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NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Charles Bechhoefer, Chairman
Jerry R. Kline
Frederick J. Shon

OFFICE OF SECRETARY
DOCKETING & SERVICE
FBI/DOJ

In the Matter of
Pacific Gas and Electric Company
Diablo Canyon Nuclear Power Plant
Units 1 and 2
Facility Operating Licenses
No. DPR-80 and DPR-82

Docket Nos. 50-275-OLA-2
50-323-OLA-2
ASLBP No. 92-669-03-OLA-2

April 8, 1993

**San Luis Obispo Mothers for Peace
Response to Second Set of Interrogatories
and Request for Production of Documents
Filed by Pacific Gas and Electric Company
and Motion for Protective Order**

San Luis Obispo Mothers for Peace ("SLOMFP") herein responds to Pacific Gas and Electric Company's ("PG&E") Second Set of Interrogatories and Request for Production of Documents filed March 4, 1993.

Answers to Interrogatories for Contention I

Interrogatory B-1: In its Prehearing Conference Order, the Licensing Board did not strictly limit MFP "to the specific incidents relied upon to admit its contention." Prehearing Conference Order, at 25. "Incidents such as those that MFP attempted to read into the record at the prehearing conference may be acceptable, as long as they are material to the implementation of maintenance and surveillance programs." *Id.*

B-1.1 Does MFP intend to identify additional "incidents" other than those set forth in its "Supplement to Petition to Intervene" ("Supplemental Petition")?

B-1.2 If so, identify all of the incidents, other than those set forth in the Supplemental Petition, on which MFP intends to rely in support of Contention I. Explain why they support Contention I.

B-1.3 Provide any and all documentation relevant to the incidents identified in response to B-1.2. Include any documentation originally prepared for, and intended to be submitted at, the Prehearing Conference.

B-1.4 PG&E emphasized the continuing nature of B-1 and directs MFP to review instruction L above.

Answer: SLOMFP does intend to identify additional incidents. However, SLOMFP has not yet determined which incidents will be used in testimony because SLOMFP has not yet received all of PG&E's responses to SLOMFP discovery requests nor has it had the opportunity to evaluate all of its gathered documents. SLOMFP notes the continuing nature of B-1 and intends to provide this information to PG&E in a timely fashion.

Interrogatory B-2: Describe the qualifications and experience of MFP members and their consultants in this proceeding, pertinent to the nature, scope, purpose of, and/or participation in:

B-2.1 maintenance and surveillance practices and activities at DCPD or other commercial nuclear power plants;

B-2.2 predictive, preventive, and corrective maintenance practices employed generally throughout the nuclear industry as well as at DCPD.

Answer: SLOMFP will provide the qualifications and experience of its witnesses when SLOMFP has determined who those will be. SLOMFP objects to the portion of this interrogatory that requests qualifications and experience of individual members of SLOMFP - who will not be called as witnesses - and requests the issuance of a protective order. SLOMFP relies on Rule 26(b)(4) which differentiates between experts whom the party expects to call as witnesses and those who have been retained or specially employed by the party in preparation for trial. Discovery of expert witnesses is necessary to narrow the issues and eliminate surprise, but that purpose is not furthered by discovery of non-witness experts. This application of Rule 26(b)(4) was upheld in Public Service Co. of New Hampshire (Seabrook Station, Units 1 and 2), LBP083-17, 17 NRC at 497 (1983).

Interrogatory B-3: Identify and provide copies of all reports, prepared by or at the direction of MFP and/or any of its consultants, either in this proceeding or otherwise, addressing or reviewing maintenance and surveillance practices at DCPD or at any other commercial nuclear power plant.

B-3.1 State whether MFP intends to use information identified in response to B-3, to support Contention 1. If so, identify the information and explain how it supports a particular aspect(s) of the contention.

Answer: No such documents exist.

Interrogatory B-4: Identify and provide copies of all reports of which MFP or its consultant is aware, and on which it intends to rely in this proceeding, relevant to the implementation of maintenance and surveillance programs at commercial nuclear power plants located in the United States.

B-4.1 Provide copies of any and all documents relevant to the information identified in response to B-4.

Answer: SLOMFP objects to this interrogatory to the extent that it requests identification of all documents that SLOMFP or its consultants are aware. This request is overly broad and burdensome; SLOMFP requests the issuance of a protective order. The SLOMFP will identify documents that its witnesses will rely on in the case when this information is known.

