

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

July 11, 1983

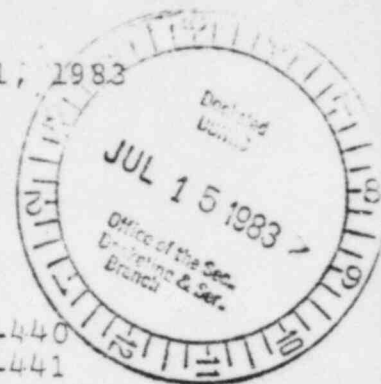
Before the Atomic Safety and Licensing Board

In the Matter of )

CLEVELAND ELECTRIC ILLUMINATING )  
COMPANY, Et Al. )

(Perry Nuclear Power Plant, )  
Units 1 and 2) )

Docket Nos. 50-440  
50-441  
(Operating License)



OCRE'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Pursuant to 10 CFR 2.754(a)(2) and the Licensing Board's instructions (Tr. 1868-72), intervenor Ohio Citizens for Responsible Energy ("OCRE") hereby files its proposed findings of fact and conclusions of law in the form of a proposed decision.

I. Summary

This decision deals with Issue #3, which concerns the adequacy of Applicants' quality assurance program in the construction of the Perry Nuclear Power Plant, and, particularly, with CEI's control of contractors at Perry. This issue was the subject of a public hearing held May 24-27, 1983 in Painesville, Ohio.

The main item of interest at the hearing was CEI's control of the electrical contractor, L.K. Comstock, which had been the subject of a NRC Staff investigation (Report 81-19, September 24, 1982). The Staff's statements in that report suggesting a breakdown in management's control of construction activities prompted us to admit four issues of fact for further exploration at the hearing. We also ruled that the burden of

going forward shifted to Applicants; i.e., there is a presumption that the deficiencies (especially the programmatic aspects) cited in the 81-19 report have caused safety problems.

After reviewing the evidence, we conclude that our questions remain largely unanswered. Applicants' testimony, though extensive, failed to explain why they did not detect the deficiencies uncovered by the Staff in the 81-19 investigation, nor did it prove that no unsafe conditions exist. The Staff's testimony also did not explain fully the concerns made apparent in the investigation report. That a Staff inspector has different views than the members of the witness panel adds to our concern. Finally, our review of the 81-19 report and Applicants' Quarterly Reports (Board Exhibit #2) leads us to question further the adequacy of CEI's control of construction at Perry.

Accordingly, we are reopening the record for the purpose of taking further evidence, particularly from the Staff inspector with differing views. Because Applicants have not met their burden of proof with respect to Comstock, we are extending the issue to encompass CEI's control of other safety-related contractors at Perry. At a future hearing we hope to receive evidence of sufficient quality to enable us to decide whether to impose any license conditions, such as an independent third-party review of construction quality.

## II. Background of the Issue

### A. Summary Disposition Decision

In our Special Prehearing Conference Memorandum and Order (LBP-81-24, 14 NRC 175) we admitted the quality assurance contention submitted by Sunflower Alliance, et al. as Issue #3,

which we defined as:

Applicant has an inadequate quality assurance program that has caused or is continuing to cause unsafe construction.

On October 29, 1982 the NRC Staff filed a motion for summary disposition of Issue #3. In support of this motion the Staff filed the affidavit of James E. Konklin and Cordell C. Williams. We found the affidavit conclusory and wanting in factual detail, especially when compared to the concerns identified by the Staff in the 81-19 report, which was cited by Sunflower in its defense. In our December 22, 1982 Memorandum and Order (Concerning Summary Disposition: Quality Assurance, Corbicula, and Scram Discharge Volume Contentions) we stated that:

staff's conclusion is not buttressed by supporting facts and reasons and does not negate the existence of a genuine issue of fact. Even at trial, were we to accept such unsupported staff statements we would be abrogating our responsibility as judges and substituting the staff's judgement for our own. On ultimate issues of fact, we must see the evidence from which to reach our own independent conclusions. (p. 9 of Memorandum and Order)

Unfortunately, the deficiencies of the affidavit were perpetuated in the Staff's conclusory testimony, which went to great lengths to be protective of Applicants. Hence, we find it appropriate to reopen the record to receive testimony from less biased witnesses.

In addition to the 81-19 report, Sunflower cited the Systematic Assessment of Licensee Performance (SALP 2) report. In the letter dated July 13, 1982 transmitting the SALP report, Region III administrator James Keppler stated that "there was an obvious breakdown in the control of activities" in the electrical area. The Staff's concerns as to the programmatic

nature of the violations identified in the 81-19 report, as well as the fact that the problems with L.K. Comstock were not identified by Applicants' QA program nor by the NRC's inspection program, but rather by an investigation prompted by allegations, a description of which was not part of our record, led us to admit these four issues of material fact:

The existence, cause, severity, duration, and extent of an alleged instance in which applicant's quality assurance program failed by not properly controlling its electrical contractors.

Whether the alleged deficiencies in properly controlling electrical contractors extend to the proper control of other contractors.

Whether deficiencies in the control of contractor activities have resulted in unsafe conditions at Perry.

Whether applicant has an adequate system for periodically reviewing its program for assuring the quality of contractor performance and ascertaining and correcting deficiencies that have arisen, particularly in systems essential to safe plant operation.

Because we found the basic kind of management deficiencies suggested by the 81-19 report to be far more troubling than individual nonconformances, we determined that a genuine issue of fact existed concerning compliance with the Commission's QA regulations. We also placed the burden on Applicants to demonstrate either that there were no important breakdowns in their management or that such breakdowns, if existing, did not create or leave undetected unsafe conditions.

Shortly after our summary disposition decision, Applicants moved for its reconsideration; included with their motion was a complete copy of the 81-19 report. (Sunflower had only filed portions of that document in its reply to the Staff's motion.) We declined to reconsider our order. Our reading of the complete



investigation report also led us to believe that a causal connection existed between the 1978 stop work order (upon which Issue #3 was focused) and the electrical contractor problems. We reiterated our interest in Applicants' management overview QA system and nonconformance trend analysis system, (January 28, 1983 Memorandum and Order (Reconsideration: Quality Assurance) at 7-9.)

#### B. Applicable Law and Guidance

Applicants are required by Appendix B to 10 CFR Part 50 to have a quality assurance program for the construction of the Perry plant. We note that Criterion I, Organization, makes the applicant responsible for the establishment and execution of the QA program. Criterion II, Quality Assurance Program, requires the applicant (as well as the management of other organizations participating in the QA program) to regularly review the status and adequacy of the QA program. The key criterion pertaining to the Comstock problem appears to be Criterion XVI, which states:

Measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition. The identification of the significant condition adverse to quality, the cause of the condition, and the corrective action taken shall be documented and reported to appropriate levels of management. (Emphasis added.)

