



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

PDR-016

REQUESTER

Mr. Devine and Ms. Dixon

PART I - RECORDS RELEASED OR NOT LOCATED (See checked boxes)

No agency records subject to the request have been located.

No additional agency records subject to the request have been located.

Agency records subject to the request that are identified in Appendix _____ are already available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC

Agency records subject to the request that are identified in Appendix K* are being made available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.

Agency records subject to the request are enclosed. Any applicable charge for copies of the records provided and payment procedures are noted in the comments section.

Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.

In view of NRC's response to this request, no further action is being taken on appeal letter dated _____.

PART II.A - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

Certain information in the requested records is being withheld from public disclosure pursuant to the FOIA exemptions described in and for the reasons stated in Part II, sections B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

Comments

* The staff has informed us that the records identified on Appendix K are also responsive to your separate requests FOIA-84-743 and 84-744.

SIGNATURE, DIRECTOR, DIVISION OF RULES AND RECORDS

Donna H. Dransley

B706100404 B70604
PDR FOIA
DEVINE84-741 PDR

APPENDIX KRECORDS MAINTAINED IN THE PDR UNDER THE ABOVE REQUEST NUMBER

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1.	7-19-83	Memo from Lenton to Hayes re Allegations Regarding Kiablo Canyon (BN 83-48) (2 pages)
2.	Undated	Affidavit of Jesse L. Crews (13 pages)
3	Undated	Affidavit of Thomas W. Bishop (2 pages)

GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies

1901 ~~Que~~ Street N.W. Washington D.C. 20006

(202) 234-9351

September 13, 1984

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

FREEDOM OF INFORMATION
ACT REQUEST
FOIA-84-742
Rec'd 9-17-84

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552, the Government Accountability Project (GAP) requests copies of any and all agency records and information, including but not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, files, graphs, engineering analyses, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, and any other records relevant to and/or generated in connection with the interim directors' decision under 10 C.F.R. 2.206 in response to July 27, 1984, July 29, 1984, July 30, 1984, and July 31, 1984 petitions filed under 10 C.F.R. 2.206 on behalf of Timothy O'Neill and James McDermott. We request that each responsive document be identified by the allegation number(s) to which it may relate.

If any of the materials covered by this request have been destroyed and/or removed, please provide all surrounding documentation, including but not limited to a description of the action(s) taken, relevant date(s), and justification(s) for the action(s).

GAP requests that fees be waived, because "findings information can be considered as primarily benefitting the general public," 5 U.S.C. §552(a)(4)(A). GAP is a non-profit, non-partisan public interest organization concerned with honest and open government. Through legal representation, advice, national conferences, films, publications and public outreach, the project promotes whistleblowers as agents of government accountability. We are requesting the above information as part of an on-going monitoring project on the adequacy of the NRC's efforts to protect public safety and health at nuclear power plants.

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

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

Yours truly,

Thomas Devine
Thomas Devine
Legal Director

Crystal Dixon
Crystal Dixon
Legal Intern

85030-10183 LP

- GOVERNMENT ACCOUNTABILITY PROJECT

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

(202) 234-9382

September 13, 1984

Director
Office of Administration
U.S. Nuclear Regulatory Commission
Washington DC 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-84-743
Rec'd 9-17-84

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552, the Government Accountability Project (GAP) request copies of any and all agency records and information, including but not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, files, graphs, engineering analyses, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, any other data compilations, interim and/or final reports, status reports, and any other records relevant to and/or generated in connection with the Safety Evaluation Report related to the operation of the Diablo Canyon Nuclear Power Plant, Unit 1 and 2, NUREG-0675, Supplement No. 26, which provided the NRC Staff's further findings on whistleblower charges. We request that each responsive document be identified by the allegation number(s) to which it may relate.

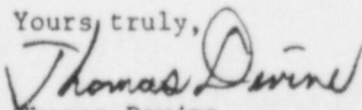
If any of the materials covered by this request have been destroyed and/or removed, please provide all surrounding documentation, including but not limited to a description of the action(s) taken, relevant date(s), and justification(s) for the action(s).

