

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD 83 SEP 21 12:51

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In The Matter of)

COMMONWEALTH EDISON COMPANY)

(Byron Nuclear Power Station,)
Units 1 & 2)

Docket Nos. 50-454 OL
50-455 OL

APPLICANT'S REPLY TO NRC STAFF'S
PROPOSED FINDINGS OF FACT AND CONCLUSIONS
OF LAW ON QUALITY ASSURANCE
AND QUALITY CONTROL ISSUES

Commonwealth Edison Company ("Applicant") files this Reply to the NRC Staff's Proposed Findings of Fact and Conclusions of Law on Quality Assurance and Quality Control Issues. The numbered paragraphs which follow correspond to the NRC Staff's numbered paragraphs.

Paragraphs H1-H35

No Response.

Paragraph H36

This proposed finding is somewhat incomplete. A summary of the evidence on this issue is presented at pages 28 and 29 of the Opinion portion of Applicant's proposed QA/QC findings. The evidence establishes (1) The Standard Review Plan referred to by the Staff is not applicable to Applicant's quality assurance program; (2) Notwithstanding this inapplic-

ability, Applicant's quality assurance program in fact incorporates at least six of the seven items referred to by the Staff; and (3) The seven items are considered relatively trivial by the Staff and not necessary for compliance with Commission regulations.

Paragraphs H37-H153

No Response.

Paragraph H154

The NRC Staff asserts that neither Mr. Barnhart nor Mr. Stomfay-Stitz were qualified to perform certain inspections of structural steel. Applicant assumes that the use of the term "qualified" in this context refers to the certification of the men rather than their actual capability to perform the work at issue. The NRC Staff did not testify that either Mr. Barnhart or Mr. Stomfay-Stitz were not qualified in the sense of being unable to actually perform the inspections of structural steel which they did perform. (NRC, Tr. 3724-3728.)

Paragraph H155

The NRC assertion that all structural steel bolting in the containment building and other areas is subject to 100% reinspection is somewhat misleading. It would be more precise to state that all the bolts Mr. Stomfay-Stitz claims to have inspected were double checked or reinspected. Specifically, the slotted connections examined by Mr. Stomfay-Stitz were subsequently replaced due to design changes and reinspected, and the torque of all fixed bolts examined by Mr. Stomfay-Stitz

was reviewed by Pittsburgh Testing Laboratory. (Applicant's Proposed Findings 675-676.)

Paragraph H156

The NRC statement that Mr. Stomfay-Stitz was not "qualified" to perform structural steel inspections should be construed to refer only to his lack of certification, and not to his lack of ability. The evidence as a whole indicated that Mr. Stomfay-Stitz was capable of performing the limited tasks involved in bolting-in. (Applicant's Proposed Findings 670-764.)

Paragraphs H157-H171

No response.

Paragraph H172

The NRC Staff asserts that Mr. Stomfay-Stitz believed his superiors actually performed inspections on goods received while he was absent "until he became disillusioned." This should not be construed to mean that inspections were not always performed. Mr. Stomfay-Stitz never testified that he ever doubted that these inspections had been performed; rather his disillusionment led him to feel that he should question everything his superiors told him to do. (Stomfay-Stitz, Tr. 3236-3237.)

Paragraphs H173-H188

No response.

Paragraph H189

The NRC Staff stated that Mr. Gallagher "assumed that the bad aggregate problem was solved after he left the site." Such a statement is susceptible to various interpretations.

Actually, Mr. Gallagher testified that he assumed during his tenure at Byron that the aggregate was satisfactory, and that since leaving the site he has not learned of anything to change that assumption. (Gallagher, Tr. 3514-3516.)

Paragraph H190

No response.

Paragraph H191

The NRC Staff inaccurately states that Mr. Gallagher alleged that water in excess of specifications was added to concrete batches. On cross-examination this witness explained that he was not claiming that excessive water was added, only that water was added surreptitiously. (Applicant's Proposed Finding 606.)

Paragraphs H192-H198

No response.

Paragraph H199

The NRC asserts Blount Brothers QA controlled the addition of water to concrete at placement areas. The record also indicates, however, that PTL technicians were also present at the placement site and also supervised the addition of water. (Tallent & Johnson, Tr. 3978.)

Paragraphs H200-H232

No response.

Paragraph H233

The NRC Staff correctly quotes Mr. Somsag as stating that Audit 059-3 showed QCWI's were not inspecting for the location of supports. A more precise statement of the Audit

itself is that QCWIs were not properly accepting as-built data. (Smith, Intervenors' Prepared Testimony, Ex. C, 9-10, ff. Tr. 3243.)

Paragraphs H234-H244

No response.

