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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD 84 APR 17 P2:00

In the Matter of

TEXAS UTILITIES GENERATING
COMPANY, et al.

(Comanche Peak Steam Electric Station
Station, Units 1 and 2)

OFFICE OF SECRETARY
DOCKETING & SERVICE
Docket Nos. 50-445-1 and
50-446-1

CASE'S RESPONSE TO APPLICANTS' PLAN TO
RESPOND TO MEMORANDUM AND ORDER
(QUALITY ASSURANCE FOR DESIGN)

On March 13, 1984, Applicants filed their Supplement to Applicants' Plan to Respond to Memorandum and Order (Quality Assurance for Design). As CASE understands it, Applicants' Supplement was necessary because of comments the Licensing Board made at the close of the 2/24/84 hearing session (Tr. 10,337-39), wherein the Board expressed its concerns regarding Applicants' original Plan and stated:

"If . . . the plan fails to succeed in producing that level of confidence, we do not anticipate another opportunity to do the design review that we requested as an additional way of giving us confidence. That matter would then fall before the Appeal Board."

CASE filed a partial answer to Applicants' original Plan on 2/10/84 /1/, and on 3/5/84 we filed our answer to their original Plan /2/. We believe that our earlier pleadings express CASE's views of Applicants' original Plan.

/1/ CASE's 2/10/84 Partial Answer to Applicants' Plan to Respond to Memorandum and Order (Quality Assurance for Design).

/2/ CASE's 3/5/84 Answer to Applicants' Plan to Respond to Memorandum and Order (Quality Assurance for Design).

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CASE is filing this response to Applicants' Supplement within the twenty-day time period provided for in the Board's 12/28/83 Order (excluding the week-end immediately prior to hearings and the week of hearings).

We see little in Applicants' supplement to alleviate our concerns or change our views. In fact, there have been other recent indications that our concerns were well founded. We call the Board's attention specifically to the 10 CFR 2.206 petition and related documents filed by the Government Accountability Project (GAP) on March 19, 1984, on behalf of CASE, GAP, and workers and former workers who have come forward with their concerns. Included in those documents was a request for an immediate halt in construction and suspension of the construction permit for Comanche Peak until such time as an NRC special inspection team made up of NRC investigators and inspectors from across the country who have "experience in determination of design/construction problems at near-completed facilities" has an opportunity to investigate the concerns raised. It is CASE's understanding that a special NRC inspection team, headed by Darrell Eisenhut, NRC Director of Licensing, Washington, D.C., made a surprise visit to the Comanche Peak site on Tuesday, April 3, to investigate allegations of improper construction practices at the plant. Although to CASE's knowledge there has been no official word regarding the surprise visit, public statements by the NRC Region IV Administrator indicate that the inspection team found "deficiencies" in the plant's document control center. (See attached 4/6/84 FORT WORTH STAR-TELEGRAM article.)

Of special interest to CASE is the public statement by the NRC Region IV Administrator that the special inspection team does not include Region IV inspectors. (See attached 4/6/84 DALLAS TIMES HERALD article.) As the Board is aware, CASE has long sought an independent investigation/inspection by NRC personnel outside the Region IV office. If the newspaper article is correct, this increases CASE's optimism regarding the team's ability to identify problems which exist at the plant. Obviously, if the newspaper articles are correct and deficiencies have indeed been found in the document control center, this may raise further questions regarding Cygna's independent assessment program at Comanche Peak. As further information regarding the inspection team's findings becomes available, it may be necessary to pursue this matter further insofar as it applies to Cygna's report.

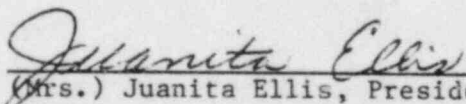
In addition, there are other recent developments which are pertinent to these matters. One is that the NRC Staff at the national level has expressed concerns regarding certain aspects of Cygna's independent assessment program at Comanche Peak; and a meeting between the Staff, Applicants, and Cygna is currently scheduled for April 19, 1984, in Bethesda, to discuss these matters. The results of that meeting may also have importance for our hearings on the Cygna Report.

