



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30323

DEC 12 1984

MEMORANDUM FOR: Jeffrey B. Lankford, Investigative Coordinator
FROM: Alan R. Herdt, Chief, Engineering Branch
Division of Reactor Safety
SUBJECT: SHEARON HARRIS ALLEGED CONSTRUCTION DEFICIENCIES
(CASE NO. RII-84-A-0143)

A review has been completed on the October 6, 1984 affidavit, the November 11, 1984, RII/OI interview, and the unsigned November affidavit concerning the subject case number.

The enclosure to this memorandum outlines the perceived allegations and provides recommended lead responsibilities. We are performing inspections on the allegations that are in our area of responsibility as noted on the enclosure. I have discussed the allegations that are in the Operations Branch's area of responsibility, as noted in the enclosure, with Al Gibson. Please ascertain that OI is investigating the allegations that are in their area of responsibility as noted in the enclosure.

Frank Jape
Alan R. Herdt
on

Enclosure:
Shearon Harris Alleged Construction
Deficiencies (RII-84-A-0143)

cc w/encl:
A. Gibson
J. Blake
C. Upright
B. Jones

CONTACT:
W. P. Ang
X5353

8508230027 850814
PDR FOIA
GUILD85-173 PDR

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ENCLOSURE

Shearon Harris Alleged Construction Deficiencies
Case No. RII-84-A-0143

*Suggested lead responsibility

A. October 6, 1984 - Affidavit

1. Discharge piping from SG feed pump 1A-NNS was cold-sprung to weld pipe to pump. Subsequently, pump was found to be misaligned.
*MMS - 50-400/84-43
2. Nonconformances are being documented on "speed letters". Ex. speed letter on SG feed pump 1A-NNS misalignment.
*QA
3. False documentation being used for pipe support material. Purchase Order 21022, a voided number, was used for pipe support material. See DDR-1775, 1776, 1784, 1795 and NCR QA-255.
*Technical requirements - MMS - 50-400/84-43
*False documentation - OI

B. November 11, 1984 - Interview

1. Page 12 Same as A3
 *Technical requirements - MMS
 *False documentation - OI
2. Page 17, 105 Field Engineers not allowed to write non-conformances.
 *QA
3. Page 17, Field Engineers must ask supervisor's permission to talk
 to NRC.
 *QA
4. Page 32, CI being pressured against writing NCRs. Ex. Inspector
 "Tank" Ward wrote 1000 NCRs in one month, CPL tried to
 get rid of him. Ex. Inspector Vincent, in six months
 NCR number jumped from 1500 - 2400.
- Page 108 Pressure on CI can be seen based on 90% turnover
 *QA/OI
5. Page 32, RFT program, systems being turned over w/only 50% of the
 documentation. Turnover from construction to startup.
 *QA

6. Page 44 - 47 Pipe support, CC-H-105, records destroyed - in trash barrel, records recreated. Howard, Fulcher in vicinity of barrel.
*Technical requirements - MMS - 50-400/84-43
*Destruction of records OI - *no leads?*
7. Page 50 - 53 Pipe support records being destroyed.
*Technical requirements - MMS - 50-400/84-43
*Destruction of records OI
8. Page 59 - 61 DDRs being resolved by interoffice memos, disposition unknown - DDR 2317, 2327, 1914 and QA 83-860 surveillance.
*MMS - 50-400/84-43
9. Page 63 - 63, 100 CPL changed from DDRs to NCRs to make the nonconformance numbers look better. One nonconformance could cover many items. One DDR had 36 pages.
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10. Page 65 - 68 SG feed pump misalignment same as A.1 Roy Settle, Equip installation was told by Willet he does not want to hear of problem anymore.
*MMS - 50-400/84-43
11. Page 91 Temporary hangers, cable, eye bolts horse shoe shaped plates - still installed during transfer - permanent hangers not yet installed.
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12. Page 98 Non-Q fasteners substituted for Q fasteners in pipe support material, documented and accepted by DR. Dr. Elleman was called about it and he said it was safe.
*MMS
13. Page 101 FCR-H-1145 Rev. 1 - MS & SGF Reclassified non-seismic.
*MMS
14. Page 101 - 103 DDR 1030 Generic weld deficiency - instead of writing several nonconformances, should have been addressed in a more controlled fashion.
*QA
15. Page 103 WP-110 Rev. 8, Hanger Installation Procedure, has 1200 generic FCRs applicable and 1000 clarification requests.
*MMS

16. Page 106 Same as A.2
 *QA

17. Page 110 QC sign-off welds w/deficiency.
 *MMS

C. November 1984 - Unsigned Van Vo Affidavit

- Same as B.14
 *MMS

ENCLOSURE

Shearon Harris Alleged Construction Deficiencies
Case No. RII-84-A-0143

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*QA *Covered P4 50-400/84-45*
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*QA *Covered P5, 6 50-400/84-45*
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*QA/OI *Have not looked into 90% statistics - could be possible considered partially covered by 50-400/84-45*
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*QA Covered Per A.2

17. Page 110

QC sign-off welds w/deficiency.

*MMS

C. November 1984 - Unsigned Van Vo Affidavit

- Same as B.14

*MMS

Wright

You may not have
seen this before
your Harris. trip.

Need your review
ASAP to decide
if all items marked
QA have been
resolved.

Chill



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30323

C. Upright

DEC 12 1984

MEMORANDUM FOR: Jeffrey B. Lankford, Investigative Coordinator

FROM: Alan R. Herdt, Chief, Engineering Branch
Division of Reactor Safety

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(CASE NO. RII-84-A-0143)

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Frank Jape
Alan R. Herdt
for

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Deficiencies (RII-84-A-0143)

- cc w/encl:
- A. Gibson
- J. Blake
- C. Upright
- B. Jones

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CONTACT:
W. P. Ang
X5353

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W.
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DEC 14 1984

Carolina Power and Light Company
ATTN: Mr. E. E. Utley
Executive Vice President
Power Supply and Engineering
and Construction
411 Fayetteville Street
Raleigh, NC 27602

Gentlemen:

SUBJECT: REPORT NO. 50-400/84-43

On November 27-30, 1984, NRC inspected activities authorized by NRC Construction Permit No. CPPR-158 for your Harris facility. At the conclusion of the inspection, the findings were discussed with those members of your staff identified in the enclosed inspection report.

Areas examined during the inspection are identified in the report. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observation of activities in progress.

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

Your attention is invited to unresolved items identified in the inspection report. These matters will be pursued during future inspections.

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

Should you have any questions concerning this letter, please contact us.

Sincerely,

151

David M. Verrelli, Chief
Reactor Projects Branch 1
Division of Reactor Projects

Enclosure:
Inspection Report No. 50-400/84-43

cc w/encl: (See page 2)

B11/5

EXHIBIT (5)
Page 1 of 9 Pages

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3 pp.

DEC 14 1984

cc w/encl:

R. A. Watson, Vice President

Harris Nuclear Project

R. M. Parsons, Project General Manager

bcc w/encl:

NRC Resident Inspector

Document Control Desk

State of North Carolina

RII
WPA
WPAng:dw
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for

EXHIBIT 4

This exhibit has been deleted in its entirety at the request of the Department of Labor.

B11/4



UNITED STATES
 NUCLEAR REGULATORY COMMISSION
 REGION II
 101 MARIETTA STREET, N.W.
 ATLANTA, GEORGIA 30323

Report No.: 50-400/84-43

Licensee: Carolina Power and Light Company
 411 Fayetteville Street
 Raleigh, NC 27602

Docket No.: 50-400

License No.: CPPR-158

Facility Name: Harris 1

Inspection Conducted: November 27-30, 1984

Inspectors:	<u><i>J. Eason</i></u>	<u>12/14/84</u>
	W. P. Ang	Date Signed
	<u><i>L. P. Modenos</i></u>	<u>12/17/84</u>
	L. P. Modenos	Date Signed
Approved by:	<u><i>J. Eason</i></u>	<u>12/13/84</u>
	J. J. Blake, Section Chief	Date Signed
	Engineering Branch	
	Division of Reactor Safety	

SUMMARY

Scope: This routine, unannounced inspection entailed 52 inspector-hours at the site, in the areas of pipe support baseplate designs using concrete expansion anchors (IEB 79-02) and seismic analysis for as-built safety-related piping system (IEB 79-14).

Results: No violations or deviations were identified.

~~850121001~~
 7pp.

REPORT DETAILS

1. Licensee Employees Contacted

- *R. M. Parsons, Project General Manager
- *E. J. Wagner, Engineering General Manager
- *A. H. Rager, Construction Inspection Manager
- *G. L. Forehand, QA/QC Director
- *E. E. Willett, Manager, Pipe/Instrumentation
- *D. C. Whitehead, QA Supervisor
- *A. Fuller, Principal Engineer - Hangers
- *P. W. Howard, Senior Engineer - Hangers

NRC Resident Inspectors

- *R. Prevatte
- *G. Maxwell

*Attended exit interview

2. Exit Interview

The inspection scope and findings were summarized on November 30, 1984, with those persons indicated in paragraph 1 above. The licensee was informed of the inspection findings listed below. The licensee acknowledged the inspection findings with no dissenting comments.

Inspector Follow-up Item 400/84-43-01, SG Feedwater Pump 1A-NNS Misalignment, para. 5.b.

Unresolved Item 400/84-43-02, Pipe Support Inspection Records, para. 5.a.

Unresolved Item 400/84-43-03, QA Surveillance Close-out, para. 5.c.

Inspector Follow-up Item 400/84-43-04, Approval of Permanent Waiver, para. 5.d.

3. Licensee Action on Previous Enforcement Matters

This subject was not addressed in the inspection.

4. Unresolved Items

Unresolved items are matters about which more information is required to determine whether they are acceptable or may involve violations or deviations. New unresolved items identified during this inspection are discussed in paragraph 5.

.. Pipe Support Baseplate Designs Using Concrete Expansion Anchors (IEB 79-02) and Seismic Analysis for As-built Safety-Related Piping Systems (IEB 79-14)

- a. A follow inspection to RII report 50-400/84-34 was performed to verify licensee compliance with IEB 79-02 and IEB 79-14 requirements and licensee commitments. Discussions with the licensee indicated that approximately 500 of 18,000 safety-related pipe supports had completed the revised pipe support inspection program. The following pipe supports were selected, available quality records obtained, and inspected as noted below. The inspector noted the following conditions for each pipe support.
- (1) Component Cooling System Pipe Support CC-H-105 Seismic I Weld Data Report (SWDR) and continuation sheet from original phase 2 inspection traveller from the voided phase 1 and phase 2 inspection program were not in the package. A new traveller and SWDR for the revised pipe support inspection program were in the package. The licensee's pipe support inspection had not been completed. NRC and licensee QA inspections of the pipe support identified no discrepancies with the pipe support.
 - (2) Chemical and Volume Control Pipe Support CS-H-425 entire package for old phases 1 and 2 inspections were missing. A new package had been generated for the revised pipe support inspection program. The licensee had issued a work directive to remove and reinstall the pipe support prior to the NRC inspection on November 26, 1984. An NRC inspection in the area of the location of the pipe support confirmed that it had been removed.
 - (3) Chemical and Volume Control Pipe Support CH-H-264 old and new inspection records and forms were on file. NRC and licensee QA inspections of the pipe support revealed no discrepancies.
 - (4) Service Water System Pipe Support SW-H-2796. This support and affected piping has been deleted by design change notice 530 - 1241.
 - (5) Service Water System Pipe Support SW-H-1841. The entire inspection package was missing and a new package was assembled during the NRC inspection. Reproductions of old Phase I pipe support inspection and field weld SWDR were found in the construction inspection and QC offices. NRC and licensee QA inspections of the pipe support identified no discrepancies.
 - (6) Feedwater Support FW-H-136 and FW-H-11 records were also obtained but were not inspected. The supports were not safety-related.