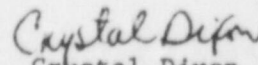
GAP request that fees be waived, because " findings information can be considered as primarily benefitting the general public," 5 U.S.C. §552(a)(4)(A). GAP is a non-profit, non-partisan public interest organization concerned with honest and open government. Through legal representation, advice, national conferences, films, publications and public outreach, the project promotes whistleblowers as agents of government accountability. We are requesting the above information as part of an ongoing monitoring project on the adequacy of the NRC's efforts to protect public safety and health at nuclear power plants.

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

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

Yours truly,


Thomas Devine
Legal Director, GAP


Crystal Dixon
Legal Intern

8505010219

GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies

1901 Que Street, N.W. Washington, D.C. 20009

(202) 234-9382

September 13, 1984

Director
Office of Administration
U.S. Nuclear Regulatory Commission
Washington DC 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-84-744
Rec'd 9-17-84

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552, the Government Accountability Project (GAP) request copies of any and all agency records and information, including but not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, files, graphs, engineering analyses, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, any other data compilations, interim and/or final reports, status reports, and any other records relevant to and/or generated in connection with the Safety Evaluation Report related to the operation of the Diablo Canyon Nuclear Power Plant, Unit 1 and 2, NUREG-0675, Supplement No. 22, which provided the NRC Staff's further findings on whistleblower charges. We request that each responsive document be identified by the allegation number(s) to which it may relate.

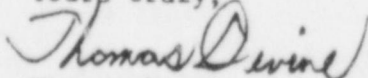
If any of the materials covered by this request has been destroyed and/or removed, please provide all surrounding documentation, including but not limited to a description of the action(s) taken, relevant date(s), and justification(s) for the action(s).

GAP request that fees be waived, because " findings information can be considered as primarily benefitting the general public," 5 U.S.C. §552(a)(4)(A). GAP is a non-profit, non-partisan public interest organization concerned with honest and open government. Through legal representation, advice, national conferences, films, publications and public outreach, the project promotes whistleblowers as agents of government accountability. We are requesting the above information as part of an on-going monitoring project on the adequacy of the NRC's efforts to protect public safety and health at nuclear power plants.

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

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

Yours truly,



Thomas Devine
Legal Director

85-6040557

Crystal Dixon
Crystal Dixon
Legal Intern

GOVERNMENT ACCOUNTABILITY PROJECT

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

(202) 234-9382

September 13, 1984

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

FREEDOM OF INFORMATION
ACT REQUEST
FOIA-84-741
Rec'd 9-17-84

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552, the Government Accountability Project (GAP) requests copies of any and all agency records and information, including but not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, files, graphs, engineering analyses, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, any other data compilations, interim and/or final reports, status reports, and any other records relevant to and/or generated in connection with the August 20, 1984 directors' decision under 10 C.F.R. 2.206 in response to various petitions filed pursuant to 10 C.F.R. 2.206 by the Government Accountability Project (GAP) on behalf of the San Luis Obispo, Mothers for Peace. We request that each responsive document be identified by the allegation number(s) to which it may relate.

If any of the materials covered by this request have been destroyed and/or removed, please provide all surrounding documentation, including but not limited to a description of the action(s) taken, relevant date(s), and justification(s) for the action(s).

GAP requests that fees be waived, because "findings information can be considered as primarily benefitting the general public," 5 U.S.C. §552(a)(4)(A). GAP is a non-profit, non-partisan public interest organization concerned with honest and open government. Through legal representation, advice, national conferences, films, publications and public outreach, the project promotes whistleblowers as agents of government accountability. We are requesting the above information as part of an on-going monitoring project on the adequacy of the NRC's efforts to protect public safety and health at nuclear power plants.

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

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

Yours truly,
Thomas Devine
Thomas Devine
Legal Director

Crystal Dixon
Crystal Dixon
Legal Intern

~~85030 10298 LP~~

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Docket No.: 50-275

MEMORANDUM FOR: Ben B. Hayes, Director
Office of Investigations

FROM: Harold R. Denton, Director
Office of Nuclear Reactor Regulations

SUBJECT: ALLEGATIONS REGARDING DIABLO CANYON (BN 83-48)

Your memoranda of April 7 and July 6, 1983 request additional information regarding anonymous allegations on Diablo Canyon made in a letter, dated March 28, 1983 from D. S. Fleischaker to D. G. Eisenhower and issued under Board Notification 83-48. In the attached list we have identified all information items that have been issued or received by NRR on this issue. The staff has concluded that the specific issues were included in the PUSE verification effort. The staff is evaluating the technical aspects of these issues and will provide the results either in the SER Supplement or in a separate document. We will advise you of our conclusions.

