



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

Docket No. 50-445/446

DEC 27 1984

Ms. Billie P. Garde
Government Accountability Project
1555 Connecticut Avenue, NW
Suite 202
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-84-210

Dear Ms. Garde:

This is in further response to your letter dated March 21, 1984, in which you requested, pursuant to the Freedom of Information Act (FOIA), five categories of documents.

The documents listed on Appendix C are being placed in the NRC Public Document Room (PDR), 1717 H Street, NW, Washington, DC. You may obtain access by presenting a copy of this letter or by requesting folder FOIA-84-210 in your name.

Documents 1 and 2 on Appendix D are being withheld in their entirety pursuant to Exemption (5) of the FOIA (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations. These draft documents contain preliminary advice, opinions, and recommendations which do not reflect a final agency position. Release of these documents would tend to inhibit the open and frank exchange of ideas among the staff. There are no reasonably segregable portions of these documents.

Portions of documents 3 through 5 on Appendix D are being withheld from public disclosure pursuant to Exemption (7)(D) of the FOIA (5 U.S.C. 552(b)(7)(D)) and 10 CFR 9.5(a)(7)(iv) of the Commission's regulations because disclosure of the information could identify confidential sources. The nonexempt portions of these documents are being placed in the NRC PDR.

Pursuant to 10 CFR 9.9 and 9.15 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for the denial of document 1 are the undersigned and Robert Martin, Regional Administrator, Region IV. The person responsible for the denial of document 2 is John C. Hoyle, Assistant Secretary of the Commission. The person responsible for the denial of documents 3 through 5 is Ben B. Hayes, Director, Office of Investigations.

The denials by Mr. Martin and myself may be appealed to the Executive Director for Operations within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

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PDR FOIA
GARDE84-210 PDR

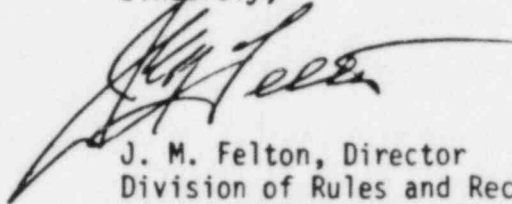
Billie P. Garde

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and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision." The denials by Messrs. Hoyle and Hayes may be appealed within 30 days to the Commission and should be addressed to the Secretary of the Commission.

This completes action on your request.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Felton", with a long, sweeping horizontal stroke extending to the right.

J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosures:
As stated

Appendix C

1. 4/14/82 Statement of Charles A. Atchison
2. 1/7/83-
8/15/83 Case Chronology (1 page)
3. 4/7/83 Note for Mr. Cummings from J. Ahearne re: CASE's Answer to Opposition to Applicants' 3/31/83 Motion for Expedited Reconsideration of Commission Order (3 pages)
4. 4/20/83 Action Slip re: RIV Investigation (1 page)
5. 7/13/83 Investigation Status Record (1 page)
6. 10/7/83 Letter to M. K. Udall from N. J. Palladino re: Quality Assurance/Quality Control (3 pages)
7. 11/16/83 Memo to B. Hayes from N. J. Palladino re: OIA Reports on RIV Investigations and Inspections at Comanche Peak (1 page)
8. 11/18/83 Memo to W. J. Dircks from J. T. Collins re: OIA Report "Comanche Peak--Markey letter re: Region IV Investigations/Inspections" (1 page)
9. 11/21/83 Letter to E. J. Markey from N. J. Palladino re: Whistleblower Allegation (1 page)
10. 11/21/83 Letter to E. J. Markey from N. J. Palladino re: CASE with attached 4/15/83 letter from E. J. Markey to N. J. Palladino and 4/13/83 letter to E. J. Markey from J. Ellis (7 pages)
11. 11/23/83 Memo to W. J. Dircks from J. T. Collins re: OIA Report "Review of Concerns Expressed by Citizens Association for Sound Energy About Conduct of Region IV Investigative/Inspection" (8 pages)
12. 11/23/83 Memo to W. J. Dircks from J. T. Collins re: OIA Report Entitled "Review of Concerns Expressed by the Citizens Association for Sound Energy About the Conduct of Region IV Investigations/Inspections" Revised 12/2/83 (8 pages)
13. 1/9/84 Memo to Chairman Palladino from B. B. Hayes re: OIA Reports on RIV Investigations and Inspections at Comanche Peak (1 page)
14. 3/15/84 Memo to Commissioner Gilinsky, et al., from N. J. Palladino re: News Media Request for Investigation Documents (1 page)