During subsequent discussions with the licensee, the licensee noted the following:

- (1) None of the above noted pipe supports had completed the revised inspection process. The licensee considered the missing records to be in-process records. The missing records would have been identified during records review and corrective action such as reinspection or removal and reinspection of the pipe support would be accomplished.
- (2) The missing records may have been stolen. To preclude any potential theft or alteration of records that ultimately become quality assurance records when completed, the licensee changed the process for handling pipe support quality documentation. On November 30, 1984, memorandum MS-13748 was issued requiring that copies of completed QC SWDR and CI TP-34 inspection reports be forwarded to the QA vault for storage. A copy of the above noted reports will stay with the hanger package for subsequent final review of the entire package.
- (3) QA assisted the NRC during the pipe support records search. QA committed to continue the inspection regarding the missing records by performing a surveillance to assure that missing records are identified and appropriate corrective action is taken.

Pending implementation of the above noted licensee commitments, this was identified as Unresolved Item 400/84-43-02, Pipe Support Inspection Records.

- b. An inspection of Steam Generator (SG) feedwater pump records revealed that deficiency notice (DN) M-010 was written on July 30, 1982, stating that "the welding sequence in conjunction with the coupling face readings and the lack of sufficient rigid restraints indicate severe nozzle loads have been imposed on the discharge nozzle of the steam generator feed pump 1A-NNS". The deficiency notice was still open and the licensee had not decided on the corrective action required for DN-M-010. The licensee indicated that the corrective action would include a determination of the cause of the problem including potential cold springing of the piping. Pending licensee completion of corrective action for DN-M-010, this was identified as Inspector Follow-up Item 400/84-43-01, SG feedwater pump 1A-NNS misalignment. In conjunction with the above noted inspection of the SG feedwater pump 1A-NNS, a review was performed to determine if the feedwater pumps and the discharge piping in the immediate vicinity of the pumps were designed and constructed using the correct safety and seismic classification. The Harris Final Safety Analysis Report (FSAR) commits to NRC Regulatory Guides 1.26, Quality Group Classification, and 1.29, Seismic Design Classification. Based on NRC Regulatory Guides 1.26 and 1.29, the SG feedwater pumps

and immediate discharge piping are not required to be safety-related nor are they required to be seismic category 1. FSAR Chapters 10.1 (Figure 10.1.0-3), 10.2 and 10.4, further confirm this. The inspector noted that FSAR Table 3.2.1-1, page 3.2.1-40, indicated that "other" SG feedwater piping were seismic category 1. The licensee stated that the table was correct but Figure 10.1.0-3 provided better definition of the seismic category 1 boundaries than the table.

- c. An October 14, 1983 memorandum from D. C. Whitehead to Al Rager regarding surveillance report QASC-83-860 was reviewed for compliance with 10 CFR 50 Appendix "B" requirements. The memorandum forwarded QA Surveillance Report QASC 83-860. The report documented a surveillance performed by QA by "assisting pipe hanger construction inspection in performing the preliminary inspections" of pipe supports. The report further identified that 13 of 18 pipe supports inspected were rejectable, listed the "incorrectly installed" pipe supports and identified the discrepancies. Surveillance Report QASC 83-860 had been closed out by QA prior to this NRC inspection. A review performed by the NRC and QA determined that discrepancies on 12 of the 13 pipe supports had been identified in the applicable pipe support inspection records. The discrepancy for auxiliary feedwater system (AFW) pipe support AF-H-245, interference with valve 3AFV-89-SB-1, had not been identified in other inspection records. CP&L Corporate Quality Assurance procedure CQA - 28, revision 5, QA Surveillance, paragraph 7.4.3 allows nonconforming conditions within the scope of CI and QC inspection to be noted and turned over to the responsible inspection group for handling in accordance with appropriate procedures. The licensee stated that the in-process condition noted on AF-H-245 was not considered to be a nonconforming condition, was not recorded elsewhere, but had been corrected. To assure that QA surveillance reports are being correctly closed-out, the licensee committed to review additional QA surveillance reports and ascertain that QA surveillance reports are being correctly close-out. Pending completion of the licensee's commitment, this was identified as unresolved item 400/84-43-03, QA surveillance close-out.
- d. The inspector selected the following sample of DDRs for review of final disposition by the licensee, DDRs-1795, 1784, 1776 and 1775.

DDR 1795 and 1784 identified problems with pipe hangers incorrectly labeled, field welds as shop welds, changes to drawings not clearly indicated and hanger sketches showing incorrect and/or contradictory weld symbols. As a result of these DDRs, the licensee conducted an audit to identify generic problems. The audit resulted in revising of Work Procedure (WP) -110 which describes the steps to be followed for the installation of seismic pipe support, writing a new procedure WP-139 which determines the functions of the Work Procedure Group (WPG) and describes the steps to be taken in the preparation and control of pipe hanger work packages, writing a new procedure WP-140 which encompasses the engineering review of QA records for installation of seismic pipe hangers and support for seismically analyzed pipe prior to

release to the QA turnover group. The inspector reviewed all of these procedures and the following hanger work packages and concluded that these DDRs have been dispositioned appropriately:

1-CS-H-3160	Rev. 0
1-SW-H-111	Rev. 7
1-CC-H-1484	Rev. 1
2-SW-H-915	Rev. 3S1

DDR 1776 identified problems with pipe hangers being removed or loosened without authorization and fasteners were unmarked contrary to the requirements of WP-110. As a result of the new hanger program established after the audit referenced above, all pipe hangers that are finished are to be inspected and tagged as complete. No work can be performed on these supports without proper authorization. An internal training program by the Special Projects Hanger Department identifies a final checklist to be performed by the inspector to assure tags are in place; however, this commitment has not been mandated to be included in the field procedure. The inspector walked down the following hanger work packages to verify markings and tagging of supports and found them acceptable:

1-SW-H-1567
1-SW-H-2339

DDR 1775 identified numerous problems with material substitution and control. The utility has established a material control program according to work procedure (WP) 110, Rev. 11, and training classes have been held to instruct hanger personnel concerning implementation of the program. The material control program requires a "Field Material Verification" of all the supports. When the field material verification cannot be identified on Exhibit 4 of WP 110, then it is identified under item number 7 - described as the sampling program. At the present time, about 7400 hangers have had material verification sheets filled out. About 1000 of these reports have been reviewed by the Final Engineering Review Group (FERG). Two hundred of the 1000 have been sent to special projects for disposition of material following under the sampling program. Special projects review and disposition of the sampling program references three permanent waivers (PW) PW-4647, 1634, and 1639. These PWs allow the acceptance of some unidentified material on the basis they have had an engineering review of the stock material on site which are not marked for material verification and have concluded that the percentage of unclassified material identified is very small and insignificant. The materials identified also have a yield strength above the allowable stresses used in the design calculation of 60% of the A-36 steel.

The inspector reviewed the following work packages identified in DDR 1775 for verification and found them acceptable:

1-CC-H-1242
1-SW-H-1570
1-SW-H-2337

However, the justification for the permanent waivers has not had any Project Management attention or review. It appears that the issue is too general and covers a broad area that requires more than just an engineering review before implementing the PWs. Until Project Management reviews and takes action on the engineering justification, this item will be identified as Inspector Follow-up Item 84-43-04, Approval of Permanent Waivers.

DDR 1775 also identified material issued for pipe hangers 1-CC-H-105 and other numerous supports from a voided P.O. No. 21022. However, this P.O. No. 21022 was created as a fictitious number assigned to the site fabrication shop for storage purposes. Material for most of these supports were obtained from P.O. No. 19019. The inspector reviewed the documentation of pipe hanger 1-CC-H-105 and determined that P.O. No. 21022 was voided by the purchasing department but was open as far as the fabrication shop was concerned. This created the confusion of the intended use of the P.O. The inspector found no problems in this area.

IEB 79-02 and 79-14 were left open pending completion of bulletin requirements and licensee commitment.

No violations or deviation were identified.



UNITED STATES
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REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30323

Aug
25

DEC 14 1984

Carolina Power and Light Company
ATTN: Mr. E. E. Utley
Executive Vice President
Power Supply and Engineering
and Construction
411 Fayetteville Street
Raleigh, NC 27602

Gentlemen:

SUBJECT: REPORT NO. 50-400/84-43

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Sincerely,

David M. Verrelli, Chief
Reactor Projects Branch 1
Division of Reactor Projects

Enclosure:
Inspection Report No. 50-400/84-43

cc w/encl: (See page 2)

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Carolina Power and Light Company

2

DEC 14 1984

cc w/encl:

R. A. Watson, Vice President

Harris Nuclear Project

R. M. Parsons, Project General Manager



UNITED STATES
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Report No.: 50-400/84-43

Licensee: Carolina Power and Light Company
 411 Fayetteville Street
 Raleigh, NC 27602

Docket No.: 50-400

License No.: CPPR-158

Facility Name: Harris 1

Inspection Conducted: November 27-30, 1984

Inspectors:

[Signature]
 W. P. Ang

12/14/84
 Date Signed

[Signature]
 L. P. Mogenos

12/13/84
 Date Signed

Approved by:

[Signature]
 J. J. Blake, Section Chief
 Engineering Branch
 Division of Reactor Safety

12/13/84
 Date Signed

SUMMARY

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~~8501210091~~

7 pp.

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NRC Resident Inspectors

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Unresolved items are matters about which more information is required to determine whether they are acceptable or may involve violations or deviations. New unresolved items identified during this inspection are discussed in paragraph 5.

5. Pipe Support Baseplate Designs Using Concrete Expansion Anchors (IEB 79-02) and Seismic Analysis for As-built Safety-Related Piping Systems (IEB 79-14)
- a. A follow inspection to RII report 50-400/84-34 was performed to verify licensee compliance with IEB 79-02 and IEB 79-14 requirements and licensee commitments. Discussions with the licensee indicated that approximately 500 of 18,000 safety-related pipe supports had completed the revised pipe support inspection program. The following pipe supports were selected, available quality records obtained, and inspected as noted below. The inspector noted the following conditions for each pipe support.
- (1) Component Cooling System Pipe Support CC-H-105 Seismic I Weld Data Report (SWDR) and continuation sheet from original phase 2 inspection traveller from the voided phase 1 and phase 2 inspection program were not in the package. A new traveller and SWDR for the revised pipe support inspection program were in the package. The licensee's pipe support inspection had not been completed. NRC and licensee QA inspections of the pipe support identified no discrepancies with the pipe support.
 - (2) Chemical and Volume Control Pipe Support CS-H-425 entire package for old phases 1 and 2 inspections were missing. A new package had been generated for the revised pipe support inspection program. The licensee had issued a work directive to remove and reinstall the pipe support prior to the NRC inspection on November 26, 1984. An NRC inspection in the area of the location of the pipe support confirmed that it had been removed.
 - (3) Chemical and Volume Control Pipe Support CH-H-264 old and new inspection records and forms were on file. NRC and licensee QA inspections of the pipe support revealed no discrepancies.
 - (4) Service Water System Pipe Support SW-H-2796. This support and affected piping has been deleted by design change notice 530 - 1241.
 - (5) Service Water System Pipe Support SW-H-1841. The entire inspection package was missing and a new package was assembled during the NRC inspection. Reproductions of old Phase I pipe support inspection and field weld SWDR were found in the construction inspection and QC offices. NRC and licensee QA inspections of the pipe support identified no discrepancies.
 - (6) Feedwater Support FW-H-136 and FW-H-11 records were also obtained but were not inspected. The supports were not safety-related.

During subsequent discussions with the licensee, the licensee noted the following:

- (1) None of the above noted pipe supports had completed the revised inspection process. The licensee considered the missing records to be in-process records. The missing records would have been identified during records review and corrective action such as reinspection or removal and reinspection of the pipe support would be accomplished.
- (2) The missing records may have been stolen. To preclude any potential theft or alteration of records that ultimately become quality assurance records when completed, the licensee changed the process for handling pipe support quality documentation. On November 30, 1984, memorandum MS-13748 was issued requiring that copies of completed QC SWDR and CI TP-34 inspection reports be forwarded to the QA vault for storage. A copy of the above noted reports will stay with the hanger package for subsequent final review of the entire package.
- (3) QA assisted the NRC during the pipe support records search. QA committed to continue the inspection regarding the missing records by performing a surveillance to assure that missing records are identified and appropriate corrective action is taken.