Original Signed by
H. R. Denton

Harold R. Denton, Director
Office of Nuclear Reactor Regulations

Attachment:
As stated

cc: J. Martin

7307290407 290

*K-1
D/23*

*FOIA 84-741
742*

NRR + O I Release

OFFICE	DL:LB#3 Schierling/y	DL:LB#3 G. Knighton	DL:LB#3 TKuo	DL:LB#3 Eisenhut	NRR HRDenton		
SURNAME							
DATE	7/6/83	7/6/83	7/11/83	7/11/83	7/18/83		

Attachment

List of Information Items Related to Board Notification No. 83-48
(Anonymous Allegations on Diablo Canyon)

1. Memo J. P. Knight to R. Vollmer, April 12, 1983. The memo reports on results of an audit by Division of Engineering, NRR, on three of the allegations, including the allegations on containment tilting.
2. Letter P. A. Crane, PG&E, to D. G. Eisenhut, April 15, 1983. Letter requests opportunity to discuss allegations with staff.
3. Letter D. G. Eisenhut to U. S. Fleischaker, April 21, 1983. Letter gives status of staff evaluation of allegations and requests meeting with anonymous allegor to obtain details on allegations.
4. Memo H. Schierling to G. W. Knighton, April 27, 1983. Notice of meeting with PG&E on May 4, 1983 to discuss, among other issues, PG&E evaluation of allegations.
5. Letter D. S. Fleischaker to D. G. Eisenhut, April 28, 1983. Letter responds to item (3); states that no contact has been made with allegor.
6. Board Notification No. 83-61, May 4, 1983. Transmits item (5) to Commission and Boards.
7. HRC meeting with PG&E, May 4, 1983. Verbatim transcript of meeting was issued on May 18, 1980 as Board Notification No. 83-69. At meeting PG&E provided preliminary evaluation of allegations (pages 135 through 236 of transcript); HRC staff requested PG&E to provide additional information where appropriate.
8. Letter G. W. Knighton to J. O. Schuyler, PG&E, June 22, 1983. Letter requests PG&E to provide detailed evaluation and response to each of eight allegations.
9. Letter from J. O. Schuyler, PG&E, to G. W. Knighton, July 1, 1983. Letter responds to item (8) and provides detailed evaluation and response to eight allegations made by anonymous individual.

OFFICE	DATE	INITIALS	REMARKS	DATE	INITIALS	REMARKS	DATE	INITIALS	REMARKS

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)
PACIFIC GAS AND ELECTRIC COMPANY) Docket Nos. 50-275
(Diablo Canyon Nuclear Power Plant) 50-323
Units 1 and 2)

AFFIDAVIT OF JESSE L. CREWS

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA) SS

I, Jesse L. Crews, being duly sworn do dispose and say:

1. I am employed by the U.S. Nuclear Regulatory Commission as Senior Reactor Engineer, Region V. A statement of my professional qualifications is attached hereto as Exhibit A and incorporated herein by reference.
2. I have read pages 17 and 18 of the "Joint Intervenors' Motion to Augment or, in the Alternative, to Reopen the Record", dated February 14, 1984. I have also read the pages of EXHIBIT F, "1/84 Affidavit of John Cooper", dated January 19, 1984 which are referenced on pages 17 and 18 of the "Joint Intervenors' Motion to Augment or, in the Alternative, to Reopen the Record, dated February 14, 1984.
3. The purpose of this affidavit is to provide information relative to assertions in the Joint Intervenors' motion of "...quality assurance deficiencies recounted by Mr. Cooper..." (motion, item E, 18)

During recent staff followup on Diablo Canyon allegations I examined several of the allegations made by Mr. John Cooper regarding the Residual Heat Removal System (RHRS) at the Diablo Canyon plant. During this period discussions were held with Mr. Cooper relating to these allegations and other of his concerns while employed at the Diablo Canyon plant.

