DD-86-02

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF INSPECTION AND ENFORCEMENT
James M. Taylor, Director

In the Matter of	)	
	)	Docket No. 50-483
UNION ELECTRIC COMPANY	)	(10 CFR 2.206)
(Callaway Plant, Unit 1)	)	

DIRECTOR'S DECISION UNDER 10 CFR 2.206

INTRODUCTION

On March 27, 1985, Alan S. Nemes, Esq. on behalf of the Missouri Coalition for the Environment and Kay Drey ("Petitioners") filed a Petition with the Directors of the Office of Nuclear Reactor Regulation and the Office of Inspection and Enforcement requesting that an order be issued to the Union Electric Company (Licensee) to show cause why License No. NPF-30, issued on October 18, 1984 authorizing full power operation for the Callaway Plant, Unit 1, should not be suspended or revoked pending a full investigation of the "violations of law" described in the Petition, and why other actions requested in the Petition should not be taken.[1] The issues raised in the Petition concern

[1] In addition to undertaking a full investigation of the issues raised in the Petition, the Petitioners request that the Nuclear Regulatory Commission:
(a) undertake an independent investigation of all quality assurance and quality control personnel during construction and operation of the Callaway Plant to determine whether such personnel have met and continue to meet the prescribed qualifications for their level of responsibility;
(b) conduct an audit of all testing and inspections undertaken by unqualified quality control personnel;
(c) independently inspect all work inspected or reviewed by unqualified personnel; and
(d) implement other actions and remedies deemed appropriate.

ENCLOSURE 1

the certification and use of unqualified personnel to conduct quality assurance inspections at the Callaway Plant, which the Petitioners contend cast doubt on the adequacy of the inspection process and the actual safety of the plant. In addition, Petitioners contend that the Licensee's failure to identify these problems, which had existed for at least four years, demonstrates that the Licensee violated its "legal obligation to monitor safety inspections continually at the plant and to provide inspectors with direct access to levels of management sufficient to assure prompt reaction to safety violations." Three newspaper articles[2] concerning the Licensee's investigation ("prompted by internal complaints") into the qualifications of quality control inspectors, review of completed work orders, and communication problems within the quality control department provide the factual basis for the Petition.

On May 10, 1985, I acknowledged receipt of the Petition and indicated to the Petitioners that, as provided by 10 CFR 2.206 of the Commission's regulations, appropriate action would be taken within a reasonable time. In accordance with my request, the Licensee responded to the Petition in a submittal dated June 6, 1985. The Petitioners responded to the Licensee's submittal on July 5, 1985, and at that time renewed their request for the NRC to suspend the operating license for the Callaway Plant pending an investigation of the matters raised in the Petition. The Licensee filed a supplemental response on August 2, 1985. I have now completed my evaluation of the Petition, as supplemented, and the Licensee's responses. For the reasons set forth in the discussion below, the Petitioners' request for action is denied.

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[2] "UE Targets Unqualified Plant Inspectors," Columbia Daily Tribune, March 7, 1985, at 1; "Yearlong Workers' Rift Revealed in UE Safety Assurance Problems," Columbia Daily Tribune, March 8, 1985, at 1; "UE Identifies Unqualified Inspectors," St. Louis Post Dispatch, March 26, 1985.

DISCUSSION

The Petitioners allege that during both the construction and operational phases of the Callaway Plant, the Licensee permitted an "undetermined number" of quality control inspectors to conduct inspections and testing for which they were unqualified by Nuclear Regulatory Commission (NRC) requirements, Union Electric Company's policy, and industry standards. The Petitioners note that the Licensee admitted to the improper certification of some of these inspectors, and subsequently decertified these inspectors. According to the Petitioners, the disqualification of these inspectors casts doubt upon the validity of "at least 12,000" work inspections conducted throughout the plant. Furthermore, the Petitioners allege that although quality inspectors repeatedly registered complaints to supervisors about unqualified inspectors, the Licensee failed to identify the lack of qualification of quality control personnel over an extended period of time. Furthermore, according to the Petitioners, quality control management instituted procedures to discourage access to higher levels of management. Petitioners charge that these actions by the Licensee constitute a failure to comply with those aspects of 10 CFR Part 50, Appendix B, concerning:

(1) the proper training of quality assurance personnel;

(2) verification that the quality assurance program is functioning effectively in accordance with Nuclear Regulatory Commission regulations;

(3) organizational freedom to identify quality assurance problems and to initiate and implement solutions; and

(4) access by QA personnel to levels of management necessary to effectively provide quality assurance at the Callaway Plant.