Paragraph H245

The NRC Staff asserts that a formal inspection program which included M916 design tolerances and documentation of as-built data began following Audit 059-3. The record, however, indicates that an inspection program which included the M916 tolerances did exist at the time of Audit 059-3; Hunter Corporation production personnel were aware of M916 and documented its use, albeit at times incorrectly, in 4 of the 5 component supports reviewed in the initial Audit 059-3. A more formalized inspection program was implemented subsequent to Audit 059-3 and the NRC Staff's March, 1980 recommendations. (Applicant's Proposed Findings 550-553, 557-558.)

Paragraphs H246-H252

No response.

Paragraph H253

The NRC Staff asserts the follow-up to Audit 059-3 examined 50 component supports. Mr. Smith testified that in this follow-up audit he and Mr. Zeise only reviewed the five supports involved in the initial audit. (Smith, Tr. 3387.)

Paragraph H254-H293

No response.

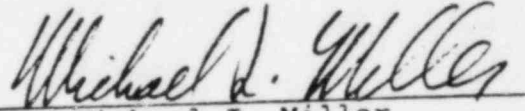
Paragraph H294

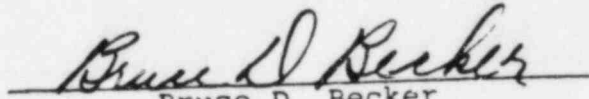
The NRC Staff's claim that Mr. Smith did not observe the signing-off of inspection reports is incorrect. Mr. Smith stated that he "witnessed" the initialing of documents by a person who did not perform the inspection. (Smith, Tr. 3427.)

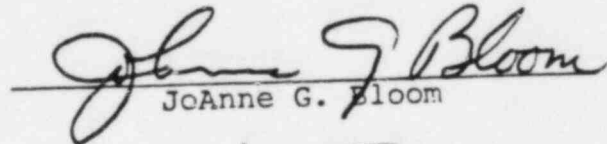
Paragraph H295

No response.

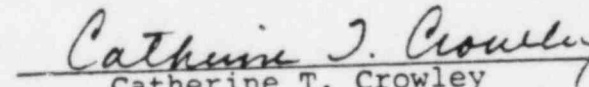
The foregoing document, "Applicant's Reply to the NRC Staff's Proposed Findings of Facts and Conclusions of Law on Quality Assurance/Quality Control Issues" is respectfully submitted by the undersigned attorneys for Commonwealth Edison Company.


Michael I. Miller


Bruce D. Becker


JoAnne G. Bloom


Mark C. Furse


Catherine T. Crowley

ISHAM, LINCOLN & BEALE
Three First National Plaza
Chicago, Illinois 60602
(312) 558-7500
#90405

Dated: September 16, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

COMMONWEALTH EDISON COMPANY

(Byron Nuclear Power Station,
Units 1 & 2)

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CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Commonwealth Edison Company, certifies that he filed the original and two copies of each of the attached "APPLICANT'S REPLY TO INTERVENORS' PROPOSED FINDINGS OF FACTS AND CONCLUSIONS OF LAW ON QUALITY ASSURANCE/QUALITY CONTROL", and "APPLICANT'S REPLY TO THE NRC STAFF'S PROPOSED FINDINGS OF FACTS AND CONCLUSIONS OF LAW ON QUALITY ASSURANCE/QUALITY CONTROL ISSUES" with the Secretary of the Nuclear Regulatory Commission and served copies of each on the persons and at the addresses shown on the attached service list. Service on the Secretary and all parties was made by deposit in the U.S. Mail, first-class postage prepaid, this 16th day of September, 1983.

Mark C. Furse

One of the attorneys for
Commonwealth Edison Company

ISHAM, LINCOLN & BEALE
Three First National Plaza
Chicago, Illinois 60602
(312) 558-7500
Firm Code 90405

SERVICE LIST

COMMONWEALTH EDISON COMPANY -- Byron Station
Docket Nos. 50-454 and 50-455

Mr. Ivan W. Smith
Administrative Judge and
Chairman
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Richard F. Cole
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

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

Chief Hearing Counsel
Office of the Executive
Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. A. Dixon Callihan
Union Carbide Corporation
P.O. Box Y
Oak Ridge, Tennessee 37830

Mr. Steven C. Goldberg
Ms. Mitzi A. Young
Office of the Executive
Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

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

Secretary
Attn: Chief, Docketing and
Service Section
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Ms. Betty Johnson
1907 Stratford Lane
Rockford, Illinois 61107

Ms. Diane Chavez
SAFE
326 North Avon Street
Rockford, Illinois 61103

Dr. Bruce von Zellen
Department of Biological
Sciences
Northern Illinois University
DeKalb, Illinois 60115

Joseph Gallo, Esq.
Isham, Lincoln & Beale
Suite 840
1120 Connecticut Ave., N.W.
Washington, D.C. 20036

Douglass W. Cassel, Jr.
Jane Whicher
BPI
Suite 1300
109 N. Dearborn
Chicago, Illinois 60602

Ms. Patricia Morrison
5568 Thunderidge Drive
Rockford, Illinois 61107

Mr. David Thomas
77 South Wacker
Chicago, Illinois 60621