

December 8, 1983

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

'83 DEC 13 A11:32

In the Matter of
CLEVELAND ELECTRIC ILLUMINATING
COMPANY, Et Al.
(Perry Nuclear Power Plant,
Units 1 and 2)

Docket Nos. 50-4000-
50-441 BRANCH
(Operating License)

AMENDMENT TO MOTION TO REOPEN THE RECORD ON COMSTOCK ISSUES

On November 25, 1983, Ohio Citizens for Responsible Energy ("OCRE") filed a Motion to Reopen the Record on Comstock Issues requesting that the Board reopen the record for the limited purpose of receiving affidavits concerning allegations raised by former Comstock inspectors. The motion was based on two news articles (and supplemented by letter of November 30 with a third news article). OCRE proposed that the Board utilize the Office of Investigations as its investigatory arm to take affidavits from these persons.

OCRE now submits another news article (attached) in support of its motion. ^{1/} Because the allegations raised therein concern a different contractor and are much broader in scope than those in the three previous articles, OCRE finds it necessary to amend some of the particular requests in its motion.

OCRE now believes that, rather than having OI take affidavits, justice ^{2/} and expediency might be better served by having the Board conduct an in camera

^{1/} Although the Board limited Issue 3 to CEI's control of its electrical contractor (see Memorandum and Order (Procedural Objections and Staff Witness Question), August 30, 1983, and Tr. 1464-65), OCRE respectfully suggests that that ruling was not based upon evidence in the record (nor could it have been, as the ruling served "the purpose of limiting cross-examination," Id.) and clearly contradicted the plain language in LBP-82-114 setting forth the four issues of fact set for trial. This matter notwithstanding, OCRE trusts that the Board will reopen the record to include all serious issues (of which Staff and Applicants were apparently unaware) raised by Perry workers, regardless of their relevance to the Comstock issue.

^{2/} Expediency is necessary as these inspectors may not stay in the area
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exploratory hearing at which Perry workers can, without fear of publicity, reveal their concerns, under oath, to the Board. All such persons appearing would be considered Board witnesses.^{3/} This exploratory hearing would serve to alert the Board to issues for consideration in later evidentiary hearings. There is precedent for this action in the rulings of the Catawba Licensing Board; that Board is now holding such hearings and ordered the applicant, Duke Power Co., to post notices in the Catawba plant urging workers to come forth with their concerns.

Accordingly, OCRE moves that the Licensing Board:

- (1) conduct an in camera exploratory hearing, as described above, in Painesville, Ohio no later than 60 days from this date;
- (2) Order Applicants to post notices of said hearing at least 30 days prior to the hearing date throughout the Perry construction site, emphasizing the in camera nature of the hearings and requesting workers to appear, and encouraging persons unable to attend the hearings to send written statements to the Licensing Board under promise of confidentiality, if requested;

2/ CONTINUED long after their employment at the Perry site has ceased. An OI investigation may not proceed swiftly enough to avoid this problem. Furthermore, OI represents an extra step between the Board and the potential witnesses that may not be necessary and can only serve to cause delay. It is imperative that this Board have a complete and full record on which to decide the issues. This is demonstrated by the Partial Initial Decision on QA (issued December 2, 1983), in which the Board adopts Applicants' conclusion that "the uncontradicted evidence is that Applicants' quality assurance program has prevented, and will continue to prevent, unsafe conditions at the plant." (Slip op. at 56, emphasis added.) It is incumbent upon this Board to seek evidence to the contrary when public allegations suggest that it exists, and to facilitate the appearance of these witnesses, who, for fear of retaliation, might not come forward, absent special protection from the Board.

3/ Persons testifying at the exploratory hearing need not be compensated as suggested in OCRE's original motion unless their appearance causes them to miss work or to incur unusual travel expenses. Some hearing sessions should be held at times convenient to potential witnesses, e.g. on evenings or weekends.