Interrogatory B-5: Describe your understanding of the nature and purpose of the NRC's Systematic Evaluation of Licensee Performance ("SALP") program. Include in your response answers to the following questions.

B-5.1 What is the significance of a SALP Category 1 score?

B-5.2 Has any member of MFP or its consulting team participated in the SALP process in any capacity? If so, in what matter, and when. Identify any other persons involved.

Answer: The "Introduction" to the SALP report for DCNPP from 1/1/90-6/30/91 states that the SALP "is an integrated NRC staff effort to collect available observations and data on a periodic basis and to evaluate licensee performance on the basis of this information. The program is supplemental to normal regulatory processes used to ensure compliance with NRC rules and regulations." According to the "Criteria" section of the SALP report for DCNPP from 8/1/88-12/31/89, the definition of Category 1 is as follows: "Licensee management attention and involvement are readily evident and place emphasis on superior performance of nuclear safety or

safeguards activities, with the resulting performance substantially exceeding regulatory requirements. Licensee resources are ample and effectively used so that a high level of plant and personnel performance is being achieved. Reduced NRC attention may be appropriate."

SLOMFP will provide the information regarding the experiences of its expert witnesses when its witnesses have been selected. But SLOMFP again objects to inquiries regarding individual members of SLOMFP or other persons that are not witnesses in this proceeding. SLOMFP again relies on Rule 26(b)(4) and requests the issuance of a protective order.

Interrogatory B-6: Describe your understanding of the purpose and nature of a Licensee Event Report ["LER"].

Answer: Refer to 10 CFR 50.72 and 50.73.

Interrogatory B-7: Describe your understanding of the purpose and nature of NRC inspection and enforcement activities.

B-7.1 Has any member of MFP or its consulting team participated, in any capacity, in enforcement and/or inspection activities at DCPD or any other commercial nuclear power plant?

Answer: Refer to 10 CFR Part 21 for the purpose and nature of NRC inspection and enforcement activities. In response to B-7.1, SLOMFP again agrees to supply information regarding the experiences of its witnesses when they have been identified. Yet, SLOMFP objects to inquiries regarding individual members of SLOMFP or other persons that are not witnesses in this proceeding. SLOMFP relies on Rule 26(b)(4) and requests the issuance of a protective order.

Interrogatory B-8: Identify any and all information, of which MFP or its consultant is aware, regarding:

- B-8.1 the maintenance rule and its implementation at DCPD;
- B-8.2 maintenance and surveillance activities at DCPD; and/or
- B-8.3 aging, aging management, and/or the effectiveness of programs to manage age-related degradation at DCPD.
- B-8.4 Does MFP intend to use any of the information identified in response to B-8.1-.3 in support of Contention 1? If so, explain the intended use of any such information.

B-8.5 Provide copies of any documentation identified in response to B-8.1-.3 which is not already available to PG&E.

Answer: SLOMFP objects to the portion of this interrogatory that requests all information that SLOMFP or its consultants is **aware**. This request is overly broad and burdensome; SLOMFP requests the issuance of a protective order. The SLOMFP intends to identify all documents to be used in testimony in support of Contention I; however, a complete response from PG&E of discovery requests regarding this Contention has not yet been received.

Interrogatory B-9: How, and in accordance with what standard, does MFP and its consultant define a "sufficiently effective and comprehensive surveillance and maintenance program?" Supplemental Petition, at 5.

B-9.1 State whether MFP or its consultant perceives any correlation between SALP scores and the existence of a "sufficiently effective and comprehensive surveillance and maintenance program." Explain.

B-9.2 Do you believe that ongoing NRC inspection and enforcement activities, in conjunction with general regulatory oversight, ensure the existence of "sufficiently effective and comprehensive surveillance and maintenance program[s]" at operating commercial nuclear power plants? If not, explain why not.

Answer: A sufficiently effective and comprehensive surveillance and maintenance program must be adequate to detect degradation or malfunctioning in a piece of equipment before that degradation or malfunctioning fails to meet the NRC requirements for quality, reliability and capability. The maintenance and surveillance program should cover all equipment that is safety-related, important-to-safety or non-safety equipment whose failure could effect important-to-safety equipment.