The information relied on by the Petitioners involved an operations quality assurance program problem which the Licensee was investigating. The Petitioners, however, raise the possibility that similar problems with respect to inspector certification may have possibly occurred during construction of the Callaway Plant.

In considering this allegation, it is important to recognize that the construction and preoperational testing quality assurance program was a different program from that which is now being implemented for facility operation. The construction quality assurance program developed by the Licensee was based on the Standardized Nuclear Unit Power Plant System (SNUPPS) quality assurance program. The program was implemented by the prime construction contractor, Daniel International Corporation ("Constructor"), using the Constructor's personnel with oversight and audit by the Licensee. The Constructor used the ASME Code-required quality assurance manual and interfacing procedures, documents that were approved by the Licensee. The preoperational testing program was managed and implemented by Licensee personnel under the controls of its construction quality assurance program. In contrast, the operations quality assurance program was developed and is being implemented by the Licensee.[3] Given these differences between quality assurance program development and implementation during construction and operation of the Callaway Plant, there is no reason to assume that quality assurance deficiencies such as the inspector qualification problem discovered under the operations quality assurance program occurred when the construction and preoperational testing quality assurance program was being implemented. In all events, the construction and preoperational testing quality assurance

[3] The operations quality assurance program has been applied to systems since 1983 as they were turned over to Union Electric Nuclear Operations.

program at Callaway was inspected a number of times by the Nuclear Regulatory Commission, and at no time during these inspections did it appear that the program was being implemented other than in a satisfactory manner. See, e.g., Inspection Report 50-483/82-03 (Region III special construction team assessment inspection report) dated June 15, 1982, at 5, ¶A ("the overall QA program at the Callaway Plant is functioning in a satisfactory manner").

The issue of quality assurance was fully litigated in the operating license proceeding, resulting in the determination that there was no general breakdown in quality assurance and that there was reasonable assurance the Callaway Plant could be operated safely. See Union Electric Co. (Callaway Plant, Unit 1), LBP-82-109, 16 NRC 1826 (1982), aff'd, ALAB-740, 18 NRC 343 (1983). As the Appeal Board noted, in evaluating contentions similar to those raised by the Petitioners, the granting of an NRC operating license does not hinge upon a demonstration of error-free construction, nor do the Atomic Energy Act of 1954, as amended, and the Commission's regulations mandate such a result. Rather, what is required is simply a finding of reasonable assurance that, as built, the facility can and will be operated without endangering the public health and safety. See Union Electric, supra, 18 NRC at 346. That standard was met at Callaway.

10 CFR 2.206(a) requires Petitioners to set forth the facts that constitute the basis for their request. The Petition provides no facts that support the assertion that there could have been an inspector qualification problem during construction of the Callaway Plant. Absent such facts, and in view of the finding that the construction quality assurance program at Callaway was found to have functioned in a satisfactory manner, there is no basis to take the action requested by Petitioners with regard to the construction of the Callaway Plant.

The Petitioners' allegations concerning operations quality assurance focus on the discovery at Callaway of the questionable certification of quality assurance inspection personnel in early 1985, as described in the newspaper articles attached to the Petition. Using this information as a factual basis for their Petition, Petitioners assert that the Licensee violated not only regulations and their Final Safety Analysis Report commitments regarding inspector qualifications, but possibly regulations[4] pertaining to:

(1) ensuring conformance of materials and systems to specifications;

(2) ensuring accurate inspection of materials and systems;

(3) identifying and correcting defective material and equipment;

(4) documenting tests and inspections;

(5) providing sufficient organizational freedom of persons and organizations performing quality assurance functions or providing direct access of such personnel to levels of management as may be necessary to identify quality problems, initiate, recommend or provide solutions, and to verify implementation of solutions;

(6) verifying the proper functioning of the quality assurance program by auditing;

(7) assuring testing of structures, systems, and components important to safety to quality standards commensurate with the importance of the safety function to be performed; and

(8) establishing a quality assurance program to provide adequate assurance that structures, systems, and components important to safety will satisfactorily perform their safety functions.