At the hearing there was some discussion of the underlined phrase, and we asked the parties to identify any regulatory guidance on this point (Tr. 1594-99). Although the parties did

not identify any such guidance, we view Appendix C to 10 CFR Part 2, General Policy and Procedure for NRC Enforcement Actions, as suggestive interpretation on the question of whether corrective action must be prompt.

We find Appendix C to suggest strongly that corrective action must indeed be prompt. Subpart I, Introduction and Purpose, identifies the purpose of the NRC enforcement program as the promotion and protection of the public health and safety by, inter alia, :

- ensuring compliance with NRC regulations and license conditions; and
- obtaining prompt correction of noncompliance.

Furthermore, in subpart IV.B is the following statement:

NRC attaches great importance to comprehensive licensee programs for detection, correction, and reporting of problems that may constitute, or lead to, violation of regulatory requirements. This is emphasized by giving credit for effective licensee audit programs when licensees find, correct, and report problems expeditiously and effectively.

Accordingly, the NRC has developed criteria for increasing or decreasing civil penalties, as appropriate, in response to licensee actions, or lack thereof. Subpart IV. B. 1, Prompt Identification and Reporting, allows for a 50% reduction of the base civil penalty if a licensee identifies the violation and reports it to the NRC. However, "no consideration is to be given to this factor if the licensee does not take immediate action to correct the problem upon discovery."

Subpart IV.B.2, Corrective Action to Prevent Recurrence, allows reduction of the civil penalty only if the licensee's corrective action has been unusually prompt and extensive. The

civil penalty may be increased if corrective action is not prompt or is only minimally acceptable.

We conclude from these excerpts that the correction (as well as identification) of nonconformances must be prompt. We realize, of course, that Appendix C pertains to enforcement actions which are not within our jurisdiction in an operating license proceeding. While Appendix C provides useful guidance for interpreting the requirements of 10 CFR § 50 Appendix B, it is insufficient authority upon which to rely for the task we must address, i.e., the possible issuance of an operating license. We have continually stressed that our interest in QA at Perry is focused on the safety implications of noncompliances. In the absence of any authority to the contrary, we accept the view that nuclear plant safety is conditional upon compliance with the Commission's regulations. This view is consistent with Appeal Board precedent. In Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station), ALAB-138, 6 AEC 520, 528-29 (1973), the Appeal Board stated:

it cannot be argued that, even though the reactor does not comply with the criteria, it should receive an unrestricted, full-power, full-term license on the ground that there is reasonable assurance that it can operate without adversely affecting the public health and safety. Such an argument might be factually supportable, but would constitute an indirect attack on the applicable commission regulations. Again, the point to be made is a simple one: reactors must not be licensed unless they comply with all applicable standards.

See also Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Station), ALAB-161, 6 AEC 1003, 1010 (1973).

Thus, in determining the effect QA violations have on our licensing decisions, we shall use this standard: 10 CFR

§ 50 Appendix B, as interpreted using the criteria of 10 CFR §2 Appendix C as guidance, must have been complied with before a license can be granted.

### III. Relationship Between Applicants and L.K. Comstock

Both Applicants and Staff submitted prefiled direct testimony pertaining to QA at Perry. However, we found this testimony to consist more of generalities than specifics. Consequently, we requested Applicants at the hearing to provide us with a detailed chronology of the relationship between CEI and L.K. Comstock, their electrical contractor (Tr. 1006-7). Applicants did provide this chronology (Tr. 1489-1543), which dealt with the selection of Comstock early in construction, the progress of electrical work on the project, and CEI's oversight of Comstock, primarily through the audit program.

Although CEI conducted audits of Comstock and had identified some problems, particularly the QA/QC staffing shortage, we are concerned that the 81-19 investigation discovered many problems of which Applicants were unaware. It would seem that an adequate QA program would have detected these problems.

Furthermore, we question the effectiveness of CEI's corrective action measures. For example, even though CEI became concerned about the Comstock QA/QC staffing level, in relation to craft manpower, in October 1979 (Tr. 1504), the problem was not corrected until 1982 (Tr. 1532-37). CEI's explanation, that there was an industry-wide shortage of qualified electrical inspectors at that time (Applicants' Testimony at 28; Tr. 1513-14) is plausible, but insufficient in that it is apparent to us that other actions might have



alleviated the problem. In particular, Applicants might have slowed work to a level that could be covered by the available QA/QC staff. Applicants' chronology (Tr. 1506-29) indicated that safety-related electrical work accelerated in 1980-81.

This situation led to a backlog in inspections during that period (Testimony at 29). This situation has supposedly been corrected (Tr. 1540). However, we take official notice of a recently-issued NRC inspection report, No. 50-440/83-08, 50-441/83-07, dated May 16, 1983 (which we have attached). This inspection, which was conducted March 1-3, 1983, included private interviews of CEI and Comstock personnel. Among the concerns identified in these interviews was an apparent "significant electrical inspection backlog" (pp. 12-13). That this problem was identified in March 1983, after Applicants claimed it had been corrected, seems anomalous and leads us to question the credibility of Applicants' testimony.

We are also troubled that CEI's corrective actions only began to be effective after the NRC's investigation, and, in particular, after the meetings between NRC and CEI's management. This is reminiscent of the 1978 work stoppage. In that situation, CEI stopped work in response to concerns identified by an NRC inspection conducted at the end of 1977 (Tr. 1071). CEI's present QA program is the result of the NRC's concerns identified in the February 8, 1978 immediate action letter (Applicants' Testimony at 15; see also Board Exhibit #2, "Introduction"). We fear that this may be indicative of a pattern in which CEI takes effective corrective action only when faced with NRC enforcement action.

#### IV. Timeliness of Corrective Action

Applicants in their testimony (pp. 20-21) identify the corrective action mechanisms used to control safety-related work at Perry. These include the nonconformance report (NR), used to identify hardware deficiencies, the action request (AR), used to identify procedural or programmatic problems, and the corrective action request (CAR), used to identify serious programmatic deficiencies. The Staff's 81-19 investigation, as well as the July 1982 SALP report, identified the timeliness of corrective action measures as a problem contributing to the deficiencies in the electrical area. For this reason we investigated this situation at the hearing.

##### A. Number of Open NRs, ARs, and CARs

The 81-19 investigation revealed that as of February 24, 1982, 28 observation audits had not been answered by L.K. Comstock (81-19 at 92-93). None of the other contractors had this large a number of open audits (Id.). There were 13 findings from 7 action audit reports open, 9 of them for over a year (Id.). This situation was described by the Staff as "an integral part of the problems" associated with CEI's management overview of Comstock (Id.).