Pending implementation of the above noted licensee commitments, this was identified as Unresolved Item 400/84-43-02, Pipe Support Inspection Records.

- b. An inspection of Steam Generator (SG) feedwater pump records revealed that deficiency notice (DN) M-010 was written on July 30, 1982, stating that "the welding sequence in conjunction with the coupling face readings and the lack of sufficient rigid restraints indicate severe nozzle loads have been imposed on the discharge nozzle of the steam generator feed pump 1A-NNS". The deficiency notice was still open and the licensee had not decided on the corrective action required for DN-M-010. The licensee indicated that the corrective action would include a determination of the cause of the problem including potential cold springing of the piping. Pending licensee completion of corrective action for DN-M-010, this was identified as Inspector Follow-up Item 400/84-43-01, SG feedwater pump 1A-NNS misalignment. In conjunction with the above noted inspection of the SG feedwater pump 1A-NNS, a review was performed to determine if the feedwater pumps and the discharge piping in the immediate vicinity of the pumps were designed and constructed using the correct safety and seismic classification. The Harris Final Safety Analysis Report (FSAR) commits to NRC Regulatory Guides 1.26, Quality Group Classification, and 1.29, Seismic Design Classification. Based on NRC Regulatory Guides 1.26 and 1.29, the SG feedwater pumps

and immediate discharge piping are not required to be safety-related nor are they required to be seismic category 1. FSAR Chapters 10.1 (Figure 10.1.0-3), 10.2 and 10.4, further confirm this. The inspector noted that FSAR Table 3.2.1-1, page 3.2.1-40, indicated that "other" SG feedwater piping were seismic category 1. The licensee stated that the table was correct but Figure 10.1.0-3 provided better definition of the seismic category 1 boundaries than the table.

- c. An October 14, 1983 memorandum from D. C. Whitehead to Al Rager regarding surveillance report QASC-83-860 was reviewed for compliance with 10 CFR 50 Appendix "B" requirements. The memorandum forwarded QA Surveillance Report QASC 83-860. The report documented a surveillance performed by QA by "assisting pipe hanger construction inspection in performing the preliminary inspections" of pipe supports. The report further identified that 13 of 18 pipe supports inspected were rejectable, listed the "incorrectly installed" pipe supports and identified the discrepancies. Surveillance Report QASC 83-860 had been closed out by QA prior to this NRC inspection. A review performed by the NRC and QA determined that discrepancies on 12 of the 13 pipe supports had been identified in the applicable pipe support inspection records. The discrepancy for auxiliary feedwater system (AFW) pipe support AF-H-245, interference with valve 3AFV-89-SB-1, had not been identified in other inspection records. CP&L Corporate Quality Assurance procedure CQA - 28, revision 5, QA Surveillance, paragraph 7.4.3 allows nonconforming conditions within the scope of CI and QC inspection to be noted and turned over to the responsible inspection group for handling in accordance with appropriate procedures. The licensee stated that the in-process condition noted on AF-H-245 was not considered to be a nonconforming condition, was not recorded elsewhere, but had been corrected. To assure that QA surveillance reports are being correctly closed-out, the licensee committed to review additional QA surveillance reports and ascertain that QA surveillance reports are being correctly closed-out. Pending completion of the licensee's commitment, this was identified as unresolved item 40C/84-43-03, QA surveillance close-out.
- d. The inspector selected the following sample of DDRs for review of final disposition by the licensee, DDRs-1795, 1784, 1776 and 1775.

DDR 1795 and 1784 identified problems with pipe hangers incorrectly labeled, field welds as shop welds, changes to drawings not clearly indicated and hanger sketches showing incorrect and/or contradictory weld symbols. As a result of these DDRs, the licensee conducted an audit to identify generic problems. The audit resulted in revising of Work Procedure (WP) -110 which describes the steps to be followed for the installation of seismic pipe support, writing a new procedure WP-139 which determines the functions of the Work Procedure Group (WPG) and describes the steps to be taken in the preparation and control of pipe hanger work packages, writing a new procedure WP-140 which encompasses the engineering review of QA records for installation of seismic pipe hangers and support for seismically analyzed pipe prior to

release to the QA turnover group. The inspector reviewed all of these procedures and the following hanger work packages and concluded that these DDRs have been dispositioned appropriately:

1-CS-H-3160	Rev. 0
1-SW-H-111	Rev. 7
1-CC-H-1484	Rev. 1
2-SW-H-915	Rev. 3S1

DDR 1776 identified problems with pipe hangers being removed or loosened without authorization and fasteners were unmarked contrary to the requirements of WP-110. As a result of the new hanger program established after the audit referenced above, all pipe hangers that are finished are to be inspected and tagged as complete. No work can be performed on these supports without proper authorization. An internal training program by the Special Projects Hanger Department identifies a final checklist be performed by the inspector to assure tags are in place; however, this commitment has not been mandated to be included in the field procedure. The inspector walked down the following hanger work packages to verify markings and tagging of supports and found them acceptable:

1-SW-H-1567
1-SW-H-2339

DDR 1775 identified numerous problems with material substitution and control. The utility has established a material control program according to work procedure (WP) 110, Rev. 11, and training classes have been held to instruct hanger personnel concerning implementation of the program. The material control program requires a "Field Material Verification" of all the supports. When the field material verification cannot be identified on Exhibit 4 of WP 110, then it is identified under item number 7 - described as the sampling program. At the present time, about 7400 hangers have had material verification sheets filled out. About 1000 of these reports have been reviewed by the Final Engineering Review Group (FERG). Two hundred of the 1000 have been sent to special projects for disposition of material following under the sampling program. Special projects review and disposition of the sampling program references three permanent waivers (PW) PW-4647, 1634, and 1639. These PWs allow the acceptance of some unidentified material on the basis they have had an engineering review of the stock material on site which are not marked for material verification and have concluded that the percentage of unclassified material identified is very small and insignificant. The materials identified also have a yield strength above the allowable stresses used in the design calculation of 60% of the A-36 steel.

The inspector reviewed the following work packages identified in DDR 1775 for verification and found them acceptable:

1-CC-H-1242
1-SW-H-1570
1-SW-H-2337

However, the justification for the permanent waivers has not had any Project Management attention or review. It appears that the issue is too general and covers a broad area that requires more than just an engineering review before implementing the PWs. Until Project Management reviews and takes action on the engineering justification, this item will be identified as Inspector Follow-up Item 84-43-04, Approval of Permanent Waivers.

DDR 1775 also identified material issued for pipe hangers 1-CC-H-105 and other numerous supports from a voided P.O. No. 21022. However, this P.O. No. 21022 was created as a fictitious number assigned to the site fabrication shop for storage purposes. Material for most of these supports were obtained from P.O. No. 19019. The inspector reviewed the documentation of pipe hanger 1-CC-H-105 and determined that P.O. No. 21022 was voided by the purchasing department but was open as far as the fabrication shop was concerned. This created the confusion of the intended use of the P.O. The inspector found no problems in this area.

IEB 79-02 and 79-14 were left open pending completion of bulletin requirements and licensee commitment.

No violations or deviation were identified.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30323

January 2, 1985

Carolina Power and Light Company
ATTN: Mr. E. E. Utley
Executive Vice President
Power Supply and Engineering
and Construction
411 Fayetteville Street
Raleigh, NC 27602

Gentlemen:

SUBJECT: REPORT NO. 50-400/84-42

On November 26-30, 1984, NRC inspected activities authorized by NRC Construction Permit No. CPPR-158 for your Shearon Harris facility. At the conclusion of the inspection, the findings were discussed with those members of your staff identified in the enclosed inspection report.

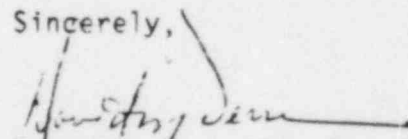
Areas examined during the inspection are identified in the report. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observation of activities in progress.

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

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

Should you have any questions concerning this letter, please contact us.

Sincerely,


David M. Verrelli, Chief
Reactor Projects Branch 1
Division of Reactor Projects

Enclosure:
Inspection Report No. 50-400/84-42

cc w/encl:
R. A. Watson, Vice President
Harris Nuclear Project
R. M. Parsons, Project General Manager

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UNITED STATES
 NUCLEAR REGULATORY COMMISSION
 REGION II
 101 MARIETTA STREET, N.W.
 ATLANTA, GEORGIA 30303

Report No.: 50-400/84-42

Licensee: Carolina Power and Light Company
 411 Fayetteville Street
 Raleigh, NC 27602

Docket No.: 50-400

License No.: CPPR-158

Facility Name: Harris 1

Inspection Conducted: November 26-30, 1984

Inspectors:	<u><i>C.M. Upright for</i></u>	<u><i>12/28/84</i></u>
	R. W. Wright	Date Signed
	<u><i>C.M. Upright for</i></u>	<u><i>12/28/84</i></u>
	L. H. Jackson	Date Signed
Approved by:	<u><i>C.M. Upright</i></u>	<u><i>12/28/84</i></u>
	C. M. Upright, Section Chief	Date Signed
	Division of Reactor Safety	

SUMMARY

Scope: This routine, unannounced inspection involved 68 inspector-hours on site in the areas of procurement, receiving, and storage; onsite design activities; followup on previously identified inspector items (IFIs); and licensee identified 10 CFR 50.55(e) items.

Results: Of the four areas inspected, no violations or deviations were identified.

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REPORT DETAILS

1. Persons Contacted

Licensee Employees Contacted

- *R. M. Parsons, Project General Manager, Completion Assurance
- *E. J. Wagner, Manager, Engineering
- *A. H. Rager, Manager, Construction Inspection
- *K. O. Hatz, Principal QA Engineer
- *E. M. Harris, Principal Engineer Mechanical
- *T. C. Bell, Senior Specialist, Document Control
- *G. L. Forehand, Director QA/QC
- *G. M. Simpson, Principal Construction Specialist
- *H. L. Williams, Principal Engineer, Civil Unit, HPES
- *R. C. Ross, Senior Engineer, Mechanical, Fire Protection
- D. Hethcock, Engineering Specialist, Civil Unit, HPES
- E. Croteau, Engineering Specialist, Civil Unit, HPES
- L. Runbold, Clerk, Civil Unit, HPES
- I. Phelps, Clerk, Document Control Unit, HPES Satellite
- J. McKay, Resident Civil Engineer, Field Engineering
- H. Mutnick, Project Engineer, Drafting and Computerized Graphics
- C. Brafford, Senior Engineer, Drafting and Computerized Graphics
- M. Thompson, Supervisor, Engineering Management Section
- G. Goodman, QC Receiving Inspector
- D. McGaw, QA Superintendent
- D. Whitehead, QA Supervisor
- C. Rose, QA Supervisor-Startup
- H. Wagner, QA Specialist
- T. White, Maintenance Foreman
- J. Barefoot, Materials Supervisor
- C. Chavis Jr., Lead Receiving Inspector
- T. Harrington, Purchasing Agent
- J. F. Pinto, Fire Protection Group Supervisor, HPES
- J. V. Gailey, Principal QA Specialist - Vendor Surveillance
- C. Hensley, Project QA Specialist

Other Organizations

- *G. F. Cole, Vice President, Daniel Power
- D. Maupin, Project Manager, Automatic Sprinkler Corporation of America (ASCOA)
- D. Meyer, Piping Engineer, ASCOA

NRC Resident Inspectors

- *G. F. Maxwell
- *R. Prevatte

*Attended exit interview

2. Exit Interview

The inspection scope and findings were summarized on November 30, 1984, with those persons indicated in paragraph 1 above. The licensee acknowledged the following inspection finding:

Inspector Followup Item 400/84-42-01: Computerized Drawing Control and FCR/PW/DCN Log Transition Corrections, paragraph 6.d.

3. Licensee Action on Previous Enforcement Matters

Not inspected.

4. Unresolved Items

Unresolved items were not identified during this inspection.