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[4] 10 CFR Part 50, Appendices A and B.

These arguments seek to bring the adequacy of the Licensee's entire operations quality assurance program into question.

The Commission was aware of inspector certification problems at Callaway prior to submission of the Petition. During the periods January 20 through March 9, 1985 and March 10 through May 27, 1985, the Nuclear Regulatory Commission's resident inspector at Callaway conducted routine unannounced safety inspections, including follow-up on an allegation he received on February 5, 1985 concerning the Licensee's failure to follow procedures for certification of Level III quality control inspectors. The inspector's inquiries into the allegation included examination of the problem covered in the newspaper articles and the Licensee's investigation of the problem and its corrective action, and are documented in Inspection Reports 50-483/85002 (DRP) dated April 1, 1985 and 50-483/85012 (DRP) dated October 3, 1985. As will be discussed infra, these inspection reports document two violations of 10 CFR Part 50, Appendix B, requirements related to inspector certification which have been corrected by the Licensee. It is necessary, however, to address the Petitioners' major concerns to determine whether, taken individually or as a whole, they constitute a pervasive breakdown in the Licensee's operations quality assurance program which would warrant granting the relief requested by the Petitioners.

Improper Certification of Quality Assurance Personnel

The Petitioners state that NRC regulations and the Licensee's "policy" mandated that quality control personnel be "certified as meeting specific training, educational and technical standards in order to insure [sic] competent and accurate safety inspections and testing." They further argue that the Licensee has permitted some number of quality control inspectors, including several individuals in supervisory capacities, during both

construction and operation of the Callaway Plant, to conduct inspections and testing for which they were not qualified by Nuclear Regulatory Commission requirements, Licensee policy, and industry standards.

For operation of the Callaway Plant, the Licensee is committed[5] to Regulatory Guide 1.58, Revision 1 (Sept. 1980) for Licensee quality control personnel or contracted quality control personnel performing inspection, examination, and testing activities at the plant. For other personnel performing inspection, examination, and testing activities, the Licensee is committed[6] to Regulatory Guide 1.8, Proposed Revision 2 (Feb. 1979). The following exceptions to these regulatory guides were taken by the Licensee, reviewed by the staff, and found to be acceptable:

(1) Where quality control personnel do not meet the education and experience recommendations of ANSI N45.2.6-1978 as endorsed by Regulatory Guide 1.58, Revision 1, the Licensee will demonstrate by documented results of written examination and evaluation of actual work proficiency that such personnel have comparable competence.[7]

(2) Personnel responsible for directing or supervising safety-related preoperational and startup tests and for review and approval of safety-related preoperational and startup test procedures or results will meet Regulatory Guide 1.8, Proposed Revision 2, and ANSI/ANS-3.1-1978 but will not be certified.[8]

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[5] SNUPPS-C Final Safety Analysis Report, at 3A-18.

[6] Ibid., at 3A-1.

[7] Ibid., at 3A-18.

[8] Ibid., at 3A-1. It should be noted that neither Regulatory Guide 1.8, Proposed Revision 2, nor ANSI/ANS-3.1-1978 require certification of inspection, examination, and testing personnel or their supervisors.