A review of Applicants' "Assessment of Quality Assurance Program Effectiveness for the Perry Nuclear Power Plant" (Board Exhibit #2, or "Quarterly Reports") reveals this to be a continuing problem throughout the construction of Perry. In the First Quarter 1979 the contractor audit program is described as being "behind schedule." In the First Quarter 1980 it is stated that "little progress was made by contractors during the

first quarter in closing open nonconformances, action requests, and deficiency reports . . . this inability to obtain resolution and to closeout noncompliances remains a problem which must be resolved in the immediate future." In the Second Quarter 1980, it is noted that "problems still exist in the closeout of audit findings and in meeting the schedule for contractor audits."

Only occasionally are the numbers of open ARs (project-wide) given. For the Fourth Quarter 1979, 165 ARs were open. This number rose to 219 in the First Quarter 1980. In the Second Quarter 1980 the number was 157. For the Third Quarter 1981, there were 150. The significance of these numbers alone is difficult to determine; however, the statements quoted above suggest that timely AR closeout has been a problem at Perry.

The closeout of nonconformance reports appears to be an even greater problem. The number of open NRs for each quarter is tabulated below.

First Quarter 1979	448
Second Quarter 1979	511
Third Quarter 1979	(not available)
Fourth Quarter 1979	624
First Quarter 1980	712
Second Quarter 1980	729
Third Quarter 1980	1000+
Fourth Quarter 1980	973
First Quarter 1981	(not available)
Second Quarter 1981	1000+
Third Quarter 1981	1100
Fourth Quarter 1981	1200

First Quarter 1982	1420
Second Quarter 1982	(not available)
Third Quarter 1982	2057
Fourth Quarter 1982	2300
First Quarter 1983	1800

These numbers reveal a growing and continuing problem. Applicants' comments in their reports amplify this concern. For instance, in the Third Quarter 1980, the control of open NRs is considered a "project-wide problem." In the Fourth Quarter 1981, it is stated that "nonconformance report closeout has been a recurring problem for each quarter of 1981 . . . this trend must be reversed in the near future." In the First Quarter 1982 it is stated that insufficient attention was being given "to timeliness of implementing dispositions or to identifying and correcting true causes." As with the ARs, these statements lead us to believe that these numbers are excessive.

#### B. Degree of Delay in NR/AR/CAR Closeout

We found above that Criterion XVI of Appendix B to 10 CFR § 50, interpreted with the guidance of 10 CFR § 2 Appendix C, requires prompt and effective corrective action to be taken in response to identified nonconformances and deficiencies.

We believe that the closeout of deficiencies identified by NRs and ARs has not been prompt. Applicants testified that 12 NRs have been open for over 4 years (Tr. 1164). The Fourth Quarter 1980 report indicates that, at that time, the oldest open NR was issued in September 1976, and that such old NRs require "considerable difficulty" to close.



Since this is Applicants' mechanism for achieving corrective action, we must conclude that their corrective action has not been prompt. Since we found above that plant safety is demonstrated by compliance with the Commission's regulations, we must conclude that Applicants have not met their burden of proof in demonstrating that unsafe conditions do not exist, as they have not complied with Criterion XVI of Appendix B.

V. Significance of the 81-19 Investigation

From October 1981 through March 1982 the NRC conducted an investigation into the activities of CEI's electrical contractor, L.K. Comstock. At the summary disposition stage, we found the violations and deficiencies revealed by this investigation to be of sufficient gravity to warrant a hearing on the matter. We admitted the 81-19 report as Board Exhibit #3 (Tr. 1618). We discuss below the significance of the investigation, and of the Staff's testimony.

A. The 81-19 Investigation

1. How the Investigation was Initiated

Unlike the other violations identified by the NRC at Perry, those documented in the 81-19 report were not discovered through the NRC's routine inspection program. Rather, they were identified as the result of an investigation which was prompted by the allegations of current and former workers at Perry. Although the specific allegations could not be substantiated, the NRC inspectors identified a variety of noncompliances with the Commission's regulations.

We are concerned that certain statements in Applicants' Quarterly Reports suggest that, had it not been for these individuals' allegations, the Comstock problem might not have been detected by the NRC. The reports for the First, Second, and Third Quarters of 1981 describe a substantial reduction in NRC inspection coverage for those quarters (Tr. 1759-62). The figures given by the Staff during cross-examination appear to substantiate this, as the large number of inspector-hours in the Fourth Quarter 1981 (824) are largely due to the 81-19 investigation (711 inspector-hours) (Tr. 1763). This leads us to believe that the Comstock problem might have gone undetected, had it not been for the allegors.

We are concerned that the Staff did not contact Individual A, whose allegations prompted the investigation, before issuing the 81-19 report to see if his/her concerns were completely covered (Tr. 1569-71). We are also troubled that the NRC Staff did not investigate the vaildity of Applicants' reasons for firing one of the individuals who made allegations relating to the 81-19 investigation (Tr. 1839-43).<sup>1/</sup> Such conduct on the part of the Staff does not build confidence on the part of its witnesses.

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<sup>1/</sup> Applicants claim that the individual was fired for falsifying employment and education data (Tr. 1193-1215). They did admit that they suspected that the person was making allegations to the NRC, but their reasons for suspecting this seem illogical. We are unable to reach a conclusion, without further information, as to whether the person was justifiably discharged. We think it appropriate that the NRC Staff, in protecting its witnesses, seek independent confirmation of the truthfulness of Applicants' representations in such situations.

## 2. Number and Severity of Specific Violations

The NRC's inspectors, in the course of the 81-19 investigation, discovered 9 specific violations of the Commission's requirements, as documented in Appendix A to the 81-19 report. These violations dealt with the following parts of 10 CFR § 50 Appendix B: Criterion III, Design Control; Criterion V, Instructions, Procedures, and Drawings; Criterion VII, Control of Purchased Material, Equipment, and Services; Criterion X, Inspection; Criterion XIII, Handling, Storage, and Shipping; Criterion XV, Nonconforming Materials, Parts, or Components; and Criterion XVI, Corrective Action. Twenty-four individual findings were identified; many of these were unresolved items, in addition to the 9 violations. The findings concerned a variety of procedures and equipment, from cable pulling, electrical penetrations, housekeeping, and conduit separation to management overview of the Comstock QA program. Six of the noncompliances were rated Severity Level IV, while the others were Severity Level V. The violations noted jointly by CEI and the NRC concerning cable pulling were severe enough to warrant a stop work on that activity (81-19 Report at 13-15; Tr. 1277, 1527).