5. Procurement, Receiving, and Storage (35065)

a. Inspection Objective

This inspection was conducted to determine whether equipment procurement specifications include applicable quality assurance (QA) and technical requirements identified in the safety analysis report (SAR) and whether receipt inspection and storage activities are conducted in compliance with QA program requirements.

b. Site Procurement

Safety-related equipment and materials received at the site are either NSSS supplied or CP&L procured from specifications prepared by Ebasco, the A-E, and reviewed and approved by CP&L. Site procurement is from Ebasco and CP&L pre-approved specifications. CP&L performs audits, maintains an evaluated supplier list, evaluates bids, issues contracts, and provides engineering and quality assurance controls in procurement of safety-related items.

c. Procurement Action Review

The inspector selected the following listed procurement item contracts to determine that the following elements were included:

- Applicable regulatory, technical, and quality assurance requirements
- Procurement documents adequately reviewed
- Changes to technical and QA requirements adequately reviewed

- Purchaser notification points, hold points, and access rights incorporated in, or provided for, in the documentation
- 10 CFR 21 reporting requirements appropriately addressed
- Documentation to confirm acceptability of the item required to be furnished
- QA requirements applicable to subcontractors

<u>Purchase Order</u>	<u>Specification</u>	<u>Vendor</u>
H-52120A	055, R7 and/or 056, R8	Guyon Alloys Inc.
H-55027-2	055, R7 and/or 056, R8	Hub Inc.
H-54514	HX-M-003, RA	Henry Vogt.
H-57021	056, R8	Hub Inc.
H-54480	055, R7	DuBose Steel
H-51288	off-the-shelf	Raychem Mfgr.
H-52539	CAR-SH-E-10B	Gould Inc.
H-50820	055, R7	DuBose Steel

The inspector concluded that the above procurement documents contained appropriate QA requirements, that documents required to accompany shipment were specified, equipment specifications were attached when required, and that certified material test reports or certifications of compliance were required to accompany the shipment.

d. Source Selection

CP&L maintains an Approved Suppliers List which is updated quarterly; the most recent copy dated October 5, 1984, was reviewed by the inspector. All of the vendors listed under paragraph c above were on the Approved Suppliers List. This list contains all CP&L suppliers of Q-list safety-related engineering equipment or ASME Section III materials. Audit expiration dates, applicable ANSI standards which the vendor's program are required to meet, and type of materials or equipment approved to supply are shown on the Approved Supplier List. ASME certification stamp number and date of expiration are also shown.

CP&L performs triannual audits of vendors and yearly evaluations.

e. Receiving Inspection

The inspector examined the system established for performing receiving inspection and verified the following:

- Facilities were adequate
- Construction Quality Control (CQC) procedure CQC-6, Revision 4, was adequate.

The quality assurance program and implementation of adequate storage were found satisfactory.

g. Surveillance and Audits

The inspector reviewed eight surveillances which evaluated the adequacy of procurement, receipt inspections, and storage. These surveillances identified deficiencies and followup surveillances confirmed adequate corrective action.

The next corporate QA Audit of material storage and maintenance activities is scheduled to be performed December 10-14, 1984.

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

6. Onsite Design Activities (37055)

Inspection Objective

This inspection was conducted to determine whether the licensee's, architect engineer's, and contractor's onsite design activities, including controls for engineering and construction initiated field changes, are conducted in compliance with the quality assurance requirements described in the facility safety analysis report.

a. Functional Responsibilities for Onsite Design

Section 3 of the CP&L Corporate QA Program Manual specifies the design control responsibilities assigned within CP&L, the Architect/Engineer (Ebasco), the Nuclear Steam Supply System Supplier (Westinghouse), and any contractors (currently Automatic Sprinkler). The design control program incorporates measures for identification and control of design interaction between CP&L, the A/E, NSSS Supplier, and contractors.

The CP&L Nuclear Engineering and Licensing Department (NELD) and Harris Plant Engineering Section (HPES), located on site, are responsible for providing the design and engineering for the Shearon Harris Nuclear Power Plant (SHNP) project. They are also responsible for including engineering support of site activities and for accompanying corporate, group, and departmental goals associated with the project. They fulfill these responsibilities by managing the A/E contract and other engineering and/or consulting services by providing technical direction for project design, by performing design activities, and by managing the procurement of engineered equipment. CP&L has continued to increase the number of personnel and the design responsibilities of the HPES with the intent that this section will eventually handle all design responsibility for the plant. The HPES is currently comprised

of approximately 364 personnel employed in the civil, hanger, mechanical, electrical, and instrument and control units of this section. The HPES and Harris Engineering Management Section (HEMS) processed approximately 1654 field change requests/permanent waivers (FCRs/PWs), 404 pipe hanger problems (PHPs), and 50 Ebasco design change notices during the month of October 1984. The extent of original facility design participation by HPES has increased with their capability and the Manager of HPES carefully directs, controls, and coordinates these activities. Approximately 85% of Ebasco's plant drawings have been turned over to CP&L to date. For the most part, Ebasco (New York) and CP&L incorporate design changes as revisions to drawings and specifications for those pertinent documents under their respective control.

In accordance with the SAR, Harris design activities involving "Q-List" equipment, systems, structures or other work performed are controlled by ANSI N45.2.11-1974 as endorsed by Regulatory Guide 1.64, Revision 2.

b. Design Procedure Review

Design Activities (including control of the design process) of the HPES personnel are governed by NELD procedures and the HPES manual of instructions. The following procedures and instructions were reviewed of verify the adequacy of these documents and to query various onsite design staff personnel of their knowledge of pertinent design control requirements contained therein:

Nuclear Engineering and Licensing Department (NELD) Procedures

- 3.1 Design Control Procedure
- 3.1.A Design Basic Document
- 3.1.B Preparation and Control of Design Analysis
- 3.1.C Preparation and Control of Design Drawings
- 3.1.D Preparation and Control of Specifications
- 3.1.E Preparation and Control of Other Design Documents
- 3.1.F Control and Use of Computer and Calculator Codes or Programs Used for Analysis or Design of Safety-Related Functions
- 3.2 Design Change Control
- 3.3 Design Verification
- 3.4 Review of Externally Generated Design Documents
- 3.5 Handling of Controlled Documents
- 3.6 QA Records
- 3.7 Preparation and Control of Interface Documents
- 3.8 Initiating and Updating Plant "Q-List"
- 3.9 Handling of Reportable Items Under 10 CFR 50.55(e)
- 3.11 Handling of Reportable Items under 10 CFR 21
- 3.12 ALARA In Design

Harris Plant Engineering Section Manual of Instructions

- 2.8 Processing of I.E. Information Notices, Circulars, Bulletins
- 3.1 Processing and Control of DCNs
- 3.2 Processing and Control of PHPs and FMs
- 3.3 Processing and Control of FCRs/PWs
- 3.4 Processing and Control of Nonconformances
- 3.5 QA Records
- 3.7 Alara Review
- 3.8 Review and Approval of FSAR and Environmental Report Changes
- 3.11 Processing and Control of Interface Documents
- 3.12 In-House Use of Design Guidelines
- 3.13 Numbering HPES Site Originated Design Drawings
- 3.14 Preparation and Control of HPES Site Originated Design Drawings
- 3.15 Revision of Original Design Drawings for Incorporation of Approved Design Changes
- 3.16 Preparation and Control of Component Level Q-List
- 3.17 Review and Approval of Vendor Documents for Incorporation into the Site EMDRAC System

Procedures reviewed and knowledge of individuals interviewed were verified to be adequate.

c. Design Process Review

(1) New Design

The inspector conducted discussions with CP&L engineering personnel (including two Central Technical Services specialists working under CP&L supervision and procedures) from the HPES Civil Unit to determine whether they understood their applicable design control procedures/instructions and to verify proper implementation of these procedures/instructions.

Computerized programs (STUDL, STARDYNE, EZHANG, BASEPLATE II) and hand calculations are utilized by the Civil Unit to perform their design analyses. Error notices to computer codes received by CP&Ls Information Management Department are required to be transmitted to the HPES Principal Engineer and end user by controlled transmittals. User Manuals and revision thereto are also handled by controlled transmittals. Additionally, NELD Procedure 3.1.F requires a verification program in that benchmark testing of computer codes/programs are to be performed prior to use and copies of the benchmark testing are to be transmitted to QA Records.

The below listed original design calculations and pertinent drawings for the Containment Building Loop-3 RHR Valve Access Platform were examined by the inspector. Stress analysis of the platform members was accomplished by the STARDYNE computer stress analysis program and manual calculations were utilized to check each critical member for acceptable shear, bending, and buckling properties. Discussions were conducted with the Civil Unit design specialists from the HPES concerning the subject calculations relative to design inputs employed, criteria used, review, approval, and interface required. The applicable drawings were examined for proper identification, that they were properly reviewed and signed off by a checker (an individual other than the originator who has a level of design qualification at least sufficient to perform the design work being checked), responsible engineer, and Unit supervisor.

- Calc. No. FCR/SAAS - 269, Stardyne Stress Analysis of Platform Members - RHR Valve Access Platform Justification for FCR/SAAS - 269 - (manual calculations).
- Drawing Nos. CPL-2168-39123, 24; RO-Containment Building Elev. 236', Loop 3, RHR Valve Access Platform.

Based on these discussions, review of design procedures and criteria utilized, examinations of the above platform design calculations, and drawing controls exercised, the inspector concluded that the HPES Civil Unit was performing its onsite design function in accordance with the licensee's PSAR commitments and NRC requirements.

(2) Design Changes

The inspector selected four recent field change requests (FCRs C-5400, C-5372, C-5371, C-5057) and permanent waiver PW C-5058 for review to determine the following:

- Reason/need for the change.
- Do the changes compromise the original design intent.
- The change was reviewed subject to controls commensurate with the original design and approved by other than originator.
- Design drawings affected were updated or are in the process of being updated to reflect the design change as appropriate.

The inspector concluded the above design changes had been properly addressed and handled in accordance with CP&Ls procedures and commitments.

d. Control of Drawings

The inspector interviewed supervisory and clerical personnel responsible for control and distribution of drawings and design changes to confirm the drawing control system was adequate and providing the latest revisions of these documents to the field for construction. The following drawings, FCRs, PWs, and DCN were selected for review in the field of the Fuel Handling Building controlled drawing station:

CAR 2167-G-2328, R6	DCN 550-1162, R1
	FCR C-5410
CAR 2167-G-1180, R8	FCR C-5400
CAR 2167-G-2051, R1	FCR C-5400
CAR 2167-G-2035, R6	FCR C-5060
CAR 2167-G-2014, R6	FCR C-5060
CAR 2167-G-2174, R5	PW C-5058
CAR 2167-G-0512, R7	FCR C-5375
CAR 2167-G-0843, R7	FCR C-5371
CAR 2167-G-2845, R7	PW C-4667, R1
	PW C-4668
Specification FCRs	FCR C-3834
	FCR C-3897

Based on the above sample, the inspector concluded that the facilities, control and distribution of the above listed documents was satisfactory.

However, although the latest design documents were found to be transmitted to the field for construction of the plant, the inspector's review of the computerized drawing control list (DCL) and the computerized FCR/PW/DCN cross reference log revealed that they needed some updating. For example, R7 and R5 were listed as the latest revisions of Drawings CAR 2167-G-1180 and CAR 2167-G-2014 respectively in the DCL; however, these drawing revisions are one revision behind what the crafts are working to in the field. Also PW C-3854 R1, FCRs C-3834, and C-3897 written against various specifications exist in field and document control center but were not loaded into the FCR/PW/DCN computerized cross reference log.

CP&L recently (August 84) acquired Ebasco's computerized DCL program and during the transition period, clerical and data entry errors have been discovered. CP&L has been aware of the problem and the Drafting and Computer Graphics Unit has been going through the DCL program to assure the latest revision number and revision date are current and the same as issued to document control.

Likewise, CP&L's document control initiated the FCR/PW/DCN computerized cross reference program in August 1983, and consequently had to back load every such document into the computer prior to that date. The identified PW and FCRs represent only 3 out of approximately 21,000 documents backfitted into the program.