The staff position in Regulatory Guide 1.58, Revision 1, states that an acceptable way of complying with Commission requirements with regard to the qualification of inspection, examination, and testing personnel is by implementing, with some additional provisions, the requirements of ANSI N45.2.6-1978 and American Society for Nondestructive Testing Recommended Practice No. SNT-TC-1A (1975), the latter applying to nondestructive testing inspectors. One additional provision of Regulatory Guide 1.58, Revision 1, which is pertinent to this discussion relates to the education and experience recommendations of ANSI N45.2.6-1978. Position C.6 of the guide indicates, in part, that a commitment to follow Regulatory Guide 1.58, Revision 1, indicates that the recommendations provided in Section 3.5 of ANSI N45.2.6-1978 will be followed unless acceptable alternatives are provided to the Commission. Consequently, the Licensee's commitment, including its exception to Regulatory Guide 1.58, Revision 1, described above, would permit deviation from the education and experience recommendations of ANSI N45.2.6-1978. Such deviations would be expected to be adequately documented per the Licensee's commitment.[9] It should be noted that ANSI N45.2.6 contains no requirement for qualification and certification of individuals who only supervise inspection, examination, and testing. (An exception to this is that qualification of personnel involved in directing or supervising safety-related preoperational and startup tests and reviewing and approving safety-related preoperational and startup procedures or results should be in accordance with Regulatory Guide 1.8).[10] Neither Regulatory Guide 1.8 nor the national standard it endorses, however, contain formal certification requirements for these individuals.

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[9] Ibid., at 3A-18.

[10] See Position C.1 of Regulatory Guide 1.58, Revision 1 (Sept. 1980).

From the foregoing discussion, it is clear that not all quality control personnel must be certified.

The Licensee's review identified 22 inspectors with questionable certifications. Only seven of these inspectors were employed by the Licensee at the time of the review and were initially decertified. The seven inspectors were found to have questionable "broad" certifications, but they were qualified and capable of performing the inspection activities assigned. These individuals were qualified and could have been recertified as Level II inspectors in "specific" areas based on their experience and education. The Licensee recertified one Level II civil inspector for limited inspection, but chose to maintain broad scope certifications for other inspection areas. As such, it was unable to recertify the other six inspectors.[11]

A Licensee evaluation team examined all activities which involved inspections performed by individuals with questionable certifications and determined that the inspections performed were within the capabilities of the inspectors. The team concluded that the inspections performed by the questionably certified individuals presented no significant impact on plant components, system function, or quality.[12]

Based on the Nuclear Regulatory Commission inspector's inquiries and his review and oversight of the Licensee's evaluation, it appears that there is

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[11] See Inspection Report 50-483/85012 (DRP) dated October 3, 1985, Section 5, at 15.

[12] Ibid., at 16.

reasonable assurance that prior maintenance and inspection activities were adequately performed.[13]

As documented in Inspection Report 50-483/85012 (DRP), two violations were identified involving certification of quality control inspectors at Callaway. One violation involved the Licensee's failure to adhere to the requirement of a quality control procedure in that the plant manager's signature was obtained on the letters of certification for three assistant quality control supervisors rather than the signature of the certified Level III inspector as prescribed in the procedure. This violation was identified and corrected by the Licensee. In accordance with the Nuclear Regulatory Commission's policy to encourage licensee initiative in self-identification and correction of problems and since this violation met all the criteria of 10 CFR Part 2, Appendix C, a citation was not issued for this failure to comply with a procedural requirement. The second violation concerned the failure of the Licensee's quality control program and procedures for operations to provide adequate quantitative or qualitative acceptance criteria relative to the qualification and certification of quality control inspectors, which resulted in certification of some inspectors in areas where their qualifications were questionable. The NRC Region III issued a Severity Level IV Notice of Violation for the Licensee's violation of the 10 CFR Part 50, Appendix B, Criterion V requirement that procedures have appropriate quantitative or qualitative acceptance criteria. The Licensee's corrective action with regard to these violations included (a) developing qualitative and quantitative acceptance

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[13] Ibid., at 18.

criteria and revising applicable procedures appropriately; (b) identifying all past and present operations inspectors, re-evaluating their qualifications to the newly developed acceptance criteria, and identifying those inspectors having questionable qualifications, i.e., those inspectors whose qualifications did not measure up to the new acceptance criteria; (c) reviewing all operations inspection and maintenance work orders to identify those involving questionably qualified inspectors; (d) evaluating the inspection activities performed by questionably qualified inspectors to determine the safety significance of those inspections and to verify that the work performed was within the capability of the inspectors, and reinspecting, by audit, several of the more complex inspections; and (e) revoking or limiting the certification of inspectors not qualified according to the new criteria.[14]

