

Order; see discussion on page 15 of that pleading). CASE does not believe it can be considered "minor" when the NRC makes statements such as the following (which are taken from the 2/28/83 cover letter to the inspection report and discussed further in the body of the report):

"The discoveries at the Comanche Peak facility of weld defects in components which had been previously inspected and accepted at the vendor facilities by Texas Utilities Generating Company (TUGCO) personnel raise concerns in regard to compliance of TUGCO source surveillance activities with the requirements of Criterion VII of Appendix B to 10 CFR Part 50." It is stated that the utility has retained "for training purposes ... a consulting firm with specific expertise in the field of ASME and AWS welding requirements. This action does not in itself, however, fully resolve present NRC concerns in regard to the scope and overall effectivity of the TUGCO source surveillance program.

"... our review of TUGCO vendor QA records for this manufacturer (CB&I) showed that approximately 90 percent indicated unacceptable vendor inspection performance for the time period of 1980 through 1982. This vendor had, however, been denoted by your rating system as having an acceptable performance for 1980 and 1981.

"The results ... bring into question whether current surveillance practices sufficiently address vendor inprocess activities, and whether the TUGCO vendor performance measurement system gives a sufficient weighting to significant identified product deficiencies and deficiencies of a recurring nature. . ."

(-- Emphases added.)

The strong wording of this inspection report does not correspond to the "minor" categorization given it. A reading of the report confirms Mr. Atchison's concerns and clearly indicates that the specific problems which he identified are only one example of a continuing, pervasive problem at Comanche Peak.

CASE urges that the Board, at a minimum, admit Inspection Report 82-25/82-13 into evidence in these proceedings and that the Board consider it when it makes its determinations regarding Contention 5.\*\*\*

\*\*\* See footnote \*\*\*\* on page 21 of this pleading. Because of the wording of the Board's 1/4/83 Memorandum and Order, CASE has not previously requested that CASE Exhibit 849 (Inspection Report 50-445/82-25, 50-446/82-13) be admitted into evidence, since it appears to be in the same category as CASE Exhibits 735, 736, 739, and 737. It is not clear whether hearings regarding these matters will be held; if not, CASE believes that the Board should at a minimum accept CASE Exhibits 735, 736, 737, 739, and 849 into evidence and consider them in its decision on CASE's Contention 5.

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Because of the NRC's wording, CASE believes it is necessary to have hearings regarding this matter. At a minimum, CASE urges that the Board admit Inspection Report 82-14 (CASE Exhibits 735, 736, and 739) and Inspection Report 82-22 (CASE Exhibit 737) into evidence in these proceedings and that the Board consider them when it makes its determinations regarding Contention 5.\*\*\*\*

Uncertified employees performed liquid penetrant testing. Left as an open issue (7/29/83 Proposed Decision, page 42), then closed by 9/23/83 Order, based on the testimony of Applicants' witness Thomas Brandt. See CASE's comments, middle of page 4 of this pleading. See also page 16, top of page, this pleading, under Craft person was involved in performing quality assurance liquid penetrant inspections on the fuel pool liner. In addition, Mr. Atchison does not agree with the Board's assessment or Applicants' statements.

Intimidation, harassment, and threatening of quality control inspectors (which relates to the issue of management's commitment to the quality control program) was left open (7/29/83 Proposed Decision: page 22; page 41).

This is the subject of an ongoing NRC Office of Investigation (OI) investigation. It is CASE's understanding that the report on the allegations made by Bill Dunham is due out any day now, and we assume that it will contain the OI's findings regarding this issue insofar as it pertains to protective coatings QC inspectors. We are not certain when OI's report will be out regarding other than Protective Coatings Inspectors. However, it is our understanding that the Board is interested not just as it relates to Protective

\*\*\*\* CASE previously attempted to have CASE Exhibits 735, 736, and 739 admitted into evidence (see CASE's 12/14/82 Motion to Supplement CASE's Exhibits, and Board's 1/4/83 Memorandum and Order), and asked that the Board consider CASE's 12/21/82 Brief in Opposition to the NRC Staff's Exceptions to the Atomic Safety and Licensing Board's Order Denying Reconsideration of September 30, 1982. The Board deferred ruling on our exhibits "until the evidentiary hearing is resumed" and declined to consider our 12/21/82 Brief in making its 1/4/83 ruling. We still will ask that the Board consider our 12/21/82 Brief as part of our final Proposed Findings, and again ask that CASE Exhibits 735, 736, and 739 be admitted; further, we ask that CASE Exhibits 737 (see above) and 849 (see discussion on pages 18 and 19 preceding) be admitted.