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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)
)
 TEXAS UTILITIES ELECTRIC)
 COMPANY, et al.)
)
 (Comanche Peak Steam Electric)
 Station, Units 1 and 2)

Docket Nos. 50-445/2 06-2
50-446/2

NRC STAFF RESPONSE TO CASE'S REQUEST FOR ADMISSIONS

I. Introduction

On February 4, 1985, Intervenor Citizens Association for Sound Energy (CASE) filed a Request for Admissions pursuant to 10 C.F.R. § 2.742. ^{1/} In its filing, CASE requests the Staff to admit the truth of certain facts purportedly found by the Staff's Technical Review Team (TRT) in connection with its inspection and evaluation of Applicants' construction and quality assurance programs at Comanche Peak Steam Electric Station (CPSES).

The admissions requested by CASE are based upon a series of letters issued by the TRT to Applicants advising them of the status of the TRT's

1/ The Commission's procedural rules provide that a response to a request for admissions shall be filed "within a time designated by the presiding board or the Commission," which is not to be less than ten days after receipt of service. 10 C.F.R. § 2.742(b). Since CASE has not requested the Board to establish a filing deadline, and the Board has not done so sua sponte, there is currently no date by which the Staff's response to CASE's Request for Admissions must be filed. In the interest of avoiding undue delay, however, the Staff has elected to file its response to CASE's request at this time.

activities and requesting them to submit additional information to enable the TRT to complete its evaluation and reach a final position on the matters under consideration. See September 18 and November 29, 1984 and January 8, 1985 Letters from Darrell G. Eisenhut, Director of Licensing, to Michael D. Spence, President, Texas Utilities Generating Company. These letters, however, do not represent the TRT's final position on the matters addressed therein. See e.g., Tr. 24,042 (Mr. Treby). Rather, those letters merely memorialize matters discussed in meetings involving "TRT members and TUEC's personnel during the TRT's on-site activities." Safety Evaluation Report, Supplement No. 7 at J-5 (January 1985) ("SSER No. 7"). A case in point is the September 18, 1984 letter. That letter was issued on the same day of a meeting "held to discuss potential safety concerns and to request additional information by the TRT to complete its review." Id. (emphasis added); see also id. at J-6. Additionally, it should be noted that the TRT has stated unmistakably that the September 18, 1984 letter does not represent its final position on the electrical/instrumentation, civil/structural, test program, or any other types of allegations discussed therein:

The TRT noted at [the September 18, 1984] meeting that the E&I findings, as well as the actions required of TUEC, could not be considered final until they were integrated with the results of the overall programmatic review being conducted by the QA/QC Group.

Safety Evaluation Report, Supplement No. 7 at J-8 (January 1985).

It is not until the process associated with preparing a written safety evaluation report on a particular subject is completed that the

TRT's position on that subject is expressed. ^{2/} Indeed, even when a SSER is issued on a particular subject, the views set forth therein should not be considered final until integrated with the reviews being conducted by the TRT's QA/QC Group. See SSER No. 7 at J-8.

It is worth noting again that the letters cited by CASE reflect only preliminary views and assessments of the TRT before such views and assessments had been published in a written safety evaluation report setting forth the bases for those conclusions. The sole purpose of those letters was to inform Applicants as soon as possible of the TRT's preliminary findings to enable them to commence corrective action without awaiting the actual receipt of an SSER containing a more thorough and detailed explanation of the bases for the TRT's findings. While the Staff believes that the views expressed in the September 18 and November 29, 1984 and January 8, 1985 letters will correspond to those in the applicable SSERs, it should be emphasized that an SSER describes the TRT's efforts and explains its findings in a fashion more comprehensive than any of the letters relied upon by CASE. For this reason the conclusions expressed in the SSER may not conform in every respect to those in the letters. A review of SSER No. 7, which reflects the conclusions of the TRT's Electrical and Testing Groups, illustrates this point.