The violations in themselves do not represent a pervasive breakdown of the quality assurance program such that enforcement action beyond a Notice of Violation is appropriate. Not every violation compels the suspension or revocation of an operating license. Such action could be appropriate if there has been a pervasive breakdown of quality assurance. See Union Electric, supra, 18 NRC at 346. See also Washington Public Power Supply System (WPPSS Nuclear Project No. 2), DD-84-7, 19 NRC 899, 905-06 (1984); Wisconsin Electric Power Co. (Point Beach Nuclear Plant, Units 1 and 2), DD-83-13, 18 NRC 721, 722

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[14] Inspection Report 50-483/85012 (DRP) dated October 3, 1985.

(1983). However, in this instance, the violations were identified by the Licensee and were given prompt high-level attention. Timely and adequate action has been taken to correct the violation and to prevent recurrence. No further action is appropriate.

Breakdown of the Quality Assurance Audit Program

The Petitioners state that 10 CFR Part 50, Appendix B, requires the Licensee to carry out a comprehensive system of planned, periodic audits to verify compliance with all aspects of the quality assurance program and to determine the effectiveness of the program on an ongoing basis. They argue that the Licensee's failure for at least four years to identify the inspector qualification problem reflects deficiencies in the verification and auditing programs and a violation of the legal responsibility to verify proper functioning of the quality assurance program.

10 CFR Part 50, Appendix B, requires licensees to institute a comprehensive system of planned and periodic audits and to regularly review the status and adequacy of the quality assurance program. The Licensee is committed[15] to Regulatory Guide 1.33, Revision 2 (Feb. 1978) which endorses with additional provisions ANSI N18.7-1976/ANS-3.2. Section 4.5 of ANSI N18.7-1976 requires an audit of all safety-related functions be completed within two-year intervals[16] and that, as a minimum, audits are to verify compliance with and

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[15] SNUPPS-C Final Safety Analysis Report, at 3A-6.

[16] Section 6 of plant Technical Specifications also requires auditing of activities required by the operations quality assurance program in order to meet 10 CFR Part 50, Appendix B, requirements at least once per 24 months. ANSI N18.7-1976 requires auditing of some program areas at an increased frequency, none of which are pertinent to this discussion.

effective implementation of procedures, regulations, license provisions, programs for training, retraining, qualification and performance of operating staffs, as well as other areas. Further, the Licensee is committed[17] to Regulatory Guide 1.144, Revision 1 (Sept. 1980) which endorses ANSI/ASME N45.2.12-1977. ANSI/ASME N45.2.12-1977 specifies in part[18] that the objectives of the audit program include determining that a quality assurance program has been developed in accordance with specified requirements and verifying by examination and evaluation that the quality assurance program has been implemented.

Section 17.2.18 of the SNUPPS-C Final Safety Analysis Report states that the Licensee's audit system includes the performance of audits and surveillances (surveillances other than those required by plant technical specifications) by the Quality Assurance Department. It permits performance of surveillances by other than Quality Assurance Department personnel and requires no unique personnel qualifications and certification except that individuals performing surveillances be familiar with the area being surveilled and the applicable implementing procedures on surveillances. Auditors, however, are qualified in accordance with Regulatory Guide 1.146 (Aug. 1980).[19] Further, the Final Safety Analysis Report indicates that through investigation, the audit program will determine the adequacy of and adherence to established procedures, instructions, and licensing requirements and effectiveness of implementation.

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17 See SNUPPS-C Final Safety Analysis Report, at 3A-29.

18 See ANSI/ASME N45.2.12-1977, Sections 3.2.1 and 3.2.2.

19 See SNUPPS-C Final Safety Analysis Report, at 3A-32.

The Licensee's commitments[20] to Regulatory Guides 1.33, 1.144, and 1.146 and its description of its audit program to meet the requirements of Criterion XVIII of 10 CFR Part 50, Appendix B, were reviewed by the Nuclear Regulatory Commission staff and found to be acceptable prior to the issuance of the operating license.

