conversations between the two; Mr. Lipinsky now believes that Mr. Tolson "is in fact sincerely concerned about the quality of the project" (id.).⁴

Mr. Lipinsky was further influenced by his misapprehensions (1) that coatings QC inspectors were not permitted to use Non-Conformance Reports (NCRs), coupled with (2) his understanding that the alternative reporting document, the IR, did not conform to ANSI requirements. As discussed supra, however, and as Mr. Lipinsky now recognizes (affidavit at 9), Applicants' IR's fully meet ANSI standards. Moreover, as Mr. Brandt makes clear, at no time were coatings QC inspectors at Comanche Peak prohibited from writing NCRs (Brandt, pp. 12-13).

⁴ At an exit interview on the day following Mr. Lipinsky's short conversation with Mr. Tolson, Mr. Tolson asked Mr. Lipinsky "for specific problem areas or items" (Trip Report, p. 2). Mr. Tolson thus demonstrated his concern about quality by asking Mr. Lipinsky for specific examples of problems. To this extent, the Trip Report appears to contradict itself.

In short, the bases for Mr. Lipinsky's initial perception of management's attitude were misunderstanding and misinformation.

8. Audits

The Comanche Peak coatings program has been the subject of repeated audits during the last several years (Brandt, pp. 13-14). In light of the volume of these audits, Mr. Tolson expressed the view to Mr. Lipinsky that further audit or audits would not be meaningful (Lipinsky, p. 13) in July, 1983, but Mr. Lipinsky was not then familiar with the background of the program or the internal and external audits. Now that he is, he agrees with Mr. Tolson (Lipinsky, pp. 13-14).

9. Other Concerns

With respect to the remaining remarks or points made in the Trip Report, Mr. Lipinsky, based on his enhanced understanding of the Comanche Peak program, no longer subscribes to the views expressed on August 3 (Lipinsky, pp. 15-16).

10. Summary

Applicants have provided Mr. Lipinsky with information and documentation regarding each of the concerns expressed in the August 8, 1983 Trip Report. Each of his concerns has been addressed to Mr. Lipinsky's satisfaction. So far as Mr. Lipinsky is concerned, these are closed issues, if they were ever really issues at all. So far as this Board is concerned, the Lipinsky Trip Report should be held as closed.

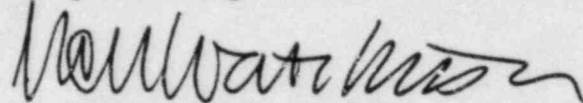
III. LEGAL STANDARDS GOVERNING
SUMMARY DISPOSITION.

Applicants discuss the legal requirements applicable to motions for summary disposition in their "Motion for Summary Disposition of Certain CASE Allegations Regarding AWS and ASME Code Provisions Related to Welding," filed April 15, 1984 (at 5-8). We incorporate that discussion herein by reference.

IV. CONCLUSION

The Board should order that matters raised in or addressed by the August 8, 1983 Trip Report of J.J. Lipinsky are resolved in Applicants' favor.

Respectfully submitted,



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September 29, 1984