^{2/} The Staff, of course, recognizes that Applicants may avail themselves of their right to respond to an SSER by challenging its findings and conclusions. Upon consideration of Applicants' response it is possible that Staff might determine that certain of the findings and conclusions contained in its SSER should be modified. In that case, the Staff would issue a new SSER setting forth the reasons and bases underlying that determination.

In responding to CASE's request for admissions the Staff has been guided by the principles discussed above. Therefore, the Staff has answered those admissions involving matters with respect to which the TRT has expressed a position in a published SSER; for admission requests involving matters still under TRT review, the Staff, pursuant to 10 C.F.R. § 2.742(b)(1), has indicated that it is unable to admit or deny the truth of the fact sought to be admitted.

II. NRC STAFF RESPONSE TO SPECIFIC ADMISSION REQUESTS

1. The Technical Review Team (TRT) found a lack of awareness on the part of quality control (QC) electrical inspectors to document in the inspection reports when the installation of the "nuclear heat-shrinkable cable insulation sleeves" was required to be witnessed.

STAFF RESPONSE: Admit with the following clarification: The TRT reviewed QC inspection reports for twelve butt splices and found that six reports contained no indication that the installation of heat shrinkable sleeves was required to be witnessed. The failure to document this requirement indicated a lack of familiarity with the applicable procedure on the part of inspection personnel. See SSER No. 7 at J-29, 30.

2. The TRT found inspection reports that did not indicate that the required witnessing of splice installation was done.

STAFF RESPONSE: Admit with the following clarification: Of the twelve butt splice inspection reports reviewed by the TRT, three did not indicate that the splices had been witnessed. See SSER No. 7 at J-20.

3. The TRT found a lack of splice qualification requirements and provisions in the installation procedures to verify the operability of those circuits for which splices were being used.

STAFF RESPONSE: Admit with respect to installation procedures. See SSER No. 7 at J-28, 29.

4. The TRT found selected cable terminations that did not agree with their locations or drawings.

STAFF RESPONSE: Admit with the following clarification: The TRT inspected 380 cables, involving 1600 individual terminations, to determine whether cable terminations conformed to applicable drawings. The TRT found only six cables, five of which were safety related, not terminated in accordance with current drawings. See SSER No. 7 at J-29.

5. The TRT found cases where nonconformance reports (NCRs) concerning vendor-installed terminal lugs in GE motor control centers had been improperly closed.

STAFF RESPONSE: Admit with the following clarification: The NCRs involved vendor-installed AMP Product Corporation (APC) Terminal Lugs in ITT Gould-Brown Boveri, 6.9 Kv Switchgear. The TRT reviewed sixteen nonconformances report (NCRs) documenting bent terminal lugs. These NCRs were closed out on the basis of a determination that the bent terminal lugs "did not pose an equipment serviceability problem." SSER No. 7 at J-30. The TRT concluded that dispositioning this type of NCR in this manner was not adequate because, among other things, "there was no reference to, or evidence of, an engineering evaluation, as required

by the lug manufacturer, prior to a change in the acceptance criteria[.]"
Id.

6. The TRT found, in numerous cases, that safety-related cables within flexible conduits inside main control room panels did not meet the minimum separation requirements.

STAFF RESPONSE: Admit, see SSER No. 7 at J-42, 43, with the following clarification: The TRT noted, however, "that this type of conduit separation is permitted by Section 5.6.2 of IEEE Standard 384 if such installation can be substantiated by analysis." Id. at J-40.

7. The TRT found, in several cases, that separate safety and nonsafety-related cables and safety and nonsafety-related cables within flexible conduits inside main control room panels did not meet the minimum separation requirements. No evidence was found that justified the lack of separation.

STAFF RESPONSE: Admit as clarified in SSER No. 7 at J-42, 43. See also Staff Response to Admission Request 6, supra.

8. The TRT found that the existing TUEC analysis substantiating the adequacy of the criteria for separation between conduits and cable trays had not been reviewed by the NRC staff.