On page 18 of the Joint Intervenors' motion it is stated, in part, "Among the quality assurance deficiencies recounted by Mr. Cooper were failure of corrective action (id. at 13, 24), deficient approved design drawings (id. at 13, 21), ...intimidation and threats by PG&E management for disclosure of problems to persons outside the company (id. at 9), violation of internal administrative controls in the disposition of a Nuclear Plant Problem Report ("NPPR") (id. at 11-13)..."

The "quality assurance deficiencies" quoted above are similar to allegations or concerns by Mr. Cooper which I examined at the Diablo Canyon site - or, as in the case of alleged intimidation and threats by PG&E management, discussed with Mr. Cooper - as presented below.

Allegation or Concern - "failure of corrective action (id. at 13, 24)"

~~84-3190-26~~ 4 pp.

K-2
3

FOIA-84-741 through 744

NE Release
RZ

STATEMENT OF PROFESSIONAL QUALIFICATIONS

JESSE L. CREWS
 SENIOR REACTOR ENGINEER
 REGION V, USNRC

My name is Jesse L. Crews. I am a Senior Reactor Engineer, Region V, United States Nuclear regulatory Commission. My principal duties are to evaluate significant and often complex events or problems involving the performance of systems associated with power reactors in Region V as well as the performance of licensee management in the operation and maintenance of power reactor facilities. In this capacity I report to the Regional Administrator, Region V.

I received a Bachelor of Science degree in Industrial Engineering from California State Polytechnic College in 1959.

I am a registered professional engineer in the State of California.

I formerly held Senior Reactor Operator Licenses granted by the Atomic Energy Commission for the General Electric ESADA Superheat Reactor and General Electric Test Reactor, while employed at the General Electric Company Vallecitos Atomic Laboratory in 1963-66.

A summary of my work experience prior to my current position is provided below.

Experience:

- 1981-1983 Director, Division of Resident, Reactor Projects and Engineering Programs, NRC:RV - Manage and direct the NRC inspection program for power and test reactors in operation and under construction in Region V. Also planned and managed the transfer of reactor operator and facility licensing activities from NRC headquarters to the Region V office.
- 1975-1981 Chief, Reactor Operations Branch, NRC:RV - Planned and directed the establishment and subsequently managed and directed the Reactor Operations Branch with responsibility for the NRC inspection program for operating power and research reactors in RV. Planned and directed the implementation of the NRC Resident Inspection Program for operating power reactors in Region V. Served as Task Leader in developing the NRC Inspection Techniques Training Course for newly assigned Resident Inspectors. Served for a period of approximately 4 months on the interim staff to establish the Office of Analysis and Evaluation of Operational Data, NRC Headquarters.
- 1974-1975 Senior Systems Engineer, Office of Inspection and Enforcement, NRC Headquarters - Overall responsibility for the review, evaluation and issuance of IE Bulletins and Circulars. Responsibility for evaluation of generic problems involving operating reactors. Developed and implemented program within the Division of Field Operations for the evaluation of Regional

Office implementation of the NRC inspection program for operating reactors.

- 1966-1974 Reactor Inspector, RIV and RV:AEC - Served as principal inspector for numerous power reactors in operation and under construction in Regions IV and V. Served on special assignments as member of task force which developed standard reporting requirements for operating reactors, and as member and leader of Special Management Inspections for operating reactors in all Regional Offices. (1970-71).
- 1963-1966 General Electric Company, Vallecitos Atomic Laboratory - Participated as Shift Supervisor during initial startup and operation of GE-ESADA Superheat Reactor; advanced to position of Safety Analyst for GE-Test Reactor (GETR), with responsibility for preoperational test program and licensing effort to increase power level from 30 to 50 Mwt. Subsequently promoted to Operations Manager.
- 1962-1963 General Electric Company, Hanford Atomic Works - Essentially a training assignment in reactor operations. Participated in reactor operations certification training program.
- 1959-1962 General Electric Company, Corporate Management Training Program - Worked in various rotating work assignments as indicated below:
- Major Appliance Division - Advanced Manufacturing Engineer
 - Buyer, Purchasing
 - Large Jet Engine Division - Test Engineer
 - Quality Assurance Engineer
 - Construction Mat'ls Division - Manager, Manufacturing Operations (Wire & Cable)
- Attended related evening study courses in industrial management.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)
) Docket Nos. 50-275
PACIFIC GAS AND ELECTRIC COMPANY) 50-323
)
(Diablo Canyon Nuclear Power Plant)
Units 1 and 2)

AFFIDAVIT OF JESSE L. CREWS

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA) SS

This is to supplement my AFFIDAVIT of March 14, 1984. The purpose of this supplement is to provide additional information relative to assertions in the Joint Intervenors' motion of "...quality assurance deficiencies recounted by Mr. Cooper..." (Motion, item E, 18)

Allegations or Concerns - "denial of access to necessary design information (e.g., revised plant drawings and NRC I&E Bulletins) (id. at 25), destruction of documents (id. at 24)..."