The variety of findings in a number of different areas of Comstock's activities is suggestive of a pervasive problem with that contractor. The Staff apparently agreed, as an enforcement conference was held on June 18, 1982 with regard to the 81-19 findings (Staff Testimony at 16). The Staff testified that an enforcement conference is a prerequisite to a possible escalated enforcement action, and is typical where there is a large number of issues which are fairly complex and

serious (Tr. 1772). The only previous enforcement conference concerning Perry pertained to the 1978 stop work problem (Tr. 1773).

We note that 10 CFR § 2 Appendix C also describes enforcement conferences. Subpart B states that "enforcement conferences are normally conducted for all Severity Level I, II, and III violations and for Severity Level IV violations that are considered symptomatic of program deficiencies, rather than isolated concerns."

These, along with the statements made by Region III administrator James Keppler in his letters to CEI dated July 13, 1982 (SALP 2) and September 27, 1982 (81-19), indicate that the Comstock violations were quite serious. We are especially concerned that the difficulties with Comstock are symptomatic of project-wide deficiencies.

### 3. Applicants' Failure to Detect the Infractions

CEI was not aware of the violations and unresolved items uncovered by the NRC investigation (Tr. 1587). Upon examination of the 81-19 report, it is apparent that virtually every finding therein was identified by the NRC inspector, who then informed CEI of the situation (e.g., 81-19 at 15, 18, 67, 75, 76, 82-82 85, 86-87, 89-90). CEI was even unaware of a fire which occurred in an area which the NRC, a few days earlier, had warned was a potential fire hazard (81-19 at 67-68).

Of greater concern than the specific infractions is CEI's ignorance of the programmatic problems identified by the investigation. The 81-19 report, p. 95, clearly states that CEI had failed to identify the Comstock problems and that this



failure stems from not investigating the below-standard ratings of Comstock contained in the Quarterly Reports and the Contractor Performance Reports.

The Staff's witnesses also expressed their opinion that CEI should have been aware of these problems and implementing corrective action. Mr. Williams stated that "the licensee had plenty of evidence for drastic action" (Tr. 1623). He had even suggested to CEI management that L.K. Comstock be replaced as electrical contractor at Perry (Tr. 1624, 1775-76).

Because of the project-wide implications of a management overview deficiency (as well as the slow closeout of NRs project-wide, as described above) we have examined the Quarterly Reports (Board Exhibit #2) to determine if other contractors have had satisfactory or below standard ratings for extended periods of time. The following lists those contractors having satisfactory<sup>2/</sup> ratings from the Fourth Quarter 1981 (when the individual ratings were first available) to the First Quarter 1983:

Fourth Quarter 1981: Pullman Power, Comstock, Metalweld,  
Johnson Controls, PBI

First Quarter 1982: Pullman Power, Comstock, Metalweld,  
Johnson Controls, PBI

Second Quarter 1982: Pullman Power, Comstock, Metalweld,  
Johnson Controls, PBI, Automatic Sprinkler

Third Quarter 1982: Pullman Power, Comstock, Metalweld,  
Johnson Controls, PBI, Automatic Sprinkler,  
BISCO, Cicirello Construction, National  
Mobile Concrete, Great Lakes Construction.

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<sup>2/</sup> We note that "satisfactory" is defined as adequate, but with deficiencies which, if left uncorrected, may result in adverse effects on quality. See 81-19 at 94.

Fourth Quarter 1982: Pullman Power, Comstock, PBI, General Electric

First Quarter 1983: Pullman Power, Comstock, Johnson Controls, PBI, Automatic Sprinkler, BISCO, Dick Corp., General Electric, Robert Irsay

It thus appears that repetitive satisfactory ratings have been assigned to Comstock, Pullman Power, PBI, and Johnson Controls. We also note that, for the Second Quarter of 1981, the quarterly report contains the statement that "Pullman Power Products' (PPP) performance has been rated below standard for the past five (5) consecutive months." Earlier reports (1979-80) identified Newport News and General Electric as problem contractors. Because we have no way of knowing whether CEI's management overview of QA was functioning with respect to other contractors, we find it prudent to reopen the record to take evidence on CEI's control of all safety-related contractors at Perry.

B. Staff Testimony

1. Qualifications of Staff Witnesses

The NRC Staff presented as witnesses four individuals: Cordell Williams, James Konklin, Max Gildner, and George Maxwell. Voir dire conducted by the intervenors revealed that only Mr. Williams was involved in the 81-19 investigation (Tr. 1572). However, his involvement was not extensive (Tr. 1576-78). Mr. Williams primarily acted as a supervisor of the inspectors conducting the investigation (Tr. 1606-10). Further, it became apparent that Mr. Williams did not always precisely recall all the details of the investigation or the extent of his involvement in it (Tr. 1609, 1577, 1622, 1744, 1768).

We found most of the Staff's testimony to be protective of Applicants, although questioning by intervenors and ourselves did elicit some candid responses. We find such an attitude on the part of Staff witnesses to be unnecessary (as Applicants are quite capable of defending themselves), counterproductive (as such an attitude on the part of the Staff makes it difficult to distinguish fact from opinion), and improper (as the Staff should not support an application; see Carolina Power and Light (Shearon Harris Nuclear Power Plant, Units 1-4), LBP-79-19, 10 NRC 37, modified and affirmed, ALAB-577, 11 NRC 18 (1980)).

## 2. The Inspector with Different Views

We were surprised to learn at the start of the hearing that an inspector who conducted the 81-19 investigation had proposed changes to the testimony (Tr. 1011). The May 18, 1983 memorandum from James Keppler to Guy Cunningham indicates that the principal electrical inspector and investigator involved with the 81-19 report felt that the testimony did not convey the significance of the 81-19 findings nor the NRC's efforts that were required to secure corrective action.

At the hearing we felt that the proposed changes were merely changes in tone and did not represent any differing facts (Tr. 1799). We stated that intervenors would have to prove that the person had different facts before he could be called to testify (Tr. 1814). We now realize that this is an unduly harsh standard. The more appropriate standard is the one we established in our December 23, 1982 Memorandum and Order (Concerning Discovery from Staff on Hydrogen Issue), in which we stated that "OCRE

may not be required to know what the staff's views are before it obtains them. To erect that requirement would make a mockery of the discovery process." Hence, we are rescinding the requirement we set at the hearing.

We now realize that much of the testimony given by the Staff witnesses consisted of opinion rather than fact. Even if the inspector does not have different facts, it would be unfair to allow the opinions of certain staff witnesses become part of the record without also including the differing opinions of the inspector who conducted much of the 81-19 investigation. We also find that intervenors' attempts to elicit information on the inspector's views from the witness panel to be unfruitful, as the answers obtain consisted of hearsay. We are further led by certain portions of the testimony to suspect that the inspector may have different facts. It seems that there were lengthy and repeated discussions "taking the better part of the last week and a half" prior to the hearing between the Staff witnesses and the inspector (Tr. 1855) concerning the latter's proposed changes to the testimony. It seems unlikely that such discussions would occur over mere differences in tone.