Appendix D

1. Undated

Draft letter and report to R. J. Gary from G. L. Madsen re: Special Inspection at Comanche Peak (15 pages)

2. Undated

Draft letter to E. J. Markey from N. J. Palladino re: Investigation of NRC's Region IV (1 page)

3. 4/13/82

Investigator's handwritten note (1 page)

4. 1/7/83

Investigator's handwritten notes (7 pages)

5. 1/11/83

Investigator's handwritten notes (3 pages)

GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies
1901 Que Street, N.W., Washington, D.C. 20009

(202) 234-9382

March 21, 1984

FREEDOM OF INFORMATION ACT REQUEST

FREEDOM OF INFORMATION ACT REQUEST

FOIA-84-210
Rec'd 3-27-84

Director
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552, the Government Accountability Project (GAP) of the Institute for Policy Studies, requests copies of any and all agency records and information, including but not limited to, notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, any other data compilations, interim, and/or final reports, status reports, and any and all other records relevant to and/or compiled by the Office of Inspector and Auditor (OIA) into the handling of the Region IV investigation and inspection of the firing of Mr. Charles Atchison.

Specifically, this request includes:

- all the information in support of OI Report No. 4-83-001, August 24, 1983, issued Friday, March 16, 1984, and the covering memorandum from Mr. Ben Hayes and Mr. Guy Cunningham;
- OI Report No. 4-83-013, November 3, 1983, and the covering memorandum from Mr. Ben Hayes and Mr. Guy Cunningham;
- the notes, logs, and all other information compiled by Region IV or OI Staff regarding the "T-shirt incident" as reported in the Ft. Worth Star-Telegram in March, 1984; and
- for all information in support of Vendor Inspection Report No. 99900530/84-01 into the Quality Assurance Program implemented by CYGNA Corporation during the conduct of the Comanche Peak Unit 1 Independent Assessment Program, dated February 17, 1984.

This request includes all agency records as defined in 10 C.F.R. 9.3a(b) and the NRC Manual, Appendix 0211, Parts 1.A.2 and A.3 (approved October 8, 1980), whether they currently exist in NRC official "working" investigative or other files, or at any other location, including private residences.

If any records, as defined in 10 C.F.R. 9.3a(b) and the NRC Manual, *supra*, and covered by this request have been destroyed and/or removed, or are destroyed and removed after receipt of this request, please provide all surrounding records,

~~84-210-3054~~

including but not limited to a list of all records which have been or are destroyed and/or removed, a description of the action(s) taken, relevant date(s), individual, office and/or agency-wide policies and/or justifications for the action(s), identification of all personnel involved with the actions, and any and all records relevant to, generated in connection with, and/or issued in order to implement the action(s).

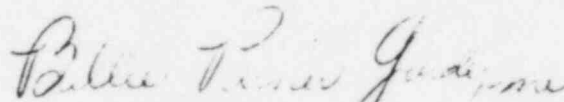
GAP requests that fees be waived, because "finding the information can be considered as primarily benefitting the general public," 5 U.S.C. 552(a)(4)(A). The Government Accountability Project is a non-profit, nonpartisan public interest organization concerned with honest and open government. Through legal representation, advice, national conferences, films, publications and public outreach, the Project promotes whistleblowers as agents of government accountability. Through its Citizens Clinic, GAP offers assistance to local public interest and citizens groups seeking to ensure the health and safety of their communities. The Citizens Clinic is currently assisting several citizens groups and intervenors in Texas concerning the construction of the Comanche Peak Steam Electric Station.