I have read the above referenced pages of EXHIBIT F which are cited at page 18 of the Joint Intervenors' motion as well as the Exhibits referenced therein. It is my judgement that the information provided in these documents does not provide specific evidence of safety concerns which would adversely affect safe operation of the Diablo Canyon Nuclear Power Plant, Unit 1.

I attest that the foregoing is true and correct to the best of my knowledge and belief.

3/15/84
Date

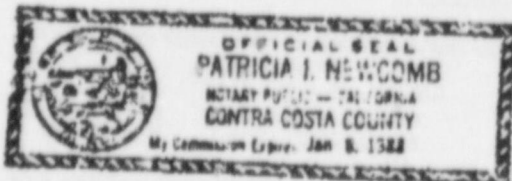
Jesse L. Crews
Jesse L. Crews

Subscribed and sworn before me
this 15 day of March 1984

State of California SS
County of Contra Costa

Patricia I. Newcomb
Notary Public

My commission expires: JAN. 8, 1988



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
PACIFIC GAS AND ELECTRIC COMPANY) Docket Nos. 50-275 OL
(Diablo Canyon Nuclear Power Plant,) 50-323 OL
Units 1 and 2))

AFFIDAVIT OF HARTMUT SCHIERLING
REGARDING THE JOINT INTERVENORS'
MOTION TO AUGMENT OR, IN THE
ALTERNATIVE, TO REOPEN THE RECORD

I, Hartmut Schierling, being duly sworn, state as follows:

1. I am employed by the U. S. Nuclear Regulatory Commission as the Project Manager for the Diablo Canyon Nuclear Power Plant in Licensing Branch No. 3, Division of Licensing, Office of Nuclear Reactor Regulation. A copy of my professional qualifications is attached.
2. I have reviewed the Joint Intervenors Motion to Augment or, in the Alternative, to Reopen the Record, dated February 14, 1984, and the attached affidavit by John Cooper, Exhibit F, dated January 19, 1984.
3. I will address that aspect of Section E of the Joint Intervenors motion to reopen the record on Design Quality Assurance which pertains to the alleged PG&E refusal to correct an erroneous FSAR description of the RHR, in violation of NRC procedures.

8403190134 3PP.

Section E pertains to the design and control of the RHR system and includes the adequacy of documentation of the system in the FSAR in accordance with NRC regulations.

The applicable NRC regulations for maintaining current documentation are provided in 10 CFR 50.71, maintenance of records, making of reports, and specifically in paragraph 10 CFR 50.71(e)(3)(i), as follows:

A revision of the original FSAR containing those original pages that are still applicable plus new replacement pages shall be filed within 24 months of either July 22, 1980, or the date of issuance of the operating license, whichever is later, and shall bring the FSAR up to date as of a maximum of 6 months prior to the date of filing the revision.

Operating License DPR-76 was issued on September 22, 1981 for Diablo Canyon Unit 1, authorizing operation at a power level up to 5 percent of rated power. In accordance with 10 CFR 50.71(e)(3)(i) above, the licensee was required to update the FSAR by September 22, 1983. On August 23, 1983 the licensee requested the NRC to grant a 6 month exemption to this requirement. At that time the design verification program was in progress which resulted in numerous modifications to the plant. The licensee felt that a later FSAR update would reflect more accurately the existing

design and design bases of the plant. On December 9, 1983 the licensee requested an exemption for an additional delay of 6 months.