Accordingly, we find that the inspector's views are essential to our record, which we are reopening for this and other reasons.

#### VI. Loss of Sunflower's Lawyer

Just prior to the beginning of the hearing, Daniel D. Wilt, counsel for Sunflower Alliance, the lead intervenor on Issue #3, resigned. We are concerned that this event may have prejudiced Sunflower. (Sunflower's other counsel, Terry Lodge, could not



be present at the hearing until Friday, May 27 because of prior commitments.) We understand that Sunflower had relied upon Mr. Wilt to conduct some of the research on Comstock documents in preparation for the hearing. We are especially concerned that Sunflower may not have enjoyed full rights to cross-examination.

The right to cross-examine witnesses in administrative proceedings is conferred by statute; see Administrative Procedure Act, 5 USC 556(d). The NRC's Appeal Board has also held that intervenors have the right to make their case by cross-examination. Tennessee Valley Authority (Hartsville Nuclear Plant, Units 1A, 2A, 1B, 2B), ALAB-463, 7 NRC 341 (1978). The Appeal Board has further stated that a Licensing Board's action in keeping with its schedule for hearing despite intervenors' assertions that they were unable to prepare for cross-examination was an error requiring the reopening of the hearing. Northern Indiana Public Service Co. (Bailly Generating Station), ALAB-249, 8 AEC 980 (1974). We further note that the Administrative Procedure Act, 5 USC 555(b), entitles participants in administrative proceedings to be represented by counsel of their choice. (See also Franks Flower Express, 219 NLRB 149 (1975), concerning circumstance involving loss of principal counsel.)

We are aware that Mr. Lodge was desirous of conducting cross-examination of Applicants' witnesses. In light of the above precedent, we realize that he should have been afforded this opportunity. For this reason, as well as the other reasons discussed above, we are reopening the record on this issue.

VII. Miscellaneous Arguments

At the hearing we requested the parties to address the finality of this decision for appeal, in light of an unpublished Appeal Board decision in the Big Rock Point Case. Because we are reopening the record on this issue, such consideration is unnecessary at this time. However, we note that it is both improper (see Pacific Gas and Electric (Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB-592, 11 NRC 744 (1989)) and unfair to rely on an unpublished order which would not be available to the parties.

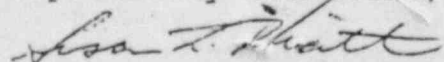
ORDER

For all of the foregoing reasons it is this \_\_\_\_\_ day of \_\_\_\_\_  
1983 ORDERED

1. that the record in the matter of Issue #3, concerning CEI's control of contractors at the Perry Nuclear Power Plant, is reopened.
2. the issue shall be expanded to encompass all safety-related contractors at PNPP.
3. the parties shall have opportunity for further discovery, including that against the NRC Staff in the matter of the inspector who disagrees with the staff's testimony.
4. these matters shall be contested at public hearing to be held at a future date.

IT IS SO ORDERED.

Respectfully submitted,



Susan L. Hiatt  
OCRE Representative

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing OCRE'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW were served by deposit in the U.S. Mail, first class, postage prepaid, this 11th day of July 1983 to those on the service list below.



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Docketing & Service Branch  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Atomic Safety & Licensing Appeal Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

MAY 16 1983

Docket No. 50-440

Docket No. 50-441

The Cleveland Electric Illuminating  
Company

ATTN: Mr. Murray R. Edelman

Vice President

Nuclear Group

Post Office Box 5000

Cleveland, OH 44101

Gentlemen:

This refers to the routine safety inspection conducted by Messrs. P. A. Barrett, K. R. Naidu and P. R. Pelke of this office on March 1-3, 1983, of activities at Perry Nuclear Power Plant, Units 1 and 2, authorized by NRC Construction Permits No. CPPR-148 and No. CPPR-149 and to the discussion on March 11, 1983, of our findings with Mr. C. M. Shuster and others of your staff at the conclusion of the inspection.

The enclosed copy of our inspection report identifies areas examined during the inspection. Within these areas, the inspection consisted of a selective examination of procedures and representative records, observations, and interviews with personnel.

No items of noncompliance with NRC requirements were identified during the course of this inspection.

In accordance with 10 CFR 2.790(a), a copy of this letter and the enclosure(s) will be placed in the NRC Public Document Room unless you notify this office, by telephone, within ten days of the date of this letter and submit written application to withhold information contained therein within thirty days of the date of this letter. Such application must be consistent with the requirements of 2.790(b)(1). If we do not hear from you in this regard within the specified periods noted above, a copy of this letter and the enclosed inspection report will be placed in the Public Document Room.

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The Cleveland Electric  
Illuminating Company

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MAY 16 1983

We will gladly discuss any questions you have concerning this inspection.

Sincerely,

"Original signed by W. S. Little"

W. S. Little, Chief  
Engineering Branch 2

Enclosure: Inspection Reports  
No. 50-440/83-08(DE) and  
No. 50-441/83-07(DE)

cc w/encl:

J. Waldron, Plant Manager  
L. Beck, General Supervisor  
Licensing and Fuels Management  
DMB/Document Control Desk (RIDS)  
Resident Inspector, RIII  
Harold W. Kohn, Ohio EPA  
Daniel D. Wilt, Attorney  
James W. Harris, State of Ohio  
Robert H. Quillin, Ohio  
Department of Health

RIII

7B 5/10/83  
Barrett/sv  
05/06/83

RIII

Naidu

RIII

PRP  
Pelke  
5/12/83

RIII

Williams

RIII

PRP  
Konklin  
5/12/83

RIII

Little

U.S. NUCLEAR REGULATORY COMMISSION

REGION III

Reports No. 50-440/83-08(DE); 50-441/83-07(DE)

Docket Nos. 50-440; 50-441

Licenses No. CPPR-148; CPPR-149

Licensee: Cleveland Electric Illuminating Company  
Post Office Box 5000  
Cleveland, OH 44101

Facility Name: Perry Nuclear Power Plants, Units 1 and 2

Inspection At: Perry Site, Perry, OH

Inspection Conducted: March 1-3 and 11, 1983

Inspectors: *P. A. Barrett*  
P. A. Barrett

*5/12/83*  
Date

*K. R. Naidu*  
K. R. Naidu

*5/12/83*  
Date

*P. R. Pelke*  
P. R. Pelke

*5/12/83*  
Date

*C. C. Williams for*  
N. Merriweather

*5/12/83*  
Date

Accompanied By: J. F. Foster (3/2-3/83)

C. C. Williams (3/2-3/83)

Approved By: *C. C. Williams*  
C. C. Williams, Chief  
Plant Systems Section

*5/12/83*  
Date

Inspection Summary

Inspection on March 1-3 and 11, 1983 (Report No. 50-440/83-08(DE);  
50-441/83-07(DE))

Areas Inspected: Followup to noncompliance item 440/83-06-01; 441/83-06-01 (failure to provide QA control over deficiencies addressed in L. K. Comstock Task Force review checklists and letters); review of L. K. Comstock personnel qualifications; and general discussions with L. K. Comstock QA/QC and craft personnel. The inspection involved a total of 94 inspector-hours onsite by six NRC inspectors.