The Licensee began implementing the quality control portions of the operations quality assurance program in 1981, and full implementation of the program began on January 1, 1984, 162 days prior to fuel loading. In the Nuclear Regulatory Commission staff's view, full implementation of the program marked the beginning of the two-year audit interval within which all safety-related functions must be audited. During the Nuclear Regulatory Commission's inquiries into the allegation received from a Licensee employee on procedures not followed in the certification of Level III quality control inspectors, however, past and current quality assurance audits and surveillances relating to inspector qualifications and certifications were reviewed to evaluate previously identified deficiencies and to assess the Licensee's corrective action. These inquiries revealed that the Licensee was evaluating its compliance with and effectiveness in meeting

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[20] Ibid., at 3A-6, 3A-29, and 3A-32.

requirements relating to inspector qualifications and certifications during the 1981 to 1985 timeframe.[21]

The results of the Nuclear Regulatory Commission's inquiries into this matter show that the problem with inspector certifications was identified, investigated, and corrected by the Licensee while executing the licensed commitments on quality assurance program audits within the prescribed timeframe. There is no evidence provided by the Petitioners or otherwise

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[21] The following licensee audit and surveillance reports were reviewed during the inspector's inquiries in this matter:

(a) Quality Assurance Audit Report No. 0QA-0009 (April-May 1981) - identified an item relative to the absence of quality control certification letters and training records in the quality assurance record files. This audit did not identify any procedural deficiencies relative to inspector qualification and certification. Review of the Quality Assurance Department's follow-up of the response to this audit finding on records indicated that acceptable action had been taken;

(b) Quality Assurance Surveillance Report No. 8201-02 (January 1982) - included a review of the quality control training program and the certification of quality control inspectors. The surveillance identified some certification records deficiencies, but did not identify any procedural deficiencies. Review of the corrective action taken by the Licensee revealed that although the records deficiencies were corrected, the cause of the deficiencies was not addressed. (Note that Criterion XVIII of 10 CFR Part 50, Appendix B, requires determination and correction of the cause of significant conditions adverse to quality to prevent recurrence.);

(c) Quality Assurance Audit Report No. A8309-4 (September 1983) - included an evaluation of the ANSI N45.2.6 capability level of inspectors in the Test Program Surveillance Group which provided quality control inspections during preoperational testing. The audit determined that the inspectors' qualifications were acceptable;

(d) Quality Assurance Audit Report No. AD5A8407D (August 1984) - included an evaluation of the qualifications of quality control's nondestructive examination inspectors and identified no discrepancies; and

(e) Quality Assurance Surveillance Reports, Nos. 850209A and 850209B (February and March 1985) - encompassed a complete review of the qualifications and certification of all past and present operations quality control inspectors, prompted by an allegation received by the Quality Assurance Department from a Licensee employee that procedures were not followed in the certification of Level III quality control inspectors. The Licensee's corrective action is described supra.

discovered that indicates that the Licensee's programmatic audits are not adequate.

Adequate Freedom

The Petitioners allege that despite numerous complaints to supervisors by quality control inspectors concerning inadequate training of quality control personnel, Licensee management did not act upon these complaints for an extended period of time and undertook an audit only after a disgruntled inspector took the matter directly to the Quality Assurance Department. The Petitioners claim that this is contrary to Criterion I of 10 CFR Part 50, Appendix B, which requires that persons and organizations performing quality assurance functions have sufficient authority and organizational freedom to identify quality problems, to initiate, recommend, or provide solutions, and to verify implementation of solutions.

The Licensee has committed[22] to providing sufficient organizational freedom to ensure proper identification and resolution of safety problems. The Nuclear Regulatory Commission's review of the Licensee's commitment, organizational structure, and reporting arrangements found no conditions which might prevent or hinder freedom of Licensee employees to identify quality assurance problems and to initiate and implement solutions.