The SALP report is based on limited information. Additionally, an average "grade" is provided for limited aspects of operation (using limited information) over a long period of time. It is an expressed opinion of operation, not a comprehensive analysis of a plant's maintenance and surveillance program. NRC inspection and enforcement activities, as well,

take representative activities to observe and inspect. These are not comprehensive reviews. The NRC inspection process has been known to overlook deficiencies and non-conformances. The current issue of degraded safety-related cables at DCNPP is an example of a problem that was not detected through NRC inspection and enforcement activities, nor through general regulatory oversight. A Licensing Review is a much more thorough and critical evaluation.

Interrogatory B-10: What mechanisms, other than the maintenance and surveillance program, should licensees employ to "guarantee that failure of aging systems, structures, and components will not cause safety problems?" Supplemental Petition, at 6.

B-10.1 What mechanisms, among those identified in response to B-10, do you believe PG&E has failed to implement at DCP?P?

B-10.2 Provide copies of any and all documents supporting your response to B-10.1.

Answer: SLOMFP objects to this interrogatory. It is not the place of SLOMFP to identify mechanisms that the licensee should employ to improve its maintenance and surveillance program. The issue in this proceeding is to identify PG&E failures despite these already-established "mechanisms." SLOMFP requests the issuance of a protective order.

Interrogatory B-11: MFP contends that "the NRC has repeatedly cited PG&E for its slow response to correct maintenance problems." Supplemental Petition, at 7. Identify and provide supporting documentation for all such incidents, other than those listed in the Supplemental Petition in support of Contention I.

Answer: SLOMFP is not prepared to answer this request at this time because SLOMFP has not yet received all of its discovery requests from PG&E. SLOMFP intends to provide this information to PG&E in a timely fashion.

Interrogatory B-12: What is the relationship between Inspection Report ["IR"] 92-14 and maintenance and surveillance activities at DCP?P? Supplemental Petition, at 11.

Answer: In IR 92-14, the NRC calls to PG&E's attention its failure to provide written instructions for the assembly of an important piece of

equipment. Inadequate instructions to technical personnel is a maintenance issue.

Interrogatory B-13: How many commercial nuclear power plants, located in the United States, are "aging plant[s]"? Supplemental Petition, at 13.

B-13.1 How do you define "aging" in the context of this proceeding?

B-13.2 When does "aging," in the context of this proceeding, commence?

B-13.3 What is the basis for the assertion that an "aging" plant "consequently needs more repairs and more maintenance than a new plant?" Supplemental Petition, at 13. Document and explain, on a comparative basis, the differences in the quantity and type of repairs and maintenance required by a new versus an "aging" plant.

B-13.4 Can maintenance and surveillance programs effectively identify and manage the effects of "aging?" Explain.

Answer: All nuclear power plants begin aging when the components, systems and structures are **produced** and continue to age throughout service. NUREG-1144, Rev. 1 Nuclear Plant Aging Research [NPAR] Program Plan: Components, Systems, and Structures [NRC: 1987].

The NRC defines aging as the cumulative degradation of structures, systems and components that occurs over time. Factors that contribute to the aging process include normal wear and vibration, improper installation, use or maintenance, excessive testing, and conditions such as radiation or the external environment under which the systems or components have operated. An especially corrosive condition experienced at DCNPP is the continued exposure to salt air and water.

The increased risks associated with aging cannot be dismissed by relying on maintenance and surveillance programs. First, too little is known about the aging process to state confidently that it can be controlled by current methods. The NRC has conceded that "many age-related uncertainties exist because neither [NRC] nor the industry

completely understand the nature and effects of aging on the plants." GAO/RCED-89-90, License Renewal Questions for Nuclear Plants Need to Be Resolved [GAO: April 1989] at 16-17. Additionally, in some cases the technology for detecting aging effects simply does not exist. NUREG-1377, Rev. 2, NRC Research Program on Plant Aging: Listing and Summaries of Reports Issued Through June 1991 [NRC: July 1991] at 15.

The basis for the assertion that an "aging" plant requires more repairs than a new plant can be found in PG&E's own admission of the additional "risks" of an aging Diablo Canyon Nuclear Power Plant: "The risk of unscheduled outages as the plant gets older; the risk of higher than expected maintenance and capital costs as major plant equipment, such as steam generators, is repaired or replaced; and the risk of reduced plant performance or higher costs..." Protest of PG&E to Petition By Toward Utility Rate Normalization to Modify Decision 88-12-083 [October 16, 1992] at 10.