CP&L has committed to recheck both programs and resolve errors identified. Since the document control center's distribution of the latest drawings and design changes is independent of the computerized DCL and FCR/PW/DCN systems and consequently the current revisions of these documents are being distributed for the construction of the plant, the inspector identified this at the exit meeting as Inspector Followup Item 400/84-42-01, Computerized Drawing Control and FCR/PW/DCN Log Transition Corrections.

e. Design Control by Licensee

The inspector interviewed CP&L QA personnel who are responsible for auditing onsite design activities to determine the following:

- They are aware of each contractor who prepares and/or issues design documents for construction.
- That audits are performed on HPES and any contractors performing onsite design activities. The inspector examined CP&L corporate audit report Nos. QAA/100-26 and QAA/100-28 to verify that:

The audited organization received a copy of the audit report.

Appropriate standards were referenced for measure of performance.

That auditors were selected in accordance with QA Manual procedures.

That adverse findings received effective corrective action, were examined for significance, and reaudits were scheduled as necessary.

f. Onsite Design Activities by Contractors (Automatic Sprinkler)

Other than HPES, Automatic Sprinkler Corporation of American (ASCOA) is the only organization currently performing onsite design activities at the Harris Plant and this contract was recently commenced. ASCOA has been contracted by CP&L to design, fabricate, furnish, and deliver the water spray for fire protection system for containment, reactor auxiliary, fuel handling, and portions of the turbine buildings. ASCOA will perform field and design checks, prepare conceptual designs, stress analysis of all seismically supported piping, and design all related supports/restraints. The ASCOA approved pipe stress calculations, hanger calculations, and design drawings are to be submitted to the HPES Project Engineer, Mechanical, for CP&L review and approval. The Harris Plant Construction Section will install the piping and fabricate/install piping hangers per applicable established site procedures. CP&L's Construction Inspection group will inspect the work and CP&L QA will audit these activities.

The inspector conducted discussions with the CP&L fire protection group supervisor concerning the management of the contract and examined the following pertinent documents provided by him:

- Design Criteria for Hangers dated October 26, 1984
- Preliminary Copy of The Fire Protection Interface Document dated October 29, 1984
- CP&L Corporate Audit Conducted on ASCOA's QA Manual Procedures

The inspector had the ASCOA piping engineer discuss the design inputs and output resulting from a HYDE final computer program calculation identified as SHNPP 42-866 SH, Fuel Handling 1-4-1-236, System "H" dated November 16, 1984. The HYDE User Manual was verified to be available at the work activity.

Within this area, no violations or deviations were identified.

7. Inspector Followup Items (IFIs) (92701B)

(Closed) IFI 400/84-11-02: Revision/Clarification of Procedure CQA-3, Nonconformance Control, To Include Auditable Provisions Which Insure That Subordinate Nonconformance Documents Are Trended And Reviewed For Reportability. The inspector examined Revision 6 to procedure CQA-3 and determined that it now contains adequate, auditable provisions for assuring subordinate nonconformance documents are trended for adverse conditions and properly reviewed for reportability.

8. Licensee Identified Items 10 CFR 50.55(e) (92700B)

(Closed) Item CDR 83-117: Welding on Breakers Not Inspected by Ebasco's Vendor QA Representative (10 CFR 50.55(e)). The final report was submitted on March 29, 1984, and addendum No. 1 on May 22, 1984. These reports have been reviewed and determined to be acceptable. The inspector held discussions with responsible licensee representatives, examined supporting documentation, and confirmed that the licensee had welding inspectors perform inprocess inspections during repair of the breakers to verify that corrective actions identified in the report have been completed. The breakers have been returned to the jobsite and are energized.

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

James L. Kelley, Chairman
Dr. James H. Carpenter
Glenn O. Bright

In the Matter of
CAROLINA POWER & LIGHT COMPANY
and
NORTH CAROLINA EASTERN MUNICIPAL
POWER AGENCY

(Shearon Harris Nuclear Power
Plant)

Docket Nos. 50-400 OL

(ASLBP NO. 82-472-03 OL)

January 14, 1985

MEMORANDUM AND ORDER
(Ruling on Certain Safety Contentions and Other Matters)

We have heard argument (Tr. 5730-45) and received submissions from the parties on the Eddleman and CCNC proposed contentions based on the Chan Van Vo affidavit of October 6, 1984. We ruled on most of these contentions in the December 5 telephone conference. We now rule on the remaining four contentions.

Eddleman Contention 41-6 Concerning Harassment

Mr. Eddleman's proposed Contention 41-6 alleges harassment of employees at the Harris facility to discourage them from bringing forward safety concerns. It refers specifically to portions of the Van Vo affidavit of October 6, 1984. Because this proposed contention was

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filed "late" -- i.e., long after the initial 1982 deadline for contentions -- its admission is subject to the "five factors" balancing test, (See Duke Power Co. (Catawba Nuclear Station), 17 NRC 1041 (1983)), as well as to the specific basis requirement. The contention is drafted in rather general terms, but since it alleges intentional illegal behavior we find it sufficiently specific. See Duke Power Co., supra, 19 NRC 1418, 1433 (1984); cf. United States v. Screws, 325 U.S. 91 (1945).

In our balancing of the five factors, the following considerations are most pertinent:

(1) Good cause -- The contention was filed reasonably soon after the Van Vo affidavit became available. Mr. Eddleman was not properly chargeable with notice of possible harassment problems before that time.

(2) & (4) -- Other Means and Representation by Existing Parties. Both of these factors favor admission of the contention. Compare Washington Public Power Supply System (WPPSS Nuclear Project), 18 NRC 1167, 1173-75 (1983). We reject the Applicants' suggestion that a Staff investigation is an adequate "other means" to protect the intervenor's interest. However, these two factors are to be given less weight than the others. Detroit Edison Co. (Enrico Fermi Plant), 18 NRC 1760, 1707 (1982).

(3) Contribution to the Record. The subject matter of this QA contention may not require particular expertise and we certainly do

not question Mr. Eddleman's willingness to work. On the other hand, the hearings on Mr. Eddleman's several safety contentions sometimes left us with the feeling that he had spread himself too thin. We note in that regard that in the coming months Mr. Eddleman will have a lot of work to do on his emergency planning contentions. Moreover, our experience indicates that a contention alleging a pattern of harassment -- broader than the incidents Mr. Van Vo speaks of -- would require considerable time to develop. Factor 3 weighs against Mr. Eddleman.

(4) Delay or Broadening the Issues -- allowance of a broad harassment contention, with full-scale discovery, could well lengthen this proceeding substantially, and might even delay fuel loading, although that now seems unlikely. The fuel load delay is the more important concern. Obviously, allowance of Mr. Eddleman's broad contention as drafted would broaden the issues. In the circumstances, this factor weighs somewhat against Mr. Eddleman.

In balancing the five factors together, they appear to tilt slightly against Mr. Eddleman's contention in its present form. However, the Van Vo allegations are serious and the balance is very close. We believe they should be scrutinized on the record under a suitably narrowed version of Mr. Eddleman's contention. We revise Eddleman 41-G to read as follows:

Chan Van Vo was placed on probation and later terminated from his job with CP&L because he had sought to raise nuclear safety concerns about the Harris facility, as he alleges, and not because of poor job performance, as CP&L alleges.

This contention should be understood as focusing on the reasons particular personnel actions were taken against a particular individual. The parties' attention should focus on particular incidents alleged in the Van Vo affidavit -- e.g., the response to Mr. Van Vo's concerns about the "cold pulling" of a pipe (paragraphs 9-15 of the affidavit) and about pipe hanger material traceability (paragraphs 18-21). In admitting this contention, we are not opening for litigation Mr. Van Vo's broader and unparticularized allegations -- e.g., affidavit paragraphs 25 and 26 -- at least not at this time.

Our rationale for this approach is that the contention grew out of the Van Vo affidavit, as Mr. Eddleman has made clear. Given the difficulties and large expenditures of time involved in discovery and hearing of a broad harassment contention and Eddleman 41-G's status as a late contention, it is reasonable to determine, first, whether the Van Vo allegations about his treatment can be substantiated in a relatively short time. If they are substantiated on the record, then the Board would consider a broader contention in this area. On the other hand, if the Van Vo allegations prove to be unfounded, as CP&L contends, and no other evidence of harassment surfaces, then presumably that issue would be closed. The "five factor" balance clearly favors this narrower version of Eddleman 41-G because the potential for delay in the original version does not obtain, and its presentation would be within Mr. Eddleman's limited resources.

CP&L and Mr. Van Vo have entered into a settlement of any personal claims Mr. Van Vo may have had against the company. The Board asked for and received from the Applicants a copy of the otherwise confidential settlement agreement to determine what bearing, if any, it might have on our disposition of Eddleman 41-G. We also received and considered comments from CP&L and Mr. Eddleman on that question. The settlement terms appear to be reasonable. The amount of the financial payment to Mr. Van Vo is certainly no more and probably much less than it might have cost CP&L to fully litigate Mr. Van Vo's possible personal claims. The agreement does not purport to bar Mr. Van Vo from disclosing any information to the NRC. In short, our disposition of Eddleman 41-G was not affected by the settlement agreement.

Eddleman Contention 41-G, as modified by the Board, is admitted and discovery on it is open. The contention is narrow and the Applicants and Staff, at least, have already investigated the Van Vo concerns. Mr. Eddleman has the Applicants' Cobb Report on the Van Vo allegations, and the Staff should soon be supplying the I&E Report on the same matters. Therefore, discovery is to close by March 1, 1985, unless an extension is obtained for good cause shown. Any party wishing to move for summary disposition shall so advise the Board by March 8, 1985, and any such motions shall be filed by March 15, 1985. Should a hearing be necessary on this contention, the Board tentatively plans to schedule it for late April or early May.

The Board realizes that there may be other employees, present or former, at the Harris site who might have information about acts of

harassment of workers because of their efforts to raise nuclear safety concerns. If so, they should come forward with that information now, on a confidential basis, if they wish. To that end, we are directing the Applicants to post the notice attached to this Order in places where notices to employees are customarily posted at the Harris site. It invites employees who wish to provide information about any harassment incident related to nuclear safety to send it to the Board. Further, such information must be submitted by the deadline date of March 1, 1985. If the Board receives any information pursuant to the notice, we will consider appropriate action on it, including broadening of Eddleman 41-G. If no such information is received, any further inquiry into incidents occurring prior to March 1, 1985 will be foreclosed (other than the Van Vo incidents).

Eddleman Contention 41-C and CCNC WB-1

Both of these contentions are based on statements in Mr. Van Vo's affidavit about a specific incident of alleged falsification of material traceability records. Litigation of that particular incident is now allowable under modified Eddleman 41-G. Should the developed record show that falsification occurred, we can reconsider admission of a broader falsification contention. Eddleman Contention 41-C and CCNC WB-1 are rejected under the five factors balancing test, for the reasons stated under Eddleman 41-G as proposed.

CCNC Contention WB-2 Concerning Improper Pipe Installation

We tentatively rejected this contention in the December 5 telephone conference, subject to the possibility of receiving further comments from Mr. Van Vo, to be mailed by December 21, 1984. No such comments were received and this contention is rejected for the reasons previously assigned -- basically, that the system in question is not sufficiently related to safety to warrant our consideration. The reasonableness of CP&L's responses to Mr. Van Vo's expression of concerns about that system is included under revised Eddleman 41-G.

Eddleman Contention 41-E Concerning Pipe Hangers

We previously rejected this contention on the grounds that it lacked specificity and because it appeared to be a "retread" of Eddleman 41. Mr. Eddleman seeks reconsideration, arguing that 41-E addresses non-welding aspects of pipe hangers. The Applicants and Staff oppose the motion, arguing that lack of specificity alone should bar this contention. The Board agrees for the reasons they assign. Motion denied.

Applicants' Motion to Receive Additional Evidence

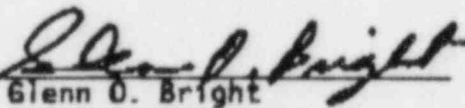
The Applicants seek admission of two final reports on certain matters that were litigated under Contention 41. They concede, however, that these documents do not "set forth any new substantive information which would warrant additional cross-examination." Motion at 4. The Staff and Mr. Eddleman oppose the motion. We see no sufficient reason

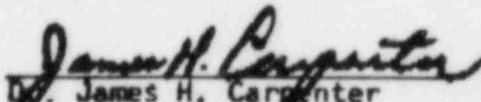
to grant this motion over opposition when the material is concededly unnecessary for decision; it is denied.