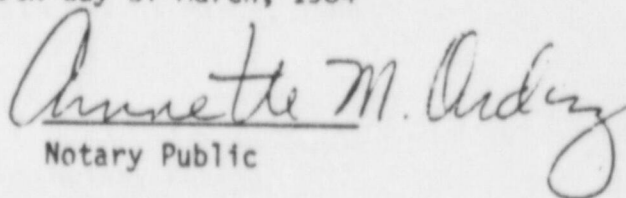
The staff reviewed the request and determined that, pursuant to 10 CFR 50.12 such an exemption is warranted and accordingly the requested exemption was granted (49 F.R. 6422). In accordance with the exemption the licensee is required to update the FSAR by September 22, 1984, i.e. one year later than the original date.

Although the licensee requested an exemption to defer updating the FSAR, I do not know of any refusal by the licensee to update the document either generally or with respect to any specific matter.

I attest that the foregoing affidavit is true and correct to the best of my knowledge.


Hartmut Schierling

Subscribed and Sworn before me this 15th day of March, 1984


Notary Public

ANNETTE M. ORDAZ
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 1, 1986

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)
)
PACIFIC GAS AND ELECTRIC COMPANY) Docket Nos. 50-275 OL
) 50-323 OL
(Diablo Canyon Nuclear Power Plant)
Units 1 and 2)

AFFIDAVIT OF JOHN R. FAIR

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA) SS

I, John R. Fair being duly sworn do depose and state as follows:

1. I am employed by the U.S. Nuclear Regulatory Commission in the Inspection and Enforcement Office, Division of Emergency Preparedness and Engineering Response. A statement of my professional qualifications is attached hereto as Exhibit A and incorporated herein by reference.
2. I am a Senior Mechanical Engineer and have had responsibility for review of design criteria related to the use of concrete expansion anchor bolts at various nuclear power plants since 1979.
3. I have personally conducted inspections at the Diablo Canyon facility in November and December, 1983 and January 1984.
4. I have read the documents entitled "Joint Intervenor's Motion to Augment Or, In The Alternative, To Reopen The Record," dated February 14, 1984 and "Affidavit of Charles Stokes," dated November, 1983.
5. The purpose of this affidavit is to address the matters raised in item 12 on page 8 in the above noted Joint Intervenor's Motion and Mr. Stokes affidavit.

The item of concern is whether PG&E used the correct criteria for inspection of anchor bolt spacing on piping supports. The purpose for QC checking anchor bolt spacing is to assure that anchors are not placed too closely together such that their capacity will be reduced due to interaction effects.

As stated in the Stokes affidavit, the spacing concern was raised in a Discrepancy Report attached hereto as Exhibit B. This Discrepancy Report was closed on October 7, 1983 based on a letter from PG&E Engineering dated September 28, 1983, Exhibit C. The resolution of this Discrepancy Report was to accept the PG&E criteria as it had been implemented in the field. The basis for this resolution was that the PG&E criteria for spacing (based on nominal bolt diameter) assures that anchors are not placed too closely together such that their capacity might be reduced due to interaction effects. Therefore, there is no reduction in load carrying ability. Furthermore this approach is consistent method used to calculate capacity reduction in the

8403190116 GPP

current industry standard, Appendix B to American Concrete Institute Standard 349. In addition, PG&E had test results from Doberne and Elgenson, Consulting Engineers of North Hollywood, attached as Exhibit D, which confirmed the PG&E criteria.

I have reviewed PG&E's resolution of the Discrepancy Report on spacing of concrete anchors for piping supports and, in my opinion, the concern has been adequately addressed by PG&E and does not represent a safety concern.

I attest that the foregoing affidavit is true and correct to the best of my knowledge and belief.

John R. Fair

John R. Fair

Subscribed and sworn to before me
this 8th day of March 1984.

Lisa J. Wilhite
Notary Public



My commission expires: 2-6-87

John R. Fair
Professional Qualifications
Office of Inspection and Enforcement
Nuclear Regulatory Commission (NRC)

My name is John R. Fair. I am employed by the United States Nuclear Regulatory Commission as a senior mechanical engineer in the Division of Emergency Preparedness and Engineering Response, Office of Inspection and Enforcement, Bethesda, Maryland. One of my primary responsibilities in this position is to review concerns identified at nuclear power plants in the area of piping and piping support design for safety significance and for compliance with NRC rules and regulations.