Interrogatory B-14: Does the safe operation of all, or only "older," commercial nuclear power plants require "a sound surveillance program?" Supplemental Petition, at 13. If not, what is the basis for the distinction?

Answer: Certainly, all nuclear power plants require a sound surveillance program. As the plants age, however, a sound maintenance and surveillance program may not be enough to detect problems. Refer to answer to Interrogatory B-13 and documents noted therein.

Interrogatory B-15: How do you define and measure "margin of safety?" Supplemental Petition, at 13.

Answer: The concept of "margin of safety" has been expressed in the Federal Register in this case. Federal Register, Vol. 57, No. 141 [July 22, 1992]. It is the understanding of the SLOMFP that when a nuclear power plant complies with NRC requirements, the margin of safety that is

considered reasonable to protect the health and safety of the public is adequate. But as a plant ages, both safety components and non-safety components that could effect the safe operation of the plant increasingly falls out of compliance. The margin of safety is then reduced. SLOMFP has not quantified this reduction, but it is not necessary to quantify this reduction. The Commission has already established that compliance with its safety regulations constitutes the measure of what is required to maintain an adequate margin of safety.

Interrogatory B-16: Provide an explanation and documentation in support of the assertion that "the continued operation of [DCPP] beyond the date for which operation was originally approved would significantly reduce the plant's margin of safety." Supplemental Petition, at 13.

B-16.1 Quantify, explain, and document the purported reduction in the plant's "margin of safety."

Answer: Refer to answer to Interrogatory B-15. For additional information, refer to answer to Interrogatory B-13 and to the documents noted therein.

Answers to Interrogatories for Contention V

Interrogatory B-17: In support of the admissible portion of Contention V pertinent to the implementation of interim compensatory fire-protection measures at DCPP, MFP cites five incidents based on two NRC inspection reports and three LERs. Prehearing Conference Order, at 35.

B-17.1 What, if any, other incidents does MFP or its consultant intend to rely upon in support of Contention V, as admitted by the Licensing Board, which regards implementation of Thermo-Log compensatory measures at DCPP?

B-17.2 Provide any and all documentation relevant to the incidents identified in response to B-17.1.

B-17.3 PG&E reiterates the continuing nature of this request and directs MFP and its consultant to review instruction L above.

Answer: SLOMFP has not yet received all documents requested from PG&E regarding this Contention and is therefore currently unable to provide this information. SLOMFP notes the continuing nature of this request.

Interrogatory B-18: Explain MFP's knowledge of the interim compensatory measures in effect at DCP. State, in particular, whether MFP or its consultant knows what these compensatory measures are in each Thermo-Lag fire area.

Answer: Refer to PG&E's Response to Supplement 1 of NRC Bulletin 92-01, September 28, 1992. (DCL-92-208 & HBL-92-060).

Interrogatory B-19: Has MFP or its consultant ever participated in or observed a fire watch at DCP or any other commercial nuclear power reactor?

Answer: SLOMFP has not yet determined its witnesses, but will provide information on their background and experiences when they are identified. SLOMFP objects to the portion of the interrogatory that inquires into the experiences of individual members of SLOMFP or other non-witness persons. SLOMFP requests an issuance of a protective order, relying on Rule 26(b)(4).

Interrogatory B-20: Identify all instances, known to MFP, in which fire watches have been missed at DCP since implementation of the interim compensatory measures at issue.

Answer: SLOMFP has not received all documents requested from PG&E regarding this issue and is unable to respond to this interrogatory at this time.

Interrogatory B-21: Identify all studies, reports, and information, within the knowledge or possession of MFP or its consultants, pertaining to the implementation of interim compensatory measures at DCP and/or any commercial nuclear power plant.

B-21.1 Is any of the information identified in response to B-21 comparative in nature; e.g., does it compare the implementation of interim compensatory measures at various commercial nuclear power plants?

B-21.2 Upon which of the items identified in response to B-21 does MFP and its consultant intend to rely in support of Contention U? Explain how.

B-21.3 If MFP and its consultant do not intend to rely upon certain of the items identified in response to item B-21, explain why for each study, report, or source of information.

B-21.4 Provide any and all documentation relevant to the items identified in response to B-21.

