

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

Docket Nos. 50-445
 50-446

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

NRC STAFF MOTION FOR CLARIFICATION OF THE
BOARD'S MEMORANDUM (CONCERNING WELDING ISSUES)

I. INTRODUCTION

On December 18, 1984, the Board issued a "Memorandum (Concerning Welding Issues)" ("Welding Issues Order") which decided issues raised by CASE witnesses Darlene and Henry Stiner. The NRC Staff ("Staff") hereby moves the Board to clarify its Welding Issues Order in certain respects, as discussed below. ^{1/}

II. BACKGROUND

The parties addressed four welding issues (weave welding, downhill welding, weld rod control, welding of misdrilled holes) in hearings held in February, March and April 1984. Following the hearings, all parties filed proposed findings of fact on the unresolved welding issues. ^{2/} In

^{1/} On December 28, 1984, the Board granted the Staff an extension of time until January 11, 1985 to file a motion for clarification.
^{2/} NRC Staff's Proposed Findings of Fact on Weld Fabrication (September 7, 1984); Applicants' Proposed Findings of Fact in the Form of a Partial Initial Decision (September 7, 1984); CASE's Proposed Findings of Fact on Welding Issues (September 9, 1984).

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the NRC Staff's Proposed Findings of Fact on Weld Fabrication ("Staff's Proposed Welding Findings") the Staff indicated that, with the exception of certain open items, ^{3/} it was the Staff's conclusion that Applicants' weld fabrication and weld rod control procedures comply with applicable NRC regulations, are consistent with the 1974 ASME and 1975 AWS Codes, and comport with generally-accepted welding practices. Staff's Proposed Findings, p. 58.

Subsequently, the Board requested additional information from the Applicants and the Staff regarding the need for QC inspection "hold points" for welding. Memorandum (Telephone Conference Held This Morning) (October 11, 1984). Applicants responded to the Board's request in their "Response to Board Request for Additional Information Regarding Weave

3/ The Staff identified five open items in its Proposed Welding Findings:

- (1) Significance of welders making subjective determinations as to whether the preheat requirements of Procedure 11032 had been met.
- (2) Significance of the alleged failure of welders to verify inter-pass temperature.
- (3) Undocumented repair welds (*i.e.*, welding of misdrilled holes) on two hangers in the north cable spread room.
- (4) Whether pipe support H-CC-1-SB-038-010-3 contains a downhill weld, and if so, its acceptability.
- (5) Alleged failure of QC inspectors to verify welder's symbols on Class 5 hangers.

Staff's Proposed Findings, p. 58, note 9. Subsequently, the Staff agreed with Applicants that item 5, the alleged failure of QC inspectors to verify welders' symbols on Class 5 hangers, was struck from the record. NRC Staff Response to Applicants' and CASE's Findings of Fact on Weld Fabrication (September 25, 1984).

Welding" (October 5, 1984). The Board requested additional information from Applicants in the "Memorandum (In-Process Weld Repair Hold Point)" (October 9, 1984). Applicants responded to that Order in their "Response to Board Request for Additional Information Regarding In-Process Weld Repair Hold Point" (November 9, 1984).

On December 18, 1984, the Board issued its Welding Issues Order, which resolved all but three issues on weld fabrication in Applicants' favor. Welding Issues Order, pp. 77-78. In two areas (preheat, and repair welds), the Board stated that it will consider the Staff's analyses of these two issues when they are filed. Id.

III. DISCUSSION

A. Henry Stiner's Background

The parties agreed, with the approval of the Board, that Applicants' Exhibits 181, 182, 183 and CASE Exhibit 965 would be received into evidence, but that they would not be part of the public record in this proceeding. The parties also agreed that these documents, relating to certain aspects of Mr. Stiner's background, should not be referred to in this proceeding. Tr. 10,578-79. Accordingly, to effectuate the agreement of the parties, which was approved by the Board, the Staff requests that those portions on pages 5, 10 and 18 of the Welding Issues Order which discuss Mr. Stiner's criminal record be deleted from the public record. The Staff suggests that the deleted portions be replaced by a statement that information regarding certain aspects of Mr. Stiner's background was received in evidence by the Board (Applicants' Exhibits 181, 182, 183, CASE Exhibit 965, Tr. 10,578-79) and the Board gave due consideration to this information

in assessing Mr. Stiner's credibility and the weight to be afforded to his testimony.

B. Five "Open Items"

As discussed above, the Staff's Proposed Findings identified five "open" items: (1) subjective determinations of preheat requirements; (2) use of temperature indicating crayons to verify interpass temperatures; (3) undocumented repair welds (i.e., welding of misdrilled holes); (4) pipe support containing a downhill weld; (5) alleged failure to verify welding symbols on Class 5 hangers. Staff's Proposed Welding Findings, p. 58. Earlier in this proceeding, the Board struck the testimony of CASE's witnesses on temperature indicating crayons and weld symbols on Class 5 hangers, but requested that the Staff submit a report to the Board on the subject. The Board also indicated that when testimony is stricken, "it is not a subject for findings." Tr. 10,480.