I received a Bachelor of Science in Mechanical Engineering from the University of Maryland in June 1972 and a Master of Science in Mechanical Engineering from the University of Maryland in December 1973. From January 1974 to April 1977 I performed analysis of piping systems on various nuclear power plants under construction for Bechtel Power Corporation in Gaithersburg, Maryland. From April 1977 until the present I have worked with the Nuclear Regulatory Commission in the Office of Standards Development, the Office of Nuclear Reactor Regulation and the Office of Inspection and Enforcement as a mechanical engineer and then a senior mechanical engineer. In these positions my primary review responsibilities have always included review of piping and piping support concerns at nuclear power plants.

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Exhibit B

PACIFIC GAS AND ELECTRIC COMPANY
ENGINEERING DEPARTMENT

DISCREPANCY REPORT

Control Number
(8)(3) - (0)(4)(3) - (5)

PROJECT OR PLANT(S): Diablo Canyon Unit No. 1 & 2
ORGANIZATION AFFECTED: Pipe Support Design Engineering
INDIVIDUAL RESPONSIBLE FOR RESOLUTION: G.V. Cranston Project Engineer
SUBJECT (ITEM/ACTIVITY): Center to center distance of anchor bolts
REFERENCES: Hilti Catalog, and Phillips Catalog M-9 & ESD 223

DISCREPANCY: Manufactures specify the minimum center to center distance to be equal to 10D where D= the hole diameter. Design has used the bolt size on shell not the hole req'd for the shell for D. This was caused due to missing information as to hole size req'd for shells from catalog.

PROPOSED ACTION: Recheck anchor bolt calc. for shells, Reducing allowables per M-9 and rechecking interaction equations for these cases where 10D (shell hole size) exceeds that used on Dwg.

SCHEDULED COMPLETION: 10-7-83
Initiated by: Charles C. Stokes Date: 10/5/83 ORIGINAL sig 8/9/83
Approved by: MCL Date: 10/7/83

ACTIONS TAKEN: SEE ATTACHED LETTER FROM CIVIL ENGINEERING Doc # 033037.

CLOSED
Approved by: RGL Date: 10/7/83
Concur* GCS Date: 10/7/83
Chief, Engineering-Quality Control

* Date required if initiated by ESD.

AEROFFICE MEMORANDUM

Diablo Canyon Project



PACIFIC GAS AND ELECTRIC COMPANY
BECHTEL POWER CORPORATION

To M.R. Tresler

Date September 28, 1983

From J.K. McCall

File No. 52.3.6

Of Civil Engineering

Subject DR on Expansion Anchor
Spacing, Shell Type Anchor

At 45/23/B34

Extension

8-1414

1. The attached DR initiated by Charles Stokes on August 9, 1983 questioned the use of spacing in accordance with DCM-M9 for shell anchors of 10 times the normal size of the bolt while manufacturers specify 10 times hole size as the minimum spacing.
2. Discussion of the effect of this difference follows:
 - a. The anchor length for shell anchors (Phillips and Hilti) is in all cases less than 5d (d-nominal diameter). Appendix B of ACI 349 specifies that the areas to be considered for reduction due to overlapping are 45° sloping cones starting at the enter of the base of the anchor. Based on this criteria there would be no reduction required for a spacing of 10d (nominal).
 - b. In 1962 Doberne and Elgenson, Counsulting Engineers of North Hollywood, performed a series of tests on Phillips Red Head concrete anchors to determine the effects of spacing on pullout capacities. The reported results showed no decrease for 10d on 1/2" diameter anchors and 9.14d for 7/8" diameter anchors. Reduction of spacing by a factor of 2 only reduced the capacity by 20 percent. This reduction is small compared to the factor of safety used.
3. Recommendation

Accept as is the spacing requirements of DCM-9.

JKMcc/EHEpstein:dnl
Reply Requested: No
Attachment

cc: GVCranston
GHMoore
WWhite

[DNLO03]

J. K. McCALL



11322 WEDDINGTON STREET

DOBERNE & ELGENSEN, Consulting Engineers
NORTH HOLLYWOOD, CALIFORNIA TRIANGLE T 8021

September 25, 1963

File No. 626

Phillips Drill Company
Michigan City, IndianaREPORTPULLOUT CAPACITIES OF PHILLIPS RED HEAD CONCRETE ANCHORS AS
AFFECTED BY SPACING

In compliance with the request of the client, Doberne & Elgenson conducted a series of tests to develop the information used in this report. The test facilities of the Smith-Emery Company, an independent testing laboratory, were used.