STAFF RESPONSE: Admit as clarified in SSER No. 7 at J-42, 43.

9. The TRT found two minor violations of the separation criteria inside panels CPI-EC-PRCB-09 and CPI-EC-PRCB-03 concerning a barrier

that had been removed and redundant field wiring not meeting minimum separation. The devices involved with the barrier were FI-2456A, PI-2453A, PI-2475A, and IT-2450, associated with Train A; and FI-2457A, PI-2454A, PI-2476A, and IT-2451, associated with Train B. The field wiring was associated with devices HS-5423 of Train B and HS-5574, nonsafety-related.

STAFF RESPONSE: Admit. See SSER No. 7 at J-42. These were "the only two instances of Class IE panel-mounted devices in violation of the separation criteria which require corrective action." Id.

10. The TRT found that the support installation for nonsafety-related conduits less than or equal to 2 inches was inconsistent with seismic requirements and could find no evidence that substantiated the adequacy of the installation for nonsafety-related conduit of any size. (According to Regulatory Guide 1.29 and FSAR Section 3.7B.2.8, the seismic Category II and nonseismic items should be designed in such a way that their failure would not adversely affect the function of safety-related components or cause injury to plant personnel.)

STAFF RESPONSE: Admit with the following clarification: The TRT's finding on this issue as set forth in SSER No. 7 at J-46 states: "The TRT concludes that the installation of the nonsafety-related conduit in the control room appears to be inconsistent with the positions of RG 1.29. Accordingly, this part of the allegation is of concern. With regard to the suspended ceiling and lighting supports, the acceptability of the installation will depend on the approval by the TRT of the analysis to be provided by TUEC concerning the adequacy of the seismic Category I restraints in the control room." Id. at J-46, 47. Regarding

seismic Category I areas of the plant, the TRT concluded "that the acceptability of the installation will depend on TRT approval of TUEC's analysis of the adequacy of the seismic support installation for nonsafety-related conduits in areas of the plant other than the control room." Id. at J-47.

11. The TRT found a lack of supportive documentation regarding personnel qualifications in the training and certification files, as required by procedures and regulatory requirements.

STAFF RESPONSE: Admit. See SSER No. 7 at J-58.

12. The TRT found a lack of documentation for assuring that the requirements for electrical QC inspector recertification were being met. Specific examples are:

- One case of no documentation of a high school diploma or General Equivalency Diploma.
- One case of no documentation to waive the remaining 2 months of the required 1 year experience.
- One case where a QC technician had not passed the required color vision examination administered by a professional eye specialist. A makeup test using colored pencils was administered by a QC supervisor was passed, and then a waiver was given.
- Two cases where the experience requirements to become a Level 1 technician were only marginally met.
- One case of no documentation in the training and certification files substantiating that the person met the experience requirements.

STAFF RESPONSE: Admit. See SSER No. 7 at J-56.

13. The TRT found a lack of guidelines and procedural requirements for the testing and certifying of electrical QC inspectors. Specific examples are:

- No time limit or additional training requirements existed between a failed test and retest.
- No controls existed to assure that the same test would not be given if an individual previously failed that test.
- No consistency existed in test scoring.
- No guidelines or procedures were available to control the disqualification of questions from the test.
- No program was available for establishing new tests (except when procedures changed). The same tests had been utilized for the last 2 years.

STAFF RESPONSE: Admit with the following clarification: The TRT found that Applicants' "testing program lacks guidelines and procedural requirements covering . . . such items as test questions, disqualification scoring, retests, and the prolonged use of the same tests." SSER No. 7 at J-57. The TRT also "determined that the inspection recertification program lacks programmatic controls to assure that the recertification requirements in the different quality instructions are being met." Id.

14-17. Admission Requests 14-17 related to certain alleged findings of the TRT concerning Applicants' construction activities in the civil/structural area.