And finally, there may be additional pertinent information regarding Cygna's abilities and handling of the independent assessment program to be found in the concerns raised by the NRC's Isa Yin in the Diablo Canyon hearings. CASE is not certain at this time whether or not the deficiencies

and problems identified by Mr. Yin parallel those at Comanche Peak. However, we will be reviewing the information coming from Diablo Canyon with interest, and will take whatever action seems appropriate at a later time.

CASE just received the NRC Staff's 4/6/84 Comments /3/ today as we were preparing our response, and we note that we also share the concerns expressed by the Staff in items II.A., B., C., and D. However, while we are aware that the Board cannot prejudge, we believe that it will be absolutely necessary for the record to be held open (barring unforeseen developments) for the receipt of evidence on the multi-discipline review. We point this out at this time so that the Board and parties can be considering it when considering scheduling and time required for hearings.

Respectfully submitted,



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/3/ NRC Staff's 4/6/84 Comments on Supplement to Applicants' Plan to Respond to Memorandum and Order Quality Assurance for Design.

Fort Worth Star-Telegram

Friday, April 6, 1984

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PRICE 25¢

Flaws found in nuclear plant documentation

By BRUCE MILLAR
Star-Telegram Writer

A surprise inspection at the Comanche Peak nuclear power plant revealed deficiencies in a key plant record-keeping area, but federal officials declined Thursday to disclose details of the problems or their importance.

An inspection team led by Darrell Eisenhut, director of the licensing division of the U.S. Nuclear Regulatory Commission, found "deficien-

cies" in the plant's document control center, an area that is the target of two investigations by the NRC and plant owners.

Eisenhut supervises an NRC task force assigned to check allegations of unsafe construction at the plant, which is under construction 45 miles southwest of Fort Worth.

John Collins, administrator of the NRC's regional office in Arlington, said it would be "presumptuous" for him to elaborate on the results of the

inspection. The deficiencies that were cited were preliminary inspection results and NRC officials have not determined if they are significant, he said.

"I wouldn't call them problems. We identified some deficiencies in a short period of time," Collins said.

Accompanying Eisenhut and Collins on the inspection Tuesday were Mike Spence, president of plant operator Texas Utilities Generating Co., and TUGCO Executive Vice

President Lou Fikar.

Plant owners were unaware of the deficiencies until questioned by a reporter, said Dick Ramsey, spokesman for plant owner Texas Utilities Co. "We just don't have any idea what they might be," he said.

Ramsey said plant officials would not know details of the inspection until a final report is issued.

Clyde Wisner, spokesman for the NRC in Arlington, said that it was "lenient" for Collins to tell a reporter

even the preliminary results of an inspection. NRC officials are forbidden to make public statements about inspections until a final report is issued, he said.

The plant's document control center has been at the heart of a continuing controversy since February.

Former documents control supervisor Dobie Hatley said in a sworn statement released Feb. 14 that plant officials were given notice of

records to be requested for a review of document control and the accuracy of design drawings. The review was part of a design review by consultants Cygna Energy Services Inc. of San Francisco.

Hatley also said in a statement submitted to the U.S. Atomic Safety and Licensing Board that plant supervisors violated procedures for maintaining accurate records of design drawing changes.

Please see Nuclear on Page 8

Nuclear plant records flawed, officials say

Continued from Page 1

Some plant areas have 50 or more design changes. Maintaining accurate records of each change is critical to plant safety. Without clear records documenting each change, the NRC does not have assurance that the plant has been designed and built correctly.

Utility officials denied Hatley's allegations and ordered an internal investigation.

Two weeks ago, a Washington, D.C., government watchdog group petitioned the NRC to halt construction at Comanche Peak. The group, the Government Accountability Project, said tampering with plant documents had been widespread.

"Our sources indicate that documents are being altered and shunted around in a wholesale manner as the company scrambles to erase traces of falsification, mismatching and other problems with documentation," a project investigator wrote to the NRC.

NRC administrator Collins said there is no basis for reports being circulated among plant workers that construction would be halted because of document control problems.

"I think there is a lot of concern on the part of workers, based on hearsay, that the plant will be closed down," Collins said. "There is absolutely no validity to the statement that the plant will shut down next week."