During the follow-up inquiries on the allegation, the inspector held interviews with Licensee inspectors and quality assurance personnel regarding the issues raised by the Petitioners. These inquiries revealed the following:

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[22] SNUPPS-C Final Safety Analysis Report, Section 17.2.1, at 17.2-3.

(1) Licensee inaction for an extended period of time on numerous complaints by quality control inspectors concerning inadequate training could not be substantiated. The inspector found that all Licensee inspectors interviewed indicated that they had received adequate to very good training.[23]

(2) Complaints to quality control management about improper certification of inspectors could not be substantiated. However, it was substantiated that concerns were raised to the Quality Assurance Department regarding certification of assistant quality control supervisors in late January 1985 which did prompt an investigation of those concerns. Licensee corrective action included decertification of improperly certified personnel.

No violations of Criterion I of 10 CFR Part 50, Appendix B, were found in this area.

Access to Management

The Petitioners allege that a memorandum issued by the quality control supervisor in March 1984 discourages access to higher levels of management and reveals that the Licensee does not provide sufficient organizational freedom or direct access to ensure proper identification and solution of safety problems. The Petitioners claim that this is also contrary to Criterion I of 10 CFR Part 50, Appendix B, which requires that irrespective of organizational structure, the individuals assigned the responsibility for assuring effective execution of any portion of the quality assurance program shall have direct access to levels of management as may be necessary to perform this function.

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[23] Inspection Report 50-483/85012 (DRP) dated October 3, 1985, at 6.

The Licensee has committed[24] to providing sufficient organizational freedom to ensure proper identification and resolution of safety problems. The Nuclear Regulatory Commission has reviewed the Licensee's commitment, organizational structure, and reporting arrangements and found no conditions which might prevent or hinder direct access to such levels of management as may be necessary to perform the function of assuring effective execution of any portion of the quality assurance program.

During follow-up inquiries on the allegation, the inspector held interviews with Licensee inspectors regarding this issue. It was not substantiated that the quality control supervisor's March 4, 1984 memorandum on effective communication was viewed by inspectors as a method to discourage access to higher levels of management. The inspectors interviewed expressed support of the memorandum's subject and related discussions, and did not view the memorandum as a discouragement to contact upper management, the Quality Assurance Department, or the Nuclear Regulatory Commission.[25]

CONCLUSION

In sum, upon examination of the arguments raised by the Petitioners, I find that although there were some quality assurance program deficiencies, these deficiencies did not amount to a pervasive breakdown in the operations quality assurance program. Deficiencies in a single area of a licensee's quality assurance program do not necessarily indicate a pervasive breakdown of the entire program. See Union Electric, supra, 18 NRC at 346. While

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[24] SNUPPS-C Final Safety Analysis Report, Section 17.2.1, at 17.2-3.

[25] See Inspection Report 50-483/85012 (DRP) dated October 3, 1985, at 6.

the Commission expects licensees to pay meticulous attention to detail and achieve a high standard of compliance with NRC requirements, errors may occur in either facility construction or operation. Isolated deficiencies in a licensee's program, however, do not necessarily undermine the program to such an extent as to give rise to a significant safety concern necessitating escalated enforcement action. See Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), DD-85-11, 22 NRC 149, 161 & nn. 7 & 8 (1985). Furthermore, the Petitioners provide no facts that support the assertion that the adequacy of the Licensee's entire operations quality assurance program is questionable, nor does the information developed independently by the NRC inspection program support such an assertion. Absent such facts, there is no basis to take the action requested by the Petitioners.

For the reasons discussed above, none of the issues identified by the Petitioners in their filing or in their additional views warrant the initiation of show-cause proceedings. Additional inspection and investigatory effort beyond that described in this Decision is not warranted. Accordingly, Petitioners' request for action pursuant to 10 CFR 2.206 is denied. As provided in 10 CFR 2.206(c), a copy of this Decision will be filed with the Secretary for the Commission's review.

James M. Taylor, Director
Office of Inspection and Enforcement

Dated at Bethesda, Maryland
this 10th day of February 1986.