Aspects of our rulings on Eddleman 41-6 may raise questions in the parties' minds. Any party who wishes a telephone conference on that ruling should telephone the Board Chairman promptly.

THE ATOMIC SAFETY AND
LICENSING BOARD


James L. Kelley, Chairman
ADMINISTRATIVE JUDGE


Glenn O. Bright
ADMINISTRATIVE JUDGE


James H. Carpenter
ADMINISTRATIVE JUDGE

January 14, 1985
Bethesda, Maryland

Attachment

UNITED STATES
NUCLEAR REGULATORY COMMISSIONNOTICE

The Atomic Safety and Licensing Board is presently considering whether to authorize an operating license for the Carolina Power & Light Company's Shearon Harris facility. One of the questions before the Board is whether there have been instances in which employees at the Harris site have been harassed or retaliated against because they have tried to raise nuclear safety concerns about the facility. The parties in the case are CP&L, the NRC Staff, Mr. Wells Eddleman and several intervenor groups. Any present or former employee at the Harris site who has personal knowledge about such acts of harassment or retaliation may submit on a confidential basis to the Board alone a statement which provides the following information:

1. The person's name and telephone number and/or address.
2. A description of the incident.
3. A brief explanation of why the individual desires his concern to be expressed in closed, rather than public, hearings.

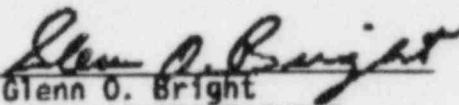
The Board will review any statements it receives and then decide, in consultation with counsel for the parties to the case, whether and how to conduct a closed hearing in which the identities of the witnesses would be kept confidential. CP&L's attorneys and possibly other representatives of the company would attend the closed hearing, as well as Mr. Eddleman and representatives of the NRC Staff and possibly the intervenor groups. However, they would be ordered not to disclose the identities of the witnesses. Prospective witnesses should realize that, under this procedure, their identities would be substantially protected from any further disclosure, but complete protection from disclosure would not be guaranteed.


Confidential statements must be mailed to the Board, by the
deadline date of March 1, 1985, at the following address:

Atomic Safety and Licensing Board
Shearon Harris Proceeding
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

THE ATOMIC SAFETY AND
LICENSING BOARD


James L. Kelley, Chairman
ADMINISTRATIVE JUDGE


Glenn O. Bright
ADMINISTRATIVE JUDGE


Dr. James H. Carpenter
ADMINISTRATIVE JUDGE

January 14, 1985
Bethesda, Maryland



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30323

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Carolina Power and Light Company
ATTN: Mr. E. E. Utley
Executive Vice President
Power Supply and Engineering
and Construction
411 Fayetteville Street
Raleigh, NC 27602

Gentlemen:

SUBJECT: REPORT NO. 50-400/84-47

On December 12-14, 1984, NRC inspected activities authorized by NRC Construction Permit No. CPPR-158 for your Harris facility. At the conclusion of the inspection, the findings were discussed with those members of your staff identified in the enclosed inspection report.

Areas examined during the inspection are identified in the report. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observation of activities in progress.

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

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

Should you have any questions concerning this letter, please contact us.

Sincerely,

David M. Verrelli, Chief
Reactor Projects Branch 1
Division of Reactor Projects

Enclosure:
Inspection Report No. 50-400/84-47

cc w/encl:
R. A. Watson, Vice President
Harris Nuclear Project
R. M. Parsons, Project General Manager

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UNITED STATES
 NUCLEAR REGULATORY COMMISSION
 REGION II
 101 MARIETTA STREET, N.W.
 ATLANTA, GEORGIA 30323

Report No.: 50-400/84-47

Licensee: Carolina Power and Light Company
 411 Fayetteville Street
 Raleigh, NC 27602

Docket No.: 50-400 License No.: CPPR-158

Facility Name: Harris 1

Inspection Conducted: December 12-14, 1984

Inspectors: J. J. Blake 1/15/85
 W. P. Ang Date Signed

Approved by: J. J. Blake 1/15/85
 J. J. Blake, Section Chief Date Signed
 Engineering Branch
 Division of Reactor Safety

SUMMARY

Scope: This routine, unannounced inspection entailed 19 inspector-hours at the site during normal duty hours, in the areas of worker concerns regarding piping and pipe supports.

Results: No violations or deviations were identified.

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REPORT DETAILS

1. Licensee Employees Contacted

- Dr. Elleman, Vice President, Corporate Nuclear Safety and Research
*R. M. Parsons, Project General Manager Completion Assurance
*E. J. Wagner, Engineering General Manager
*N. J. Chiangi, Manager, QA/QC
G. White, Supervisor, Harris Plant Engineering
*K. V. Hate, Principal QA Engineer
*D. C. Whitehead, QA Supervisor
*J. W. McKay, Resident Civil Engineer
*A. Fuller, Principal Engineer, Pipe Hanger
*P. W. Howard, Senior Engineer, Pipe Hanger

Other licensee employees contacted included three field engineers, two QA inspectors, one construction inspector and two quality assurance auditors.

NRC Resident Inspector

*R. Prevatte

*Attended exit interview

2. Exit Interview

The inspection scope and findings were summarized on December 14, 1984, with those persons indicated in paragraph 1 above. The licensee acknowledged the inspection findings.

3. Licensee Action on Previous Enforcement Matters

This subject was not addressed in the inspection.

4. Unresolved Items

Unresolved items were not identified during this inspection.

5. Workers Concerns Regarding Piping and Pipe Support Design, Installation and Inspection

An inspection was performed to investigate workers' concerns regarding piping and pipe support design installation and inspection. The following were the concerns and the inspection findings.

a. De-Classification of the Steam Generator Feedwater System

- (1) A worker's concern was expressed that the steam generator feed-water system in the turbine building was de-classified by the

licensee from safety class 4/seismic 1 to non-seismic to avoid performing extensive and costly rework including inspections and documentation.

- (2) Harris Final Safety Analysis Report (FSAR), Section 1.8, provides the licensee's commitments to NRC Regulatory Guides 1.26 and 1.29. Regulatory Guide (RG) 1.26 provides a quality classification system for safety-related components. Regulatory Guide 1.29 provides a system for identifying those plant features that should be designed to withstand the effects of a safe shutdown earthquake. The following documents were reviewed for compliance with the FSAR and RG 1.26 and RG 1.29.
- (a) Carolina Power & Light Letter CE-13476 dated August 20, 1982, from A. B. Cutter, CPL Vice President for Engineering, to H. Oslick, EBASCO Services, Inc.
 - (b) EBASCO Letter EB-C-14332 dated November 12, 1982, from R. K. Matzelle, Project Manager, to L. I. Loflin, Manager, Harris Plant Engineering.
 - (c) Field Change Request H-1145, approved March 2, 1983, and H-1145 Revision 1, approved May 26, 1983.
 - (d) EBASCO Services Incorporated Drawing 1A-261-FW-5, Revision 6 - Turbine Building #1, Feedwater Piping
 - (e) EBASCO Services Incorporated Drawing 1A-261-FW-1, Revision 6, Auxiliary Building #1, Feedwater Piping
- (3) Based on the review of the above noted documents, the licensee appears to be complying with the noted FSAR commitments and RG 1.26 and RG 1.29 requirements.

No violations or deviations were identified.

b. Substitution of Non-Q Fasteners for Q Fasteners

- (1) A worker's concern was expressed regarding the substitution of non-Q fasteners for Q fasteners. The worker indicated that the CPL Vice President (VP) for Nuclear Safety was contacted regarding this concern. The VP for Nuclear Safety investigated the matter and considered it to be safe. The worker did not consider the substitution of non-Q fasteners for Q fasteners to be safe.
- (2) The NRC inspector contacted Dr. Elleman, CPL VP for Corporate Nuclear Safety and Research, to determine if he had reviewed any worker's concerns regarding the substitution of non-Q fasteners for Q fasteners at the Harris site. The VP stated that he had called a Harris Field Engineer, who had provided CPL with

various documents, to determine his concerns. One of the concerns was in relation to Deficiency and Disposition Report (DDR) 1958 and Purchase Order (PO) 40924 regarding the substitution of non-Q-fasteners for Q fasteners at Harris. The VP stated that he had the concern investigated by a panel that was formed to investigate QA inspector concerns. The panel's findings regarding the concern was that appropriate effort to segregate Q from non-Q fasteners existed, minimal changes would be required for substituting non-Q for Q fasteners, and that purchase order specifications would allow upgrading non-Q fasteners to Q. The VP stated that the field engineer was informed of these findings and the field engineer was satisfied with the resolution.

- (3) The NRC inspector's investigation of the concern regarding the substitution of non-Q fasteners for Q fasteners as noted by DDR 1958 revealed the following:
 - (a) NRC RII Report 50-400/83-29 identified violation 400/83-29-01, on August 24, 1983, regarding the use of non-Q bolting material in Q "Class" systems, fire protection and radiation waste.
 - (b) On August 26, 1983, Discrepancy Report M-403 was issued regarding the use of non-Q bolting material, P. O. 40924, on a flanged connection to a radiation monitor.
 - (c) On September 1, 1983, DDR 1958 was issued regarding the potential for use of non-Q fasteners, including P. O. 40924, in safety-related applications.
 - (d) On April 24, 1984, 300 1/2" A194, 2H, NUTS, P. O. QA-H-40924-1, were upgraded from non-Q to Q by performing an "Upgrade Inspection."
 - (4) Violation 400/83-29-01 and DDR-1958 were still open issues during this inspection. Licensee corrective action will be verified for closure of the violation. Based on the worker's concern regarding the substitution of non-Q fasteners for Q fasteners, no new violations or deviations were identified.
- c. Inadequate controls for Implementation of 1200 Generic Field Change Requests (FCR) and 1000 Generic Requests for Clarification of Information (RCI) for WP-110.
- (1) A worker's concern was expressed that WP-110, Rev. 7 and 8, Hanger Installation, had 1200 Generic FCRs and 1000 RCIs that had to be applied to the hanger installation program. The implication was that these should have been addressed in a more controlled fashion rather than having to remember a long list of Generic FCRs and RCIs.

(2) The NRC inspector reviewed the following procedures:

- (a) WP-110, Revision 11, Installation of Seismic Pipe Hangers and Supports for Seismically Analyzed Pipe
- (b) AP-1X-05, Revision 30, Field Change Request (FCR/PW)
- (c) AP-1X-15, Revision 10, Implementation of DCNs, FCRs and PWs
- (d) AP-1X-04, Revision 13, Request for Clarification of Information

The above noted procedures, FCRs in general, and the following randomly selected pipe support-related open FCRs were reviewed for adequacy of controls to assure implementation of FCRs:

FCR-H-1133
 FCR-H-1150
 FCR-H-1183
 FCR-H-1206
 FCR-H-1248
 FCR-H-1351
 FCR-H-1387

(3) Based on the above noted reviews, the inspector had the following observations:

- (a) Revision 13 of AP-1X-04 cancelled the procedure for RCIs. RCIs are no longer in use for pipe support installation. The licensee stated that open RCIs at the time of the procedure cancellation were voided or incorporated in procedures.
- (b) Approximately 62 open FCRs applied to pipe support installation. Of the seven open FCRs selected for review, four of the FCRs had already been incorporated into site procedures or specifications but had not been closed.
- (c) AP-1X-05 and AP-1X-15 provided controls for assuring implementation of FCRs.

No violations or deviations were identified.

d. Worker's Concern Regarding Disposal of Pipe Support Records

- (1) A worker's concern was expressed that pipe support records were found in a trash can.
- (2) An NRC inspection documented on NRC RII Report 50-400/84-43 has been performed regarding the above noted concern. A follow-up inspection was performed to determine if other individuals had any knowledge regarding disposal of pipe support records. Three pipe

support field engineers, two CI pipe support inspectors, a QC inspector, two QA pipe support surveillance auditors and their supervisor were randomly selected by the NRC inspector and were interviewed to determine if they had any knowledge of pipe support records being disposed of. In addition, other concerns regarding accessibility to NRC and intimidation of personnel regarding nonconformance reporting were also addressed during the interviews.