The purpose of these tests was to determine the load holding characteristics of Phillips anchors under various spacing arrangements.

Results

1. When the spacing between adjacent anchors reaches a distance equal to several times the anchor diameter, there is no loss in capacity. The following table shows the minimum center-to-center spacing that could be used with each anchor without causing a loss in individual capacity.

Anchor Bolt Size	1/4"	5/16"	3/8"	1/2"	5/8"	3/4"	7/8"
Minimum Spacing for 100% capacity	3"	3-1/4"	4"	5"	6"	7"	8"

2. When the center-to-center spacing, as shown in the above table is reduced, the capacity of the individual anchor decreases.

The following table shows center-to-center spacing corresponding to a 20% reduction in individual anchor capacity.

Anchor Bolt Size	1/4"	5/16"	3/8"	1/2"	5/8"	3/4"	7/8"
Minimum Spacing for 80% Capacity	1-1/2"	1-5/8"	2"	2-1/2"	3"	3-1/2"	4"

Dimensions of blocks used for tests were 8" x 8" x 10" with an average compressive strength of 2650 psi.

Respectfully submitted,

Morris Doberne, C. E., S. E.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)
)
PACIFIC GAS AND ELECTRIC COMPANY) Docket Nos. 50-275
) 50-323
(Diablo Canyon Nuclear Power Plant)
Units 1 and 2))

AFFIDAVIT OF THOMAS W. BISHOP

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA) SS

I, Thomas W. Bishop, being duly sworn do depose and say:

1. I am employed by the U.S. Nuclear Regulatory Commission as Director, Division of Reactor Safety and Projects, Region V. In this capacity I have been assigned management responsibility for the Diablo Canyon Allegation Management Program. A statement of my professional qualifications is attached hereto as Exhibit A and incorporated herein by reference.
2. I have read the document entitled "Joint Intervenors' Motion to Augment or, in the Alternative, to Reopen the Record", dated February 14, 1984.
3. The purpose of this affidavit is to provide information relative to the assertions by Mr. C. Stokes as referenced in the Joint Intervenors' motion that there existed "an unwritten policy that problems are not to be discussed with the NRC or Quality Control leading to 'paranoia' among the workers about such discussions with the NRC." (Motion, item B(1), at 9-10).

The recent staff followup on Diablo Canyon allegations has involved several thousand staff man-hours on-site, where staff members have interfaced with literally hundreds of licensee and contractor crafts, quality personnel, engineering personnel, supervisors, and managers. During the course of this effort the staff was instructed to be alert and look for evidence of "corner cutting" or pressure by management that would be counter to good quality practice. The staff interactions with site personnel included informal one-on-one discussions, group discussions, and formal meetings. The staff also observed groups and individuals interacting among themselves in very casual situations (such as during plant tours, and lunch room and work area discussions). These types of observations have been useful in gathering a subjective sense for the overall plant "atmosphere" regarding issues such as freedom to discuss concerns or intimidation. In addition, approximately 250 site personnel were specifically questioned regarding such items as pressures to "cut corners", intimidation, or freedom to bring forth quality and safety related concerns. These interviews were conducted, in part, to determine if there was a generalized atmosphere to repress problems or safety concerns.

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quality inspection activities. Developed automated system to perform trend analysis of nuclear reports to identify problem causes. Specified corrective measures to assure safety and reduce costs.

- 1975-1975 Nuclear Training Manager, Production Department, Mare Island Naval Shipyard - Analyzed nuclear construction and reactor plant overhaul problems, implemented actions to improve work techniques and upgrade worker performance. Established a continuing program of quality assessment of worker's qualifications.
- 1972-1975 Head, Weight Handling Equipment Inspection and Test Branch, Mare Island Naval Shipyard - Planned and directed tests and inspections of all cranes, derricks, and forklifts used for handling nuclear materials and reactor plant components. Directed equipment operator licensing program. Developed long term planning program for material handling equipment.
- 1968-1972 Ocean Systems Engineer, Mare Island Naval Shipyard - Designed high pressure piping systems for deep ocean projects. Performed failure modes and effect analysis and system testing. Evaluated aquanaut equipment for suitability, initiating changes as necessary.