Results: Of the three areas inspected, no items of noncompliance or deviations were identified.

## DETAILS

### 1. Persons Contacted

#### Cleveland Electric Illuminating Company (CEI)

- \*C. M. Shuster, Manager, Quality Assurance Department
- F. R. Stead, Manager, Nuclear Engineering Department
- J. M. Lastovka, General Supervising Engineer, Nuclear Construction Engineering
- \*E. Riley, General Supervising Engineer, CQS
- B. D. Walrath, General Supervising Engineer, OQS
- \*J. S. Kerr, Supervisor, CQS
- T. G. Swansinger, Supervisor, PAQS
- G. R. Leidich, Senior Project Engineer
- K. C. Kaplan, Senior Engineering Technician, PAQS
- \*V. K. Higaki, Quality Engineer
- R. P. Jadgchew, General Supervising Engineer, Nuclear Construction Administration

All the above persons attended the interim exit interview on March 3, 1983. Other personnel were contacted during the inspection.

\*Attended the final exit interview at Region III, Glen Ellyn, Illinois office on March 11, 1983.

### 2. Licensee Actions on Previously Identified Items

(Open) Noncompliance (440/83-06-01; 441/83-06-01): Failure to provide QA control over deficiencies addressed in L. K. Comstock Task Force review checklists and letters. During this inspection the Region III inspectors reviewed the recent efforts by the licensee to provide QA control over the above deficiencies. The generic deficiencies addressed in the L. K. Comstock letters had been designated as "concerns." Each of the concerns had recently been documented on QA controlled CQS Surveillance/Inspection Reports (SIRs) and L. K. Comstock Inspection Reports (IRs).

The dispositions of concerns in five of the six areas were evaluated by the Region III inspectors:

#### a. Circuits - Task Force No. 41

- (1) Concern 1 did not appear to have any safety significance.
- (2) Concern 2 stated that a QC inspector other than the first line QC inspector who actually performed the inspection was signing the blue record copy of the cable pull (installation) slip. Discussion with the individual, who identified this concern, revealed that he was addressing the signature of the QC inspector who was reviewing the QC records for adequacy and completeness. The Region III inspector discussed and reviewed



the documentation process for cable pulls. The documentation process, which did allow a review signature by a QC inspector other than the first line QC inspector, appeared to be in full compliance with the QA requirements. The Region III inspector concurred with the licensee's conclusion that this concern had no adverse impact on the current work activities.

- (3) Concern 3 stated the L. K. Comstock cable pulling procedure did not specifically call out when tension measuring/limiting devices are to be used.

SIR SE-1330 dated February 22, 1983, and LKC IR 5327, Revision 1, dated February 20, 1983, appeared to establish adequate controls to assure that all cables which have been pulled without tension devices will be identified, controlled, and dispositioned. The current LKC Procedure 4.3.3 dated November 15, 1982, Form 105 appeared to establish adequate requirements for verification of cable pull tension devices.

- (4) Concern 4 stated that LKC cable pulling Procedure 4.3.3 did not address how Raceway and Cable Installation Modification forms (RCIMs), which are issued after completion of cable pulling, are reviewed and incorporated into circuit packages. In addition, there was no system to control such RCIM's.

RCIM's were design change documents.

SIR SE-1331 dated February 21, 1983, described the current program which was being used to control the above concern. The described program essentially stated when a RCIM which affects a cable design is issued, the respective cable pull slip will be denoted with the RCIM number until the change can be incorporated into the slip. Appropriate rework will be initiated including any required QC verifications.

The Region III inspector discussed and reviewed the current program. The control of two RCIM's (1202 and 1674) was evaluated with respect to the current program. RCIM 1202 specified a change in type of raceway which affected the routing of several cables. RCIM 1674 specified a change in cable type for cable 1E12F 31B, which had already been installed and accepted by QC. In both cases, the cable pull slips, which are included in the circuit packages, had the change addressed in the RCIM already incorporated or had the RCIM number denoted. For RCIM 1674 dated January 13, 1983, the LKC QC Inspection Checklist, Form 105A, dated February 14, 1983, indicated that the change required by the RCIM, had been completed and verified by QC. Therefore, the program described in SIR SE-1331 appeared to be functioning.

SIR SE-1331 also stated that the LKC procedures were in the process of being revised to incorporate the above program.

- (5) Concern 6 stated that LKC Procedure 4.3.3, "Cable Pulling", specified that cable pulled into trays by hand does not require a tension measuring/limiting device as long as a man is stationed every 100 feet. There is no way to assure that the manufacturers recommended maximum pulling tension was not exceeded, especially in the case of cables with a maximum pulling tension below 100 pounds.

SIR SE-1333 dated February 22, 1983, appeared to establish adequate control and evaluation of the above concern.

The Region III inspector reviewed the current revisions of LKC Procedure 4.3.3. The procedure appeared to establish adequate requirements for assuring that tension measuring limiting devices were used when necessary. The practice of periodically stationing individuals along the cable tray routing to assist in hand laying cables in trays, is an industry accepted practice for assuring cable tensions are not exceeded.

NOTE: This practice was not applied to cables being pulled through extended lengths of conduit, where excessive pulling tensions were possible.

- (6) Concern 9 stated that the Level II review on both pull and termination documentation appears to be totally inadequate as evidenced by the inordinate amount of very obvious discrepancies noted on the Task Force Circuit Package Review Checklists.

The licensee SIR SE-1336 dated February 24, 1983, appeared to adequately document the above concern within the QA Program. However, the Region III inspector could not arrive at the same conclusion as the licensee. The licensee's conclusion stated that there was no impact on current work caused by this concern. Yet, no evaluation of the types of discrepancies, identified by the Task Force, had been made. Therefore, without knowing the types of discrepancies, the Region III inspector was unable to evaluate whether or not the current work was being performed in the same discrepant manner.