- (3) During the interviews, the personnel interviewed expressed the following in general:
- (a) Some pipe support records have been observed to be missing from their packages. Most of the time the records were misplaced and retrieved. In some instances reinspections had to be performed and records re-created.
 - (b) All interviewees were aware of the licensee's open access policy regarding contacts with the NRC. None of the interviewees felt that there were any licensee controls to preclude contact with the NRC.
 - (c) Although some of the interviewees were not aware that CQA-3 allowed anybody to report nonconformances, none of the interviewees expressed any concern regarding pressure against writing nonconformances. The adequacy of training regarding CQA-3 was addressed in a concurrent NRC inspection and will be documented by RII Inspection Report 50-400/84-45.

No violations or deviations were identified.

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UNITED STATES OF AMERICA

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NUCLEAR REGULATORY COMMISSION

4 February 1985¹

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Glenn O. Bright
Dr. James H. Carpenter
James L. Kelley, Chairman

In the Matter of

CAROLINA POWER AND LIGHT CO. et al.
(Shearon Harris Nuclear Power Plant,
Unit 1)

Docket 50-400 OL

ASLBP No. 82-468-01
OL

Motion for Reconsideration of Order Served 1-15-85 (41G)

Wells Eddleman now moves the Board to reconsider its Order served 1-15-85 admitting Contention 41-3, and notifying workers concerning their ability to contact the Board privately concerning possible harassment, ^{retaliation} or intimidation. In view of both legal and practical difficulties known to be associated with cases of harassment, retaliation or intimidation, one must go beyond a narrow interpretation of that Order in order to obtain any useful results. In the event that the problems to be detailed below can be resolved by clarification of that Order, such clarification is requested.

In order to litigate the harassment issue usefully, (1) a pattern of harassment, intimidation, retaliation, etc. must be dealt with (Callaway, ALAB 740, 18 NRC 343, 346, (1983)); (2) and even to prove discrimination against Chan Van Vo for protected activities, circumstantial evidence concerning treatment of other persons in both similar and dissimilar situations to Van Vo's must

¹Applicants and Staff were consulted by telephone when I came down with the flu and had no objection to all due dates before Feb. 4 being extended to 4 February 1985. The Board was informed of this.

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be produced and investigated; finally (3) the desirable action by the Board to notify workers concerning their ability to bring forward information concerning harassment, intimidation, retaliation, etc. is practically inadequate where such harassment or intimidation may exist, and simply does not go far enough or allow enough time to develop information concerning the full extent of harassment, intimidation, retaliation, etc. at the Shearon Harris plant. Further, additional resources are now available to me as an intervenor to assist in investigation of these matters, such that the Board's "limited resource" discussion (Order, pp 2-3) is less valid.

These main points are developed further below.

(A) Contribution to record (Order, pp 2-3): The Order appears to presume that I could not redirect resources to this contention -- the only other work going on right now is responses to summary disposition -- nor obtain additional assistance. The Order concedes that no "particular" expertise is required to pursue such a QA contention.

The importance of the issue argues for special effort -- a "pattern" of QA flaws (e.g. Harassment, intimidation of those with safety concerns) would undermine the safety finding required for an operating license. Cellaway, supra, at 346.

Similarly, in Byron (ALAB-770, 19 NRC 1163 (1984)) on appeal from an operating license denial, the Appeal Board agreed with the licensing board that "doubt" as to "whether construction defects of potential safety significance have gone undetected ..." precludes the granting of a license. Obviously, harassment or intimidation of persons bringing up safety concerns could prevent safety-significant problems from being corrected, and could and would chill the likelihood that others would raise such issues. Freedom from cost and schedule pressure (a likely reason for harassment of those bringing up safety

concerns, since such concerns take time and money to inspect and fix) is obviously necessary to a proper 10 CFR 50 Appendix B quality assurance program, and without freedom from harassment and intimidation of inspectors, the finding required by the Appeal Board in Byron (see above) cannot be made.

In Catawba (partial initial decision, June 24, 1984) at 159, it is stated that a "pattern" of retaliation could be the basis for license denial. In this case, Duke Power QA management discrimination against welding QEC inspector "Beau" Ross for his and his crew's strict adherence to QA procedures and expression of safety concerns.

Thus the broader contention, 41-G as drafted, is more appropriate to consideration here. a "pattern" per the Callaway decision (ALAB 740, 18 NRC 343, 346) cannot be shown by what happened to Chan Van Vo alone. The "pattern of harassment" issue is critical to the safety of the Harris plant and development of a sound record requires it be investigated. As will be shown below, proper investigation of the case of Chan Van Vo by himself requires most of the same issues to be dealt with, and much evidence assembled that would be required for the broader contention. By forcing the single-worker issue to be heard first, the Order appears to make delay more likely in dealing with the ultimate issue of a pattern of harassment, intimidation, etc.. Chan Van Vo specifically alleged that other persons were also being discriminated against for safety concerns at Harris.

For example, in a 3-176-81 memo revealed in 1984 under FOIA 83-413 (p.2) (copy attached) it is stated "Finally after meeting with the inspector in the NRC trailer, which is in full view of the site manager's and the resident engineer's offices, the allegor stated that he was summoned to the QA Director's office where he was instructed, by the QA Director not to talk to NRC unless he cleared it first with him ^{unless} or the NRC inspector asked him a question. In this case the

allegor stated that he was instructed to answer in short and to the point. The allegor stated that the QA Director informed him that unless he follows these instructions he would be in trouble." The same FOIA file does not appear to reveal NRC followup to prevent such intimidation from recurring.

In addition to the above legal and factual reasons to pursue the harassment/intimidation issue as drafted in 41-G, I have also gained additional assistance since the Board order issued. Specifically I have the cooperation of the Government Accountability Project and Robert Guild (representative of GAP who also represents Chan Van Vo). GAP represented Chan Van Vo (and continues to) and is available to assist intervenors and the Board in developing a record on the pattern of harassment issue at Shearon Harris.

Guild was counsel in Catawba where a similar issue was developed through welding inspectors (Ross et al), in camera witnesses (Welder B et al), the foreman override issue, etc. The Board there received "pattern" evidence (though it ultimately rejected its significance in approving a license for the Catawba plants). GAP was involved in the investigations at Catawba. GAP's contribution elsewhere is well documented, eg. in Zimmer (order suspending construction, CLI-82-33, 16 NRC 1489 (1982) which credits GAP for work in showing a QA breakdown at that plant.

In conclusion, with this assistance I am able to devote most of my time and effort, and additional GAP resources, to the pattern of harassment issue -- this effort will be greater than went into any past contention, in terms of time devoted to it over the period available.

(B) Delay -- issue broadening.

The Catawba board has ruled that "late filing" criteria are inappropriate for application to a contention that is 'late' for reasons wholly beyond the intervenors control. For example, the last criterion concerns the extent it will broaden the issues or delay the proceeding. An issue based on new information will almost necessarily broaden the issues and it may well delay the proceeding." (Catawba, memorandum and Order March 5, 1982). The production of Chan Van Vo's affidavit was in no way under my control -- nor have any of his other actions been. As soon as I had the information in hand, I brought it to the hearings, and promptly prepared contention

The delay issue here is less significant because the fuel load was delayed by the Applicants until March, 1986. However, the Board's approach will likely complicate this issue by increasing delay -- see below. In any event, the issue has only been "broadened" to encompass the critical Callaway standard cited above. Assurance the plant is properly built is absolutely critical to the required safety finding for any operating license. The importance of the issue to safety justifies the "broadening".

However, the Board's 2-step approach increases the likelihood of delay. Under it, a rushed hearing on the question of Chan Van Vo by himself (including some document falsification issues) will happen before the scheduled emergency planning hearing. A second hearing on the broader issue of a pattern of harassment would presumably come later -- i.e. closer to the fuel load date, which prejudices the situation against later contentions.

Moreover, the existence of discrimination against Van Vo will require broader evidence to prove anyway (see below), and could better be developed on a schedule for a hearing in summer 1985-- a schedule that would allow a pattern of harassment contention.

Under the Board's present schedule, if GAP and I prove Van Vo's case by itself, we lose several months of discovery time, and then delay of fuel load by the time adequate further discovery can be completed (and summary disposition motions, etc. dealt with) will be a reason to deny or limit the "pattern" contention. This is at best inefficient and at worst will effectively deny the timely-filed "pattern" contention which alone can ^a effect the result of the case --

But proof of even a "narrow" contention concerning Chan Van Vo himself requires discovery and proof of retaliatory motive through circumstantial evidence of a "pattern" of harassment by CP&L (et al) at the Harris plant, or of disparate treatment of Van Vo compared to others similarly situated. In order to know if Van Vo was discriminated against because of his safety concerns, I must be allowed to develop evidence concerning other persons with safety concerns, other employees' treatment by CP&L (a) when they had safety concerns, and (b) when they evidently did not, but were otherwise in similar situations to those Chan Van Vo was in.

What is to be proved under 41-G as admitted is essentially violation of employee protection provisions of the Energy Reorganization Act, 42 USC 5851 as implemented by NRC regulations 10 CFR 50.7.

To do that, I must show Van Vo (1) engaged in protected activity -- which includes making internal safety complaints. Mackowiak V. University Nuclear Systems 735 F. 2d. 1159, 1163 (9th Circuit 1984²). It is admitted Van Vo made safety complaints about pump/pipe fitup, hanger reinspection, void purchase order, etc. It is not clear if his having made safety complaints to senior CP&L officials (Utley, MacDuffie) is being directly denied.

²The Fifth Circuit disagrees and says you must participate in an NRC proceeding to be protected. Brown and Root V. Donovan F 2d 1225, 5th Circuit, 1984)

In any event, some protected activity is shown.

(2) That Van Vo was discriminated against. Action taken against him included placing him on probation, and later firing him.

(3) That these actions against him (see (2) above) were taken because of protected activity.

#3 requires proof of "retaliatory motive" (unless there is written evidence or a confession that 'we fired him for complaining' or something to that effect -- information CP&L already claims does not exist).

You can prove the retaliatory motive by circumstantial evidence (approved in Ellis Fischel State Cancer Hospital V. Marshall, 629 F 2d 563, 566, 8th Circuit, 1980). There is no requirement that the complainant have "personal" or "direct knowledge of retaliatory motivation" (Id.)

Therefore I and those assisting me must be free to show motive circumstantially by discovering "pattern" and "disparate treatment" evidence -- such as, how did CP&L respond to safety complaints by others; who else may CP&L have harassed; how has CP&L treated other employees similarly situated to Van Vo, who did not raise safety concerns? etc.

This is a "dual motive" or pretext case, that is, CP&L says Van Vo was fired for poor performance, he says it was discrimination for his raising safety concerns. CP&L must prove that the same action would have been taken against Van Vo even if he didn't engage in protected activity (i.e. raising safety concerns). CP&L bears the risk that "influence of legal and illegal motives cannot be separated" Mackowiak, 735 F. 2d at 1164.

Sorting all this out will require discovery comparable to that required for the original contention 41-G. It will have to look at the treatment of other people who raised safety concerns, and at others

who did not, and at others who may have been discriminated against for raising safety concerns. The Board has not allowed enough time to do this (I would have filed disc^{OV}covery last week except for being incapacitated by the flu). Therefore the appropriate relief is to admit the original contention 41-G and allow discovery to be filed through 1 April 1985, with hearing if necessary scheduled in the same period now held for emergency planning contentions.

Restriction to "the reasons particular personnel actions were taken against a particular individual" (Order, p.4) limited to "particular incidents" only still requires proof of circumstantial evidence for the retaliatory motive required to prove the contention.

To repeat, efficiency also supports the admission of original 41-G since the Board would consider a broader harassment (pattern) contention if Van Vo's allegations are substantiated (Order, p.4) and since proof of Van Vo's allegations amounts to having proof of patterns of treatment of persons by CP&L, those with and those without safety concerns they raised.