We are requesting the above information as a part of an ongoing monitoring project on the adequacy of the NRC's efforts to protect public safety and health at nuclear power plants.

For any documents or portions thereof that you deny due to specific FOIA exemption, please provide an index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant to the document or portion of document withheld. This index is required under Vaughn v. Rosen (I), 484 F.2d 820 (D.C.Cir. 1973), cert. denied, 415 U.S. 977 (1974).

We look forward to your response to this request within ten days.

Very truly yours,



Billie Pirner Garde
Citizens Clinic Director



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

0230P

please

AUG 17 1982

Docket: 50-445/82-14

Texas Utilities Generating Company
 Attn: Mr. R. J. Gary, Executive Vice
 President and General Manager
 2001 Bryan Tower
 Dallas, TX 75201

Gentlemen:

THIS REPORTS TO THE SPECIAL INSPECTION CONDUCTED
 BY MESSRS R.C. STEWARD AND R.G. TAYLOR
 DURING THE PERIOD ~~July~~ AUGUST 3 - 20, 1982, OF
 ACTIVITIES AUTHORIZED BY NRC CONSTRUCTION
 PERMIT CPPR-126 FOR THE COMANCHE PEAK
 FACILITY, UNIT 1, ~~UNIT 1~~

Areas examined during the inspection and our findings are discussed in the enclosed inspection report. Within these areas, the inspection consisted of selective examination of procedures and representative records, interviews with personnel, and observations by the inspector.

Within the scope of the inspection, no violations or deviations were identified.

ONE NEW UNRESOLVED ITEM IS IDENTIFIED IN
 DETAIL SECTION, PARAGRAPH 4.

In accordance with 10 CFR 2.790(a), a copy of this letter and the enclosure 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).

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EXHIBIT 2

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

Sincerely,

G. L. Madsen

G. L. Madsen, Chief
Reactor Project Branch 1

NOV 1982

Docket: 50-445/82-14

Texas Utilities Generating Company
ATTN: R. J. Gary, Executive Vice
President and General Manager
2001 Bryan Tower
Dallas, Texas 75201

Gentlemen:

This refers to the special inspection conducted by Messrs. R. C. Stewart and R. G. Taylor of our staff during the period August 3-20, 1982, of activities authorized by NRC Construction Permit CPPR-126 for the Comanche Peak Facility, Unit 1.

Areas examined during the inspection and our findings are discussed in the enclosed inspection report. Within these areas, the inspection consisted of selective examination of procedures and representative records, interviews with personnel, and observations by the inspectors.

Within the scope of the inspection, no violations or deviations were identified.

One new unresolved item is identified in Detail Section, paragraph 4.

In accordance with 10 CFR 2.790(a), a copy of this letter and the enclosure 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).

RPS-A *[Signature]*
RStewart/dsm
11/3/82

RPS-A *[Signature]*
TWesterman
11/3/82

RPB1 *[Signature]*
GMadsen
11/3/82

DRRP&EP *[Signature]*
JGagliardo
11/3/82

RA/RIV *[Signature]*
JCollins
11/3/82

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PDR

Texas Utilities Generating
Company

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

Sincerely,

Respectfully,
G. L. Madsen

G. L. Madsen, Chief
Reactor Project Branch 1

Enclosure:
Appendix - NRC Inspection Report 50-445/82-14

cc w/encl:
Texas Utilities Generating Company
ATTN: H. C. Schmidt, Project Manager
2001 Bryan Tower
Dallas, Texas 75201

bcc to DMB (IE01)

BC	PM
AEOD	ELD
IE FILE	NRR/DHFS/OLB
NRR/DSI/RAB	RES
LPDR	NRC PDR
NSIC	NTIS

bcc distrib. by RIV:

RPB2	Resident Inspector
TPB	Section Chief
MIS SYSTEM	R. Stewart
RIV File	TX STATE DEPT. HEALTH
RA	Juanita Ellis
C. Wisner	David Preister
	Richard Fouke