SIR SE-1336 also indicated that training concerning the general responsibilities of a Level II versus Level I had been given to all QC inspectors. The relevance of this training appeared to be insignificant because the types of discrepancies were unknown.

The licensee also provided SIRs (e.g., SE-1234 and SE-1253 both dated February 13, 1983) which indicated that a second review was made of the LKC circuit document packages. The licensee stated that during the second reviews, no significant discrepancies were identified.

The licensee provided letter PY-S/CON 5709 QA dated February 14, 1983, addressed to the LKC QC Manager. The letter stated that an individual from CEI was now assigned as part of the LKC Turnover Records Review Group. The licensee stated that part of this individual's responsibilities was to resolve the task force discrepancies and prevent future discrepancies.

- (7) Concern 10 stated that periodic surveillance by QC of megger (cable insulation resistance test) activities, as required by LKC Procedure 4.3.18 is almost nonexistent.

LKC Procedure 4.3.18 dated May 6, 1980, Paragraph 3.4.1 states, in part, "Craft personnel shall conduct tests and record data... A QC inspector will periodically monitor and verify the performance of tests..."

The licensee SIR SE-1343 dated February 25, 1983, indicated that the LKC procedure was being revised to more clearly define periodic surveillance of megger tests. The SIR indicated that LKC QC is complying with their program and that there is no adverse impact on current work.

On March 14, 1983, during a phone conversation, the CEI General Supervising Engineer, Construction Quality Section stated that the LKC procedural requirements for meggering were in addition to the licensee's IEEE-336 1971 commitments. The supervisor stated that the IEEE-336 commitments were being fulfilled by the CEI test department with personnel qualified to ANSI N45.2.6. This item is unresolved pending review of the test department meggering program (440/83-08-01; 441/83-07-01).

b. Electrical Penetrations - Task Force No. 26

- (1) Concern 1A stated records indicate that verification of the fitup and tack weld of the penetration to the containment vessel nozzle (CVN) was signed off prior to weld rod issuance. LKC subsequently verified through discussions with Pullman Power Products (PPP) personnel that the TF reviewer misinterpreted the significance of the dates on the weld rod issuance tickets.
- (2) Concern 1B stated the Weld Process Sheets were not completed. PPP stated that the documents reviewed by the TF reviewers were the reference copies and that additional information was provided in the final documents.
- (3) Concern 2 stated all the documents were not transmitted to the owner. This was subsequently accomplished.
- (4) Concern 3 stated a backing ring was not used as required by Specification SP-33; nor was a consumable insert used as shown on the Westinghouse (the manufacturer) drawing E 40048 for the installation of medium voltage penetrations. NCR 1769 was



initiated on February 8, 1983, on this matter. The NRC Report No. 440/83-06; 441/83-06 identifies this matter as an item of noncompliance. The necessary reviews have not been completed. LKC initiated Stop Work Notification - 11 (SWN-11) on February 11, 1983. The Region III inspector informed the cognizant licensee individual that SWN-11 and the corrective action to be taken were not specific. Prior to the conclusion of the inspection, SWN-11 Revision 1 was initiated which states that work shall not be resumed until LKC witnessed and documented that the requirements of SP-33 Revision IV Items 5:08.1.4a through c have been accomplished. Additionally, CEI letter PY-S/CON 5820 QA dated March 3, 1983, to LKC imposed a mandatory hold point on the welding of Unit 2 electrical penetrations to enable CQS to verify compliance to the SP-33 requirements.

- (5) Concern 4 stated one additional penetration was installed without specific authorization. Engineering Change Notice (ECN) 9252-33-2035 Revision A dated December 3, 1982, was issued to add penetration 1-R73-S029 to Specification SP-33.
- (6) Concern 5 stated there were discrepancies in the dates on which LKC QC inspectors uncrated penetrations and verified shipping damage. SIR SE-1387 dated February 27, 1983, resolved this concern.
- (7) Concern 6 stated LKC Nonconformance Reports were reissued under a new revision, 16 months after the original was written. This NCR related to paint damage sustained during handling. SIR-1388 adequately documents the paint scratches. The delay appears to be related to contract contractor interface problems.
- (8) Concern 7 stated rework was performed to close NCR 881. The Rework Form is not recognized as a sanctioned document in the LKC QA Program. Procedure 4.3.32 dated July 2, 1982, was developed to address Rework Forms and provide QC coverage to verify that the work performed was satisfactory. Rework No. 10339 was issued to close LKC NCR 881. NCR 881 was initiated to identify that line Item 5 on the installation checklist for penetration 1-R72-S002 was left blank (unsigned by QC inspector).
- (9) Concern 8 stated records indicate that PPP welders consumed excessive amounts of weld rod to weld electrical penetrations 1-R72-S003, S004, S007 and S019 and that no repair process sheets were used. SIR SE-1390 documents this concern.
- (10) Concern 9 stated the records indicate that even though the base metal was built-up on penetration nozzle 1-R72-S003, PPP did not generate an NCR. SIR SE-1391 documents this condition.



- (11) Concern 10 stated inadequate inspections were performed on the maintenance of electrical penetrations during storage. Region III action on this matter is addressed separately in NRC Report No. 440/83-06; 441/83-06.

c. Electrical Equipment - Task Force No. 29

CEI and LKC have initiated SIRs and IRs, respectively, on the following concerns as appropriate:

- (1) Concern 1 stated LKC Quality Control inspectors had been performing inspections and signing for acceptance of inspections outside of their areas of certification. Areas included Switchgear, Termination Cabinets, Rotating Equipment and Penetrations. Typical examples were as follows:
- (a) Inspectors who were not certified and therefore not qualified performed inspections and signed off on Class 1E Switchgear and Termination Cabinet Installations checklists.
  - (b) Inspectors who were not certified and therefore not qualified performed inspections on Stud Welding inspections Forms.
  - (c) Inspectors certified to Level I requirements performed inspections and signed off instead of Level II inspectors.
  - (d) An inspector, who was not certified in Insulation Resistance Test Reports, co-signed on inspection reports.
  - (e) Inspectors not certified in Material Receiving signed Material Receipt Reports. Nonconformance reports 1795 and 1797 were prepared on February 22, 1983. The licensee documented the above deficiencies on a Deviation Analysis Report (DAR) on February 28, 1983.
- (2) Concern 2 stated no standardized method was used to fill out Form 21 Inspection Resistance/Continuity Test Report. The forms were altered by the craft to suit their own interpretation. Often, the results were not decipherable. LKC initiated IR 5388 dated February 17, 1983. CEI initiated SIR SE-1363 and SE-1365 on February 20 and 23, 1983, respectively. LKC initiated IR 5407 dated February 16, 1983, to review and assess meggering reports performed prior to August 1982. During August 1982, training sessions were conducted to assure that LKC craft persons understand the procedural requirements. Subsequently, CEI performed audits and determined that procedural requirements were being followed.