Answer: SLOMFP objects to the portion of this interrogatory that requests identification of all studies, reports and information within the knowledge or possession of SLOMFP or its consultants. SLOMFP additionally objects to PG&E's request to explain why certain information will not be used in the case. This information will obviously be irrelevant to the case and will not assist PG&E in the preparation of its case. These requests are overly broad and burdensome; SLOMFP requests the issuance of a protective order. Regarding the other portions of the request, SLOMFP has not received all documents requested from PG&E regarding this issue. Nor has the SLOMFP determined which items will be relied upon in the case. SLOMFP will provide this information to PG&E in a timely fashion.

Interrogatory B-22: Identify all documents and all sources of information available to MFP or its consultants pertaining to missed fire watches within the commercial nuclear power industry and/or at DCPD.

B-22.1 Does MFP intend to rely upon any of this information to support Contention V? If so, in each case explain how.

B-22.2 If MFP does not intend to rely upon certain of the information identified in response to B-22, explain why for each document, report, or source of information.

B-22.3 Provide any and all documentation relevant to the information provided in response B-22.

Answer: Refer to answer to Interrogatory B-21.

Interrogatory B-23: MFP asserts that "human observers are not completely reliable. They make mistakes." Supplemental Petition, at 29.

B-23.1 Explain the factors, events, and conditions which lead to the asserted "unreliability" of human observers.

B-23.2 What kinds of "mistakes" do human observers make? Explain the factors, events, and conditions which lead to these "mistakes?"

B-23.3 Identify and provide copies of any and all reports, documents, and sources of information which indicate that "mistakes" of this type have in fact occurred at DCPD. Explain why they support Contention V.

Answer: "Personnel error" is the common "root cause" of missed fire watches and the failure to establish fire watches when needed due to inoperable fire protection equipment or degraded barriers. Often these personnel errors are a result of inadequate instructions. SLOMFP has not yet received all of PG&E's discovery responses and has, therefore, yet to attain all information that indicates these types of situations. SLOMFP will identify the incidents that it intends to use in testimony when that has been determined.

Interrogatory 24: What consequences do open fire doors have on the implementation of interim compensatory fire-protection measures at DCPP? In what way do they support Contention U?

Answer: An open fire door creates a non-functional fire barrier. Open fire doors therefore have consequences for both general and compensatory fire-protection measures at DCNPP. Situations involving fire-protection measures in which the personnel exhibit carelessness or inadequate training support Contention U.

Interrogatory 25: What consequences do unlatched fire doors have on the implementation of interim compensatory fire-protection measures at DCPP? In what way do they support Contention U?

Answer: The latch on a fire door is part of the tested, fire rated door assembly. An unlatched fire door creates a non-functional fire barrier. Unlatched fire doors therefore have consequences for both general and compensatory fire-protection measures at DCNPP. Situations involving fire-protection measures in which the personnel exhibit carelessness or inadequate training support Contention U.

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April 8, 1993

AFFIDAVIT

I, Jill K. ZamEk, the Treasurer on the Board for San Luis Obispo Mothers for Peace, have provided the information for the "San Luis Obispo Mothers for Peace Response to Second Set of Interrogatories and Request for Production of Documents Filed by Pacific Gas and Electric Company."

The information contained in the referenced interrogatory answers and responses to requests for documents is true and correct to the best of my knowledge and belief.

Jill K. ZamEk
Jill K. ZamEk

State of California
County of San Luis Obispo

Sworn and subscribed to before me this 8th day of April, 1993

Patsy Jean Chancey
Notary Public

6-12-96
My commission expires



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Certificate of Service

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I hereby certify that copies of the foregoing San Luis Obispo Mothers for Peace Response to Second Set of Interrogatories and Request for Production of Documents Filed by Pacific Gas and Electric Company and Motion for Protective Order and Intervenor San Luis Obispo Mothers for Peace Response to Memorandum and Order (Addendum to FES) have been served upon the following persons by U.S. mail, first class.

Office of Commission Appellate
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* A facsimile of Intervenor San Luis Obispo Mothers for Peace Response to Memorandum and Order (Addendum to FES) was sent to Ann Hodgdon as requested by Judge Bechhoefer and communicated by telephone on April 6, 1993.

Dated April 8, 1993, San Luis Obispo County, CA
Jill ZamEk

Jill ZamEk