The Board's Welding Issues Order explicitly addresses preheat, repair welds, and the pipe support containing downhill weld, but did not discuss temperature indicating crayons or weld symbols on Class 5 hangers. The absence of discussion on these two issues is consistent with the concept that these matters, which were the subject of stricken testimony, are not "a subject for findings," that is they are not issues admitted in the proceeding. However, the absence of any mention of these matters, about which the Board asked for a staff report, tends to be ambiguous.

Accordingly, the Staff requests the Board to clarify its Welding Issues Order by indicating clearly that concerns expressed in

testimony stricken from the record, but which the Board requested a report from the Staff, are not issues in the proceeding which need to be resolved following the receipt of further evidence on the subject. If the Board intends otherwise, it is important that the Welding Issues Order be so clarified.

C. Welding of Misdrilled Holes

The Board concluded, on the basis of the Applicants' and Staff's testimony, that even if weld repairs of misdrilled holes were not inspected and contained defects as alleged by Mr. and Mrs. Stiner, it is unlikely to have an adverse impact on the safety of the plant." Welding Issues Order, p. 68-69. Since the filing of the Staff's testimony and its Proposed Findings of Fact, the Staff's Technical Review Team ("TRT") has reevaluated the issue of repairs of misdrilled holes by welding. The TRT determined that although the effects of unauthorized, undocumented and uninspected repair welds in some locations will be inconsequential, their effects in other locations (flanges of I-beams in flexure critically-loaded supports, base plates) could affect their structural integrity. Accordingly, the TRT requested Applicants to submit additional information on this concern in a November 29, 1984 letter to Applicants. This letter was provided to the Board in Board Notification 84-185 (December 10, 1984). In light of the TRT's action, the Staff requests that the Board clarify its Welding Issues Order to note the TRT's ongoing inquiry into this concern.

The Board also concluded that there was a "significant violation of Appendix B in that there was a practice in which misdrilled holes were

not properly documented." Welding Issues Order, p. 71. As indicated by the Board, "violations of procedures are important in their own right because they contribute to the workers' understanding of the extent to which procedures are to be taken seriously and followed scrupulously." Id., p. 69. Accordingly, the Board stated it would consider the Staff's analysis of Applicants' explanation of these undocumented repairs. Id., p. 71. ^{4/} The Staff agrees with the Board's conceptual discussion of the independent safety significance of a failure to follow procedures. However, the Staff does not believe that there currently is sufficient record evidence for the Board to conclude that there are, in fact, repair welds without proper documentation at CPSES. ^{5/} Rather, the proper state of the record is a lack of sufficient information in the record to assure that repair weld activities were properly documented. Accordingly, the Board should clarify its Welding Issues Order to indicate that there is the possibility that there was a violation of Appendix B, and that this is a matter still under Staff review.

D. QC Hold Points for Weld Repair

As discussed in Section II above, the Board requested from Applicants and Staff an explanation regarding why QC hold points for fit-up

^{4/} The Staff analysis to which the Board refers is currently underway and will be reflected in the Staff's TRT welding SSER.

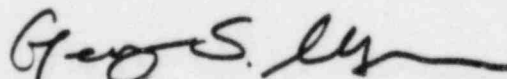
^{5/} On the other hand, the Applicants' response to the Staff's questions does tend to suggest that the procedures for approving and documenting the repair of misdrilled holes were not followed. However, this information is not yet in evidence.

and cleanliness are requirements at CPSES for in-process welds, but not required for weld repairs. Applicants have responded to the Board's request, see "Applicants' Response to Board Request for Additional Information Regarding In-Process Weld Repair Hold Point" (November 9, 1984). The Staff has not yet filed its response. Since the Board's Welding Issues Order does not discuss the need for QC hold points for weld repairs, it appears that the Board was satisfied with Applicants' response and that there is no need for further response by the Staff. If the Board intends otherwise, the Staff requests that the Welding Issues Order be clarified accordingly.

IV. CONCLUSION

The Board should modify its Welding Issues Order in order to clarify the matters discussed above.

Respectfully submitted,



Geary S. Mizuno
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 10th day of January, 1985

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF MOTION FOR CLARIFICATION OF THE BOARD'S MEMORANDUM (CONCERNING WELDING ISSUES)" 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 10th day of January, 1985:

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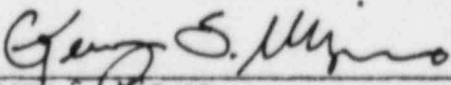
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