APPENDIX

U. S. NUCLEAR REGULATORY COMMISSION
REGION IV

Report: 50-445/82-14

Docket: 50-445

Category: A2

Licensee: Texas Utilities Generating Company (TUGCO)
2001 Bryan Tower
Dallas, Texas 75201

Facility Name: Comanche Peak, Unit 1

Inspection At: Comanche Peak, Unit 1

Inspection Conducted: August 3-20, 1982

Inspectors:

R. C. Stewart
R. C. Stewart, Reactor Inspector
Reactor Project Section A

11-3-82
Date

T. F. Westerman for
T. F. Taylor, Senior Resident Inspector
(Details Section, par. 4)

11-3-82
Date

Approved:

T. F. Westerman
T. F. Westerman, Chief
Reactor Project Section A

11-3-82
Date

Inspection Summary

Inspection Conducted During the Period August 3-20, 1982 (Report 50-445/82-14)

Areas Inspected: Special, unannounced inspection of pipe whip restraints and review of licensee's method of QC inspection of skewed welds in response to concerns expressed by former Brown & Root (B&R) QC inspector during Atomic Safety and Licensing Board (ASLB) hearings being conducted for issuance of Comanche Peak Steam Electric Station (CPSES) operating license. The inspection involved 110 inspector-hours by two NRC inspectors.

Results: No violations or deviations were identified. The specific concerns expressed by Mr. C. Atchison in his oral testimony of July 30, with regard to pipe whip restraints had been identified and corrected by the licensee. Region IV does plan to perform additional inspections of vendor shop performed welding and this issue remains open. Matters regarding Mr. Atchison's allegation regarding the lack of written QC procedures for the examination of skewed fillet welds remains unresolved.

Details1. Persons Contacted

- *R. G. Tolson, Site Quality Assurance Supervisor, TUGCO
- B. G. Scott, Quality Engineering Supervisor, TUGCO
- C. T. Brandt, QA/QC Supervisor - Mechanical/Civil, TUGCO
- W. Hartshorn, Quality Engineer, TUGCO
- W. Wright, Project Welding Engineer, B&R
- S. Ali, QA Engineer, TUGCO
- R. Baker, Staff Engineer, B&R

Other Personnel

- C. A. Atchison
- *G. Purdy, Project Quality Assurance Manager, B&R

*Denotes those persons attending management interviews.

The NRC inspectors also contacted other licensee and contractor employees during the course of the inspection.

2. Atchison's Concern Regarding Quality of Welding of NPS Industries (NPSI) Pipe Whip Restraints

During the Comanche Peak evidentiary hearing session on July 30, 1982, before the presiding ASLB regarding Contention 5 (construction QA/QC), Citizens Association for Sound Energy (CASE) witness, C. A. Atchison, made the following statement ^{1/} in response to some questions concerning the safety for operating purposes of the Comanche Peak Nuclear Power Plant.

"Q. Are there any physical defects at Comanche Peak Nuclear Power Station of any nuclear safety significance that you have personal knowledge of that have not been corrected?

"A. Not being an engineer, I can only relate to what I personally observed. On the NPSI pipe whip restraints, which has not fully been looked at or investigated, the 588 material that is used in those, during the welding process has extreme warpage to it. The angle provided for a

^{1/} Transcript, July 30, 1982, before the Atomic Safety Board, pages 3458, 3459, and 3460.

fit-up on the main steam lines for these were not addressed in Welding Procedure WPS-10047 at that site. The configurations of these, and the warpage of the pre-welded, or the vendor welder items, are as bad and in some cases worse than those supplied on the CB&I pipe whip restraints.

"To my knowledge, these defects in welding may or may not constitute a defect that could be injurious to the plant or the failure to a safety system. My concern is, as a utility payer, as an inspector on the jobsite, if I'm going to pay for a Cadillac, I want a Cadillac, I don't want a Ford, to kind of paraphrase it.