(3) Cause to be published in newspapers in Cleveland and Lake Co, Ohio and Erie, Pennsylvania^{4/} a notice of the hearing of the same general content as the notices to be posted in (2) above;

(4) Order Applicants to release to the Board alone the names and addresses of all inspectors (CEI and contractor) whose employment at Perry has ceased within the last 12 months, and send to these persons a notice of the hearing and a letter explaining the purpose and circumstances of the hearing and specifically requesting their appearance.

Respectfully submitted,

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4/ Many Perry workers commute from Erie.

Inspector says bad welds OK'd at Perry plant

By Bill Sammon

News-Herald Staff Writer

A former inspector at the North Perry Village nuclear power plant told federal officials last night he approved thousands of faulty welds that could lead to a serious nuclear accident at the plant.

Richard Wade, 48, of Madison Township, also said he and other workers were given the answers to dozens of tests that had to be passed before the men were certified as inspectors.

Wade met with U.S. Nuclear Regulatory Commission officials at Country Inn in Mentor to tell of gross safety and security violations and widespread corruption at the plant. Wade, who has been an inspector for 30 years at various nuclear power plants across the country, was fired for "incompatibility" 16 days ago from Johnson Controls Co., a major contractor at the plant, he said.

A spokesman for the Cleveland Electric Illuminating Co., which is building the \$5.2 billion plant, said Wade's allegations will be investigated but faulted him for not coming forward sooner with the complaints.

"He had a moral obligation, if he was aware of these concerns, to report them to the proper authorities," said CEI spokesman Glenn W. Heffner Jr. "Why didn't he come forward before?"

Wade said he didn't come forward for fear of losing his job, which he began Oct. 4.

"If you even raise a question on something, you're done, you're finished, the same day," Wade said.

Wade made the following allegations during interviews with the News-Herald before and after his meeting with the NRC:

- Workers "overwelded" thousands of joints on a hydraulic piping system that pushes control rods into a nuclear reactor. More than twice the needed metal was used in the welds, so the piping is excessively stressed and could break, "which could lead to a total meltdown." A meltdown is an uncontrolled nuclear reaction that actually melts the core of a nuclear reactor, generating deadly levels of radiation,

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- Before he and others took certification tests to become inspectors, Johnson officials gave them answer sheets, hoping to certify inspectors who could not recognize faulty construction. Last night, Wade gave the NRC officials some 20 pages of answer sheets that contained hundreds of answers to test questions.

- Workers for Johnson and other contractors are routinely paid for many hours they don't work and days they don't show up at the plant. When they do work, they create intentional, costly construction delays in an effort to prolong their jobs, which will be eliminated when the plant is complete.

- Security at the plant is appallingly bad, especially in comparison to nuclear plants Wade has worked at in Michigan, Louisiana, New Hampshire and New Jersey. "Anybody can walk into Perry," Wade said. "Nobody knows who's in that plant and who's out of that plant."

Heffner said any bad welds would probably have been noticed during a recent, extensive inspection in which the NRC OK'd 8,000 welds throughout the plant. Heffner also defended the plant's security system.

Jack Bushnell, Johnson's project manager at the plant, said, "If there's anyone passing out answer sheets I'm sure we'll find out about it and dismiss any person involved."

Concerning the allegations of pay without work, Bushnell said, "Our policy is to work people and get eight hours work for eight hours pay."

NRC spokesman Jan Strasma said Wade is the latest in a "rash" of quality control inspectors who have come forward in recent weeks with grave complaints about the plant. The former inspectors, which include several from Comstock, are being interviewed this week by three NRC reactor inspectors who arrived in Lake County from Chicago Tuesday, Strasma said. They are not expected to comment on the issue for at least two weeks.

"If there is some sort of violation involved, we will take the appropriate action," Strasma said. "As far as whether guys are loafing on the job, that's not our jurisdiction."

Wade began working at the plant for \$15.57 an hour. He said he thinks he was fired for raising too many questions at the plant. He said he was told he did not get along with his bosses and fellow workers.

COLLEEN
WOODHEAD

CERTIFICATE OF SERVICE

'83 DEC 13 A11:33

This is to certify that copies of the foregoing were served by deposit in the U.S. Mail, first class, postage prepaid, on the _____ day of _____, 1983 to those on the service list below.

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