A similar problem affects the Board's treatment of contention 41-C, falsification of documents (Order, p.6). Treating this as within the Van Vo allegations limits it so much as to make it^t not very useful: If it deals with only documents Van Vo himself saw, so what? The real question is whether other documents were falsified. Van Vo's affidavit provides enough basis to go into that -- to see if there are other falsified documents (e.g. nonexistent purchase order numbers, other false references) on documents Van Vo did not see himself. To limit the question to just what Van Vo saw or was directly involved with destroys the usefulness of the contention in developing a sound record. We know a false purchase order number was put on some hanger packages-- a violation of 10 CFR 50 Appendix B. What we need to know is the extent of such violations/falsification. 41-C should therefore be admitted.

(C) Notice to workers.

It is clearly a good idea to seek evidence of workers having been harassed, intimidated, or retaliated against at Harris. But experience shows that such notice as is provided is almost certain to fail to bring out most (if not all) of the workers who have such complaints.

(i) Evidence of harassment for raising safety concerns must remain hidden or the harassment has not been effective. Thus by its very nature any harassment will include covering up the fact of harassment, e.g. by intimidation. Harassment and intimidation work -- they chill the discovery of not just safety problems, but also of their own existence. Practices like locating the NRC trailer in full view of senior site management certainly do not help this situation.

(ii) it is the absence of harassment or intimidation that must be shown for the plant to be OK. "If the NRC's regulatory scheme is to function effectively, inspectors must be free from the threat of retaliatory discharge for identifying safety and quality problems." Mackowiak, supra, at 1163.

Common sense tells us that a retaliatory discharge of an employee for "whistleblowing" is likely to discourage others from coming forward with information about apparent safety discrepancies." Callaway, ALAB-527, 9 NRC 126, 134 (1979)

This cannot be proved just by no one eagerly coming forward with evidence of harassment, because as noted under (i) above, any harassment would discourage such persons from coming forward.

(iii) there are clear practical ~~difficulties~~ difficulties with the Board's approach of posting a notice in legalistic language:

in Catawba, because of feared retaliation, workers with safety concerns (including harassment, i.e. foreman override, etc.) did not heed Board notice and come forward, even when they knew of the notice and knew hearings were going on. For example, "Welder B" only voiced concerns when directly asked by NRC (or) other investigators

In order to accomplish its evident goal of bringing out any evidence of harassment or intimidation at Harris, therefore, the Board must adopt much more aggressive measures to inform Harris workers of their rights and bring forward evidence of any harassment.

In particular, a new notice including the Board's information and the facts that (a) harassment, discrimination, retaliation, etc. are against the law (b) complaints about such acts against workers can be made to the Dept of Labor, which will investigate, headlined as appropriate, e.g. We Seek Evidence of Harassment Against People Raising Safety Concerns at Shearon Harris, should be very widely distributed, e.g. by all of the following:

(i) NRC press release

(ii) direct distribution to all workers at the Harris site under Board order

(iii) approval for intervenors to mail the notice to workers at home addresses provided under protective order.

The Board must also allow the intervenors appropriate means (including discovery under protective order) to seek the identification and location of persons having information about harassment/intimidation and so on at Harris. The Board implicitly concedes such evidence from workers is relevant to the contention 41-G but uses what past experience has shown to be fatally deficient means for obtaining it.

Also, the March 1 deadline should be eliminated -- it is arbitrary and capricious and fundamentally unfair to intervenors who can only be held responsible for raising timely claims based on evidence within the intervenors' knowledge. Further, if harassment exists and that prevents workers from coming forward (as at Catawba) the intervenors cannot be held responsible for that effect (nor can the utility or others be rewarded by a "statute of limitations" on illegal behavior).

The March 1 deadline assumes 100% effectiveness of a notice (similar notice at Catawba appeared to be more like zero percent effective, and precludes proof of the claim I have raised (of a pattern of Harassment -- 41-G) unless persons who I have no control over will voluntarily come forward on their own and perhaps against intimidation. Thus I am being prejudiced by the inaction of others under a condition (i.e. simple, legalistic-language notice) which is known to be not very effective -- which is arbitrarily established. In fact, there is no "statute of limitation" on violation of NPC regulations as far as I am aware.

The March 1 deadline is thus inconsistent with the Callaway (supra) decision requiring evidence of a pattern to affect an operating license. It is also against the Byron decision (supra) which requires supplementation of the QA record with relevant new evidence (in that case, the licensee's evidence) and disapproves closing off the record arbitrarily. In view of this case law and the practical ~~difficulties~~ difficulties outline above in getting people who in fact allege they are victims of harassment or intimidation to come forward, the March 1 deadline is plainly arbitrary and capricious, and evidence of harassment or discrimination before that date should be accepted when and as it becomes available.

CONCLUSION

/For the reasons given above, the Board should (1) admit contentions 41-C and 41-G as written (2) permit discovery on both until April 1, 1985 (last day for filing requests) (3) rescind its announced intent to ignore evidence of harassment prior to 1 March 1985 where such harassment is not brought to the Board's attention prior to that date, and (4) take additional strong measures to inform Harris site workers of their rights to be free from harassment and intimidation and their rights to inform the Board, NRC Staff and intervenors about such harassment/intimidation.

Of counsel: Robert Guild

4 February 1985 *Wells Eddleman*
Wells Eddleman

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA ST., N.W., SUITE 3100
ATLANTA, GEORGIA 30303
MAR 16 1981

SSINS 50-400, 50-401
50-402, 50-403

MEMORANDUM FOR: C. Alderson, Director, Enforcement and Investigation, RII
THRU: *YH* C. E. Murphy, Chief, Engineering Inspection Branch, RII
WJW A. R. Herdt, Section Chief, Engineering Inspection Branch, RII
FROM: N. Economos, Reactor Inspector, MPS, Engineering Inspection
Branch, RII *WJW*
SUBJECT: ALLEGATIONS - ACTIVITIES OF QA PERSONNEL AT SHEARON HARRIS
NUCLEAR PLANT (DOCKET NOS. 50-400, 50-401, 50-402 and 50-403)

During a routine inspection of the Shearon Harris Nuclear Plant conducted between February 18-20, 1981, two of three individuals interviewed reiterated certain allegations which they had made to the NRC resident inspector earlier. A description of these allegations were as follows:

1. Individual "A" alleged that:
 - a. Individuals without previous experience in hanger inspections are given a short how-to course in this area; upon successful completion of the course they are given a 90-day temporary qualification and assigned to the hanger inspection crew. The allogger questions the competency of these individuals and the adequacy of their work.
 - b. Certain welding inspector candidates were given copies of proficiency examinations for home study and then allowed to take the examination until a passing grade was attained.
 - c. The site QA Director rewrites (sanitizes) all deficiency disposition reports (DDRs) generated by field QA personnel before approving them for further action.
 - d. The site QA Director discusses with Construction Inspection (CI) Supervisor problems identified by field QA personnel and in many cases corrective action is taken without generating NCRs or DDrs as required by site procedures.
 - e. QA personnel are demoralized because the QA Director does not support them in disputes with engineering and/or management.

8406010067 840403
PDR FOIA
VADEN83-413 PDR

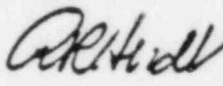
WPP

45 40

2. Individual "B" alleged that:

- a. The QA Director has ordered him to confine his activity to areas within his discipline only. That is if during the inspection of an electrical pull box or a cable tray, he identifies a welding and/or a mechanical problem and finds that the electrical aspects are acceptable, he is to restrict his comments to the electrical aspects only and make no comments on the other problems.
- b. Repeated items 1.d and 1.e above.
- c. The QA Director has instructed him not to issue NCRs for QC inspection reports found to contain discrepancies. Instead he was instructed to bring the problem to the attention of the responsible party and have it corrected. The following is an example used to support his point: Form No. TP-09 Concrete Embedded Electrical Equipment Inspection Form, Pour No. 1-ACSL-305-005 1/14/81 and 1-ACSL-305-007 2/4/81.

Finally after meeting with the inspector in the NRC trailer, which is in full view of the site manager's and the resident engineer's offices, the allegor stated that he was summoned to the QA Director's office where he was instructed, by the QA Director not to talk to NRC unless he cleared it first with him or unless the NRC inspector asked him a question. In this case the allegor stated that he was instructed to answer in short and to the point. The allegor stated that the QA Director informed him that unless he follows these instructions he would be in trouble.


N. Economos

Contact: N. Economos
(Ext. 4667)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of CAROLINA POWER & LIGHT CO. Et al.
Shearon Harris Nuclear Power Plant, Unit 1

Docket 50-400
O.L.

CERTIFICATE OF SERVICE

I hereby certify that copies of Diesel Generator Contentions and Info and of Motion for Reconsideration of Order served 1-15-85 (41G), and of Discovery on 41-G (1st set) to Apps + to Staff (limited service per oral order) HAVE been served this ^{4**} day of February 1985, by deposit in the US Mail, first-class postage prepaid, upon all parties whose names are listed below, except those whose names are marked with an asterisk, for whom service was accomplished by discovery on 41-G delivery by hand this date to CP&L legal dept in Raleigh NC

**under agreement of counsel for Staff and Applicants of which the Board is aware.

Judges James Kelley, Glenn Bright and James Carpenter (1 copy each)
Atomic Safety and Licensing Board
US Nuclear Regulatory Commission
Washington DC 20555

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Ruthanne G. Miller
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Certified by

W. M. Eddleman

85-173

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AI

R11-84-A-0143

DOCKET: 50-400

AI

CASE CHRONOLOGY

FILE NUMBER
RI-84-A-0143

DATE OPENED
SEP 19 1984

OPENED BY
J LANKFORD

DATE	ACTIVITY
SEP 19 1984	LTR From DOL with copy of complaint
SEP 21 1984	LTR to ALGR
SEP 25 1984	Copy of DOL Complaint received from Resident Inspector
OCT 01 1984	TC from ALGR
OCT 01 1984	TC w/ BARTH, ELD
OCT 10 1984	LTR from ALGR w/ Affidavit
OCT 10 1984	Staffed to ENG/DRS
OCT 12 1984	TC from Barth, ELD
OCT 12 1984	TC to Stewart, DOL
OCT 19 1984	Memo from Blake, ENG/DRS
OCT 20 1984	Williamson OI Briefed
OCT 23 1984	RA Briefed
OCT 23 1984	TC to Robert Guild
OCT 24 1984	Memo to Vorse requesting investigative assistance
OCT 25 1984	LTR to ALGR
OCT 27 1984	TC from Guild
OCT 28 1984	Mtg with Vorse, OI
NOV 05 1984	TC from Barth, ELD
NOV 05 1984	Memo to Barth, ELD
NOV 06 1984	TC from Barth, ELD
NOV 06 1984	Memo to BEMIS, DRS
NOV 07 1984	Memo to Herdt, ENG/DRS
NOV 13 1984	Memo to Gibson, OPR/DRS
11-14-84	Status Report received from OI
NOV 19 1984	Rec'd Copy of CPIL Response to Affidavit from B Jones - Folder 2 -
NOV 19 1984	CPIL Response to Affidavit provided to DRS & OI
NOV 28 1984	Rec'd LTR of 11/25/84, Runkle to Kelley, w/ Affidavit
NOV 28 1984	" " " " provided to DRS
NOV 28 1984	" " " " provided to OI
DEC 11 1984	Memo to OI/RI
DEC 12 1984	Memo for HERDT, ENG/DRS

ACTIVITY CODES

L/M = LETTER OR MEMO
MTG = MEETING

TC = TELEPHONE CALL
INV = INVESTIGATION

INSP = INSPECTION
REP = REPORT ISSUED

AZ

AZ

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CASE CHRONOLOGY

FILE NUMBER

RI-84-A-0143

DATE OPENED

OPENED BY

DATE

ACTIVITY

12-12-84

Copy of 12-12-84 Memo from Herdt provided to OI

ACTIVITY CODES

L/M = LETTER OR MEMO
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TC = TELEPHONE CALL
INV = INVESTIGATION

INSP = INSPECTION
REP. = REPORT ISSUED

A2

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