"The items there, they would rather -- management say these are no problems and try to cover up and go on in order to get the plant on line as soon as possible to recover the money. That's a heavily invested area.

"Q. Well, sir, these items that you mentioned, were these the subject of your inspections or investigations?

"A. Yes, they are.

"Q. Did you file NCR's on these items?

"A. An NCR, in my scope of responsibility on the pipe whip restraints, yes, I was -- there was not an NCR filed on the vendor supplied items of NPSI. The first step, first one that I was able to get through was the one that I had filed on the four pieces on the pipe whip restraints furnished by CB&I.

"Shortly thereafter I was terminated, and there was never an NCR generated on the vendor defects of the welds on the NPSI pipe whip restraints.

"Q. Do you know if that was or is being looked into, sir?

"A. I do not."

In an effort to determine the specific pipe whip components of Mr. Atchison's concern, Mr. Atchison was requested, by members of the NRC Region IV staff, to visit the NRC Region IV office to discuss the matter.

In a brief meeting, held on August 17, 1982, Mr. Atchison was provided copies of CPSES detail and installation drawings on which he delineated the areas of his concerns. On Gibbs and Hill (G&H) Installation Drawing No. 2323-SI-0671, "Safeguards Building Pipe Whip Restraint Supports, SH 5," Revision 2, Mr. Atchison identified five girder attachment field welds, NPSI vendor welds, and the corner field welds on 4 feet 6-inch by 4 feet 6-inch box-type structure of which he stated has an unqualified joint. (Detail-3 of TUSI Drawing 2323-SI-0671-01) The G&H Drawing, 2323-SI0671, is the installation drawing of the outside main steam line(s)

pipe whip restraint on top of the safeguards building. The structure was fabricated by NPSI and assembled by bolting and field welding by B&R. In addition, Mr. Atchison stated that he had observed other NPSI components in a "lay-down" area on top of the adjacent switchgear building that had warpage and code rejectable welding.

3. NRC Site Inspection Followup

a. Initial Documentation Review and Inspection

During the period August 3-13, 1982, the NRC inspectors conducted an independent onsite documentation review and sampling inspection of NPSI-supplied components. Documents reviewed included the following:

- . CPSES FSAR, Section 3.6
- . NPS Industries, Inc., Contract CPD-0363, dated July 17, 1980
- . NPS Industries, Inc., Contract CPD-0324, dated March 12, 1980
- . NPS Industries, Inc., Control CPD-0351, dated June 19, 1980
- . NPS Industries, Inc., Contract CPD-0403, dated October 23, 1980
- . G&H Specification SS-16B
- . B&R Weld Procedure WPS-10046
- . TUGCO Procedure QI-QP-11.14.3, "Inspection of Structural/Miscellaneous Steel Welding," Revision 6, dated May 21, 1982
- . G&H Drawings 2323-S1-0576, Figures 2 through 6, "Pipe Bumper Restraint Details"
- . AWS D1.1, Structural Welding Code

During the documentation review the inspectors observed that, with regard to pipe whip restraints, NPSI contracts are essentially limited to providing (crushable) pipe bumper restraints, miscellaneous structural supports for the auxiliary and turbine buildings, and the large main steam/feedwater pipe whip restraint structure on top of the safeguards building. Aside from the crushable pipe bumpers and one support assembly at the 823-foot level, there are no NPSI-supplied pipe whip restraints inside containment. The NRC inspectors also noted that the G&H Specification SS-16B and related drawing details called for design fabrication and installation of the component structures be performed in accordance with American Institute of Steel Construction (AISC) Specification for "The Design Fabrication and Erection of Structural Steel for Buildings" and the American Welding Society (AWS), "Structural Welding Code," D1.1.