Collins said the surprise inspection was the first planned by the task force. The inspections will cover the document control center, quality assurance and the installation and testing of equipment.

The task force was created three weeks ago to consolidate a series of NRC investigations into a number of safety-related questions, including accusations made against Comanche Peak by several former quality control inspectors. Some of those allegations date to 1982.

Dallas Times

FRIDAY, APRIL 6, 1984

Herald

25 Cents

NRC launches probe at Comanche Peak

By JACK BOOTH
Staff Writer

Under orders from top officials of the Nuclear Regulatory Commission, a team of inspectors this week began a surprise investigation of widespread allegations of improper construction practices at the Comanche Peak nuclear plant.

The investigation, which could determine the outcome of licensing hearings for the plant near Glen Rose, began Tuesday when the inspectors showed up unannounced and began interviewing employees at the plant's document control center. The document center had been the focus of recent

allegations that safety records have been destroyed or altered in an effort by the company to cover up construction flaws.

Headed by Darrell Eisenhut, director of licensing in the NRC's Washington, D.C., headquarters, the group of about seven inspectors also is examining a number of other allegations made by current and former workers at the plant, according to an NRC spokesman.

The results of the sweeping investigation will be used in hearings on licensing the plant that will continue through the summer.

John Collins, administrator of the NRC's Region IV office in Ar-

lington, confirmed that the team does not include Region IV inspectors, who have been widely criticized by former plant workers for allegedly being hostile to whistle-blowers who have pointed out problems at the plant.

Plant spokesman Dick Ramsey said the utility "welcomes the opportunity for (the NRC) to see that there are no problems."

Many of the more recent charges of improper construction activities were contained in sworn affidavits given to the NRC office in Washington by the Government Accountability Project, a

See COMANCHE on Page 11

DALLAS TIMES HERALD, Friday, April 6, 1984.

A-11

NRC investigators quiz plant's document workers

COMANCHE — From Page One

Washington-based group that represents whistle-blowing workers at nuclear plants throughout the country.

As a condition for providing the affidavits, GAP representative Billie Garde specified that the current and former workers would not talk to any inspectors from Region IV.

Region IV inspectors also were

criticized in recent national NRC audits for either covering up problems or performing inadequate inspections and for revealing the name of a whistle-blower.

The allegations brought forward by GAP include claims that repairs were made illegally, that unacceptable construction materials were used after documents were altered, that plant officials were tipped off in advance about

NRC inspections, and that documents have been lost or falsified on a recurring basis.

The team inspection, which Collins said will last "as long as is necessary to make findings on the allegations," was launched after GAP made an appeal to the five NRC commissioners on March 19 to order an immediate halt to work at the plant and to take steps to protect plant records.

"Our sources indicate that docu-

ments are being altered and shuttled around in a wholesale manner as the company scrambles to erase traces of falsification, mismatching and other problems with documentation," the GAP letter said.

Ramsey, a spokesman for the Texas Utilities Generating Co., the consortium of six utilities that own the plant, said he was confident that the inspection of the

document center will "put to rest some of the rumors that have been circulating from various sources, the ones about the panic."

The special investigation by Eisenhut's team also follows a federal licensing board's warning that the plant's operating license will be denied unless a new design review commissioned by the utility resolves the board's concerns about the project's design.

In that warning, Peter B. Bloch, chairman of the U.S. Atomic Safety and Licensing Board that oversees Comanche Peak, said the study — the second commissioned by the utility — will be the last chance to convince the board.

The NRC commissioners will rule on the plant's license request after receiving a recommendation from the licensing board.

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USNRC

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NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD & SERVICE
OFFICE OF SECRETARY
BRANCH

In the Matter of	}}	
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TEXAS UTILITIES ELECTRIC	}}	Docket Nos. 50-445-1
COMPANY, <u>et al.</u>	}}	and 50-446-1
(Comanche Peak Steam Electric	}}	
Station, Units 1 and 2)	}}	

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of
CASE's Response to Applicants' Plan to Respond to Memorandum and Order
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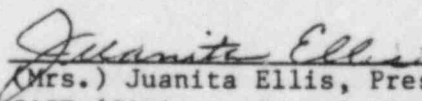
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