STAFF RESPONSE: The Staff is unable to admit or deny the truth of any of the statements contained in CASE's requested admissions 14-17 because the TRT has not issued its SSER for the civil/structural

aspects of Applicants' construction program. As noted in Part I of this Response, the TRT's findings and conclusions with respect to these matters will be published in an SSER. Since the SSER addressing the items covered by the requested admissions has not been issued the Staff is unable to admit or deny the truth of the statements made in those admission requests.

18. The TRT found that certain test objectives of Chapter 14 of the FSAR and Regulatory Guide 1.68 requirements for the conduct of preoperational testing were not met.

STAFF RESPONSE: Deny. The TRT did not find that Applicants had failed to comply with Chapter 14 of the CPSES FSAR or RG 1.68. Rather, the TRT found that three of Applicants' preoperational hot functional tests (HFT) did not achieve all of their stated objectives. See SSER No. 7 at J-73, 74, 76.

19. The TRT found a deficiency in Test Procedure ICP-PT-02-12, "Bus Voltage and Load Survey" in that because acceptable voltages could not be achieved with the specified transformer taps, they were changed. A subsequent engineering evaluation required returning to the original taps, but no retest was performed.

STAFF RESPONSE: Admit with the clarification set forth in SSER No. 7 at J-73, 74.

20. The TRT found a deficiency in Test Procedure ICP-PT-34-05, "Steam Generator Narrow Range Level Verification" in that level detectors 1-LT-517, 518 and 529 were replaced with temporary equip-

ment of a design that was different from that which was to be eventually installed.

STAFF RESPONSE: Admit with the clarification set forth in SSER No. 7 at J-74.

21. The TRT found a deficiency in Test Procedure ICP-PT-55-05, "Pressurizer Level Control" in that level detector 1-LT-461 appeared to be out of calibration during the test and was replaced after the test. The retest approved by the Joint Test Group was a cold calibration rather than a test consistent with the original test objective, which was to obtain satisfactory data under hot conditions.

STAFF RESPONSE: Admit with the clarification set forth in SSER No. 7 at J-74, 75.

22. The TRT noted during a review of completed hot functional test data, that the Joint Test Group did not approve the data until after cooldown from the test. The tests are not considered complete until this approval is obtained. In order to complete the proposed post-fueling, deferred preoperational hot functional test, the Joint Test Group, or a similarly qualified group, must approve the data prior to proceeding to initial criticality. The TRT did not find any document providing assurance that TUEC is committed to do this.

STAFF RESPONSE: The lack of Joint Test Group approval until after cooldown from hot functional testing is not in itself a deficiency. Of concern to the TRT, however, was the fact that it did not find in any document reviewed during its onsite effort a specific commit-

ment that would provide assurance that the data from those preoperational tests deferred until after fuel loading would receive review and approval by a qualified group prior to initial criticality. This concern was alleviated when the TRT learned that Applicants' Station Operation Review Committee (SORC) will review deferred preoperational test data. See SSER No. 7 at J-77.

23. The TRT found that in order to conduct preoperational tests at the necessary temperatures and pressures after fuel load, certain limiting conditions of the proposed technical specifications cannot be met, e.g., all snubbers will not be operable since some will not have been tested.

STAFF RESPONSE: Admit only that the above fairly reflects a quotation from Part III(a)(3) of Enclosure 1 to September 18, 1984 letter from Darrel G. Eisenhut to Michael D. Spence. The only difference is that the September 18, 1984 letter states that the TRT "pointed out" while CASE Admission Request 23 says that the TRT "found." As noted in SSER No. 7, however, the TRT found that Applicants' original plan to complete the remainder of its hot functional test program (HFT) after fuel loading but prior to initial criticality "appeared technically sound and without safety implications." SSER No. 7 at J-76.

24. The TRT found that data for the thermal expansion tests (which have not yet been approved by the Joint Test Group) did not provide for traceability between the calibration of the measuring instruments and the monitored locations, as required by Startup Administrative Procedure-7 (although the information was separately available in a personal log held by Engineering).