In conjunction with the documentation review, and in view of Mr. Atchison's testimony, the inspector conducted a random sampling inspection of the NPSI-supplied component supports and pipe bumper assemblies for warpage. Although no pipe bumpers were installed, the inspector examined approximately 20 bumper assemblies located in various outside storage areas. In addition, due to inaccessibility, the NRC inspector conducted a very limited examination of sections of the main steam/feedwater pipe whip restraint on top of the safeguards building and the one NPSI structure at elevation 823 feet in the Unit 1 reactor containment building for warpage. There was no observed warpage that would be considered unacceptable within the AWS Structural Welding Code, D1.1. It was observed by the inspector that, due to the particular weld configuration, warpage had occurred on some of the pipe bumpers; however, these were considered acceptable within the AWS Code, Section 3.4, Limitations.

b. Additional Followup on Mr. Atchison's Concerns

Subsequent to Mr. Atchison's visit to the Region IV office on August 17, 1982, the NRC inspector returned to the site, during the period August 19-20, 1982, to review the specific areas identified by him.

With regard to the five girder welds, the NRC inspector observed that Nonconformance Report (NCR) M8100846, dated August 19, 1981, identified these areas of unacceptable welds. Repairs were completed July 13, 1982, and final NDE (VT, MT, and UT) inspections completed during the period August 4-9, 1982. The NRC inspectors made a visual inspection of the specific welds and found no discrepancies.

With regard to the alleged unqualified corner filed welds on the four 4 feet 6-inch by 4 feet 6-inch box structures on the main steam/feedwater pipe whip restraint, the AWS "Structural Welding Code," D1.1, page 14, figure 2.9.1, depicts a prequalified weld joint identical to that described by Mr. Atchison and as shown on NPSI shop drawings. In addition, the NRC inspector made a visual examination of 8 of the total of 16 corner field welds. There were no defects or discrepancies observed. QC inspection records reflect UT examinations were completed and found acceptable on July 2, 1982.

Region IV does plan to do additional inspection of vendor shop performed welding (including NPSI) during a subsequent inspection. (Open Item 8214-01)

4. Review of Licensee's Method of QC Inspection of Skewed Welds

Subsequent to Mr. Atchison's testimony on July 30, 1982, Mr. Atchison made a statement to an NRC investigator alleging that the licensee's QC inspection procedure for welding did not contain written instructions for examining skewed fillet welds.

Skewed welds are those joining two structural members that are in the same plane and are not perpendicular to each other. A typical example is two members jointed at an angle of 45° with a weld at the joint toe of 135° and another at the heel of 45° . The senior resident inspector in construction (SRIC) has reviewed the several quality assurance procedures that might be expected to provide inspection instruction on the measurement verification that such welds are of specified size. None of the procedures reviewed contained any such instructions but it was found that instruction had been given to the welding QC inspectors during training classes and the written examination given the welding QC inspectors contained a specific question dealing with the measurement of such welds as a part of their certification process to be qualified inspectors. The SRIC interviewed one experienced QC inspector for the purposes of having the inspector explain the measurement process that he had been using during the past several years on skewed welds. The process the person described was consistent with that previously described by a person who at one time had been an instructor in the inspection training courses. The SRIC would further note that during the many inspections of structural weldments conducted by both the SRIC and other NRC inspectors, there has been no indication of undersized skewed fillet welds. The allegation that the QC procedures do not address inspection of skewed welds is therefore substantiated, but it has not been established that there are any safety-related consequences of the lack of procedural addressment since apparently adequate training was given to the QC personnel. In order to provide additional assurance that the instructions have been effective, B&R QA management has initiated a reinspection of randomly selected skewed welds based upon statistical sampling techniques. The licensee QA supervisor has stated that appropriate QC procedures will be revised to address in detail the inspection techniques to be used both for the random reinspection effort and for future inspections. This matter will be considered unresolved pending a review of the revised procedures and the outcome of the reinspection effort. (Unresolved Item B214-02)

5. Unresolved Item

Unresolved items are matters about which more information is required in order to ascertain whether they are acceptable items, violations, or deviations. One unresolved item is identified in paragraph 4 of this report.

6. Management Interview

The SRIC held a management interview on August 26, 1982, with the persons identified in paragraph 1 to discuss inspection findings and to confirm the commitments stated in paragraph 4.