NOTE: This item has already been discussed in NRC Item 440/83-08-01; 441/83-07-01, of this report.

- (3) Concern 2A appeared to be a duplicate of 2 above.

- (4) Concern 2B stated LKC craftsmen used the infinity symbol ( $\infty$ ) extensively instead of documenting the exact resistance reading on ohms, megohms, etc. SIR SE-1356 and LKC IR 5406 were initiated.

NOTE: NRC Item 440/83-08-01; 441/83-07-01, this report.

- (5) Concern 3 stated additional information on the documents that should govern the LKC installation of electrical equipment is not listed in Specification SP-33. SIR SE-1362 and IR 5389 dated February 25 and 17, 1983, respectively, document this concern.
- (6) Concern 4 stated all equipment packages reviewed had numerous inspections that had not been performed. SIR SE-1394 and IR 5390 dated February 23 and 17, 1983, respectively, document this concern.
- (7) Concern 5 stated a large number of original Material Receiving Reports were lost and that attempts to redocument the Receipt Inspection without any backup information are being made. SIR SE-1364 and IR 5391 dated February 23 and 17, 1983, respectively, document this concern.
- (8) Generic Concern G1 which stated there is a lack of IEEE-323 certifications on NR CQC 1226 which documents the lack of the same. There is also a problem with tracing the Conditional Releases (CRs) to the panels since most CRs are also missing. SIR SE-1287 and IR 5409 dated February 21 and 16, 1983, respectively, document this concern.
- (9) Generic Concern G2 stated forms were not properly filled out. This item has been addressed in Item 4 above.
- (10) Generic Concern G3 stated all Form 62 Warehouse Issue tickets were poor quality reproductions. SIR SE-1396 states that this concern is not a problem. The poor quality of the forms are replaced at the time of turnover by using the originals that are kept at the warehouse.
- (11) Generic Concern G4 stated many forms were missing from each equipment package. SIR SE-1395 dated February 26, 1983 documents this concern. The problem is being corrected at the time of LKC turnover review.

d. Hangers - Task Force No. 31; and Task Force No. 36; Civil - Task Force No. 13

- (1) TF-31, Concern 7 and TF-36, Concern 2 stated that there has been no calibration due date for the Magnetic Particle Test Equipment recorded on Form 70, Magnetic Particle Inspection Report, for any hangers that were Magnetic Particle Tested. The licensee determined that this concern does not impact

current or previous work using Magnetic Particle Test Yokes since calibration records show that there has been no lapse in the calibration of the four yokes owned by LKC. The inspector reviewed the calibration records for the four yokes. The records indicated that the calibration had been adequately maintained. LKC is revising Procedure 4.7.8 to incorporate a calibration expiration date on Form 70.

- (2) TF-31, Concern 11 stated that Quality Control accepted torques on Form 99 after the torque wrench calibration due date had expired. This concern was generated due to a misunderstanding of Form 99 by the Task Force reviewers. The inspector verified that Form 99 has been revised to minimize the possibility of exceeding the calibration expiration date.
- (3) TF-31, Concern 14 stated technical direction identified on drawings has been rendered illegible by the document control stamp and noted inspection documentation. The licensee determined that this concern does not affect field installation since the "as-builts" in the Records Trailer are not the drawings used for direction or instructions.
- (4) TF-32, Concern 22 and TF-36, Concern 8 stated that inspection notes were changes by an inspector other than the original inspector who documented the inspection. The licensee's corrective action does not include a generic review of hanger drawing packages and addresses one specific example. The licensee agreed to evaluate this concern during the CQS Hanger Audit.

The inspector reviewed the tentative scope of the CEI CQS Hanger Audit which will include but not be limited to:

- . A review of 700 hanger packages (approximately 25% of the total support hangers).
- . The audit is to be conducted by three auditors (1 Quality Engineer, 1 Electrical/Weld Inspector, and 1 Electrical Inspector).
- . The tentative scope did not include several of the Task Force concerns. The inspector recommends that the following concerns be addressed in the audit:

<u>TF-31</u> <u>Concern</u>	<u>TF-36</u> <u>Concern</u>	<u>TF-31</u> <u>Concern</u>	<u>TF-36</u> <u>Concern</u>
4	1	16	5
6	3	19	
8	4	20	
9	1	22	8
10	9	23	G3
11	24	10	

<u>TF-31</u> <u>Concern</u>	<u>TF-36</u> <u>Concern</u>	<u>TF-31</u> <u>Concern</u>	<u>TF-36</u> <u>Concern</u>
12, 13	13	26	11
14			14
15			G1

A 25% Field Inspection of 700 hangers for verification of welder and weld inspector stamps.

The licensee stated and provided documentation which indicated that they had performed extensive reviews, during this inspection, of all audits of contractors and all 1982 contractor correspondence. The licensee stated that based on these reviews, there was no evidence of any other contractor, working outside the QA program.

In addition, the licensee provided copies of letters dated March 2, 1983, to each of the respective safety related contractors. The letters essentially provided strong directions to all organizations to work within the established QA program.

Based on the above reviews, the above Task Force concerns now appear to be adequately controlled within the QA program. This item remains open pending verification that the respective SIRs and IRs are being properly resolved; and verification that TF-40 concerning personnel qualifications, has been properly controlled and resolved.

(Closed) Unresolved Item (440/83-06-07; 441/83-06-07): Detrimental affects of zero purge pressure on electrical penetrations. Westinghouse (the manufacturer of the penetrations) sent a letter from Mr. W. Lankenau Project Engineer dated February 17, 1983, to Mr. R. Bonner, CEI. The letter stated that the purpose of the penetration pressurization was to provide a means of determining leak rate as required by IEEE Standard 317-1976, Paragraph 5.1.3. Additionally, Westinghouse sent a telefax from Mr. W. Lankenau to CEI dated March 2, 1983, which stated in part, "It is Westinghouse's opinion that if the pressure was to drop to zero, the electrical integrity of the assembly would not be compromised..."

### 3. Functional or Program Areas Inspected

#### a. Qualification and Certification of Quality Control Personnel

To perform this inspection the following documents were reviewed:

- Ernst - Comstock QA/QC Manual
- CEI Attachment Specification (SF-709-4549-00)
- ANSI N45.2.6 (1973), Qualification of Inspection, Examination, and Testing Personnel for the Construction Phase of Nuclear Power Plants
- LKC QC Procedure No. 4.1.4, Qualification and Certification of Quality Control Personnel