STAFF RESPONSE: Admit with the clarification set forth in SSER No. 7 at J-72, 73. It should be noted, however, that while "problems were encountered during the thermal expansion test, the TRT found that they had been properly documented in accordance with administrative controls established for that purpose." Id. at J-76.

25. The TRT found a deficient leak rate test in that apparently after repairing leaks found during the first two attempts, the third attempt at a CILRT was successful. It was successfully completed after three electrical penetrations were isolated because the leakage through them could not be stopped. Though the leaks were subsequently repaired and individually tested with satisfactory results, NRC approval was not obtained to perform the CILRT with these penetrations isolated. In addition, leak rate calculations were performed using ANSI/ANS 56.8, which is neither endorsed by the NRC nor in accordance with FSAR commitments.

STAFF RESPONSE: Admit with the clarification set forth in SSER No. 7 at J-83, 83. The NRC, however, has reviewed and approved of Applicants' CILRT test methodology and results. Id. at J-83.

26. The TRT found, in its review of prerequisite test records, that craft personnel were signing to verify initial conditions for tests in violation of startup Administrative Procedure-21, entitled: "Conduct of Testing" (CP-SAP-21). This procedure requires this function to be performed by System Test Engineers. Startup management had issued a memorandum improperly authorizing craft personnel to perform these verifications on selected tests.

STAFF RESPONSE: Admit with the following clarification:
Startup management had authorized craft to verify prerequisite conditions only for two prerequisite test procedures XCP-EE-1 and XCP-EE-14.
See SSER No. 7 at J-87.

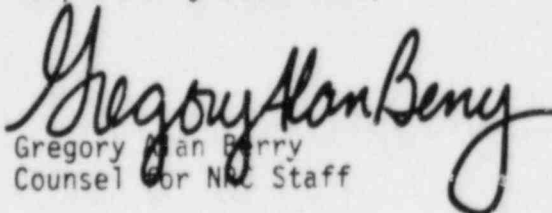
27. The TRT found that System Test Engineers were not being provided with current design information on a routine, controlled basis, and had to update their own material when they considered it appropriate.

STAFF RESPONSE: Admit with the clarification set forth in SSER No. 7 at J-94, 96. The TRT, however, was unable to identify any problems resulting from Startup Test Engineers "having to pursue design information updates on their own initiative." Id. at J-96.

28-126. Admission Requests 28-126 relate to certain alleged findings of the TRT concerning Applicants' quality assurance program and its construction activities in the mechanical/piping and protective coatings area.

STAFF RESPONSE: Unable to admit or deny for the reasons stated in STAFF RESPONSE to admission requests 14-17, supra.

Respectfully submitted,


Gregory Alan Berry
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 1st day of March, 1985

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

TEXAS UTILITIES ELECTRIC)
COMPANY, et al.)

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

Docket Nos. 50-445/2
50-446/2

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO CASE'S REQUEST FOR ADMISSIONS" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 2nd day of March, 1985:

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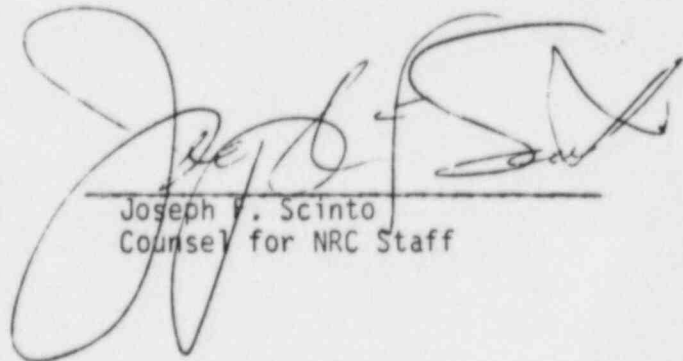
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