



RELATED CORRESPONDENCE

AIR and WATER Pollution Patrol

BROAD AXE, PA.

April 25, 1984

U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

DOCKETED
USNRC

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BEFORE THE SAFETY AND LICENSING BOARD

In The Matter Of
PHILADELPHIA ELECTRIC COMPANY
(Limerick Generating Station,
Units 1 and 2)

Docket Nos. 50-352
and 50-353

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

AWPP RESPONSE TO "STAFF MOTION TO STRIKE TESTIMONY OF AIR
AND WATER POLLUTION PATROL CONCERNING CONTENTION VI-I"

AWPP regards, as stated in its Testimony submitted April 16, 1984 that the Contention VI-I involves four aspects namely, (1) Failure to properly control performance of certain welding, (2) failure to properly inspect certain welding in accordance with Quality Control and Quality Assurance procedure, (which AWPP considers partially results from improper sampling and auditing), (3) failure to take proper and effective corrective action when improper welding was discovered, because of inadequate concern for specified procedure, and (4) failure to take proper preventive actions when improper welding was discovered because of breakdown in Quality Assurance. In total AWPP interprets the wording of the Board as more than just improper welding not discovered by inspectors and not dispositioned properly.

While AWPP (Romano) was not able to obtain witnesses in welding itself, because of fear of reprisal or loss of jobs, Mr. Romano has experience in Quality Control and Quality Assurance, and indicated such in testimony relating to Contention V-4.

AWPP states the elements of Quality Control and Quality Assurance are essentially similar as it relates to adherence to specified, tested, and proven procedure, properly detailed in 10 CFR Appendix b to insure no deviation of workmanship, performance, inspection and corrective action...so that there is no deviation from results desired. Applicant has deviated from procedures (see page 99 line 11 to 14 of 3/15/84 deposition of Mr. Boyer and Mr. Clohacey). Hundreds of NRC IE reports attest & 100, line 6, 23



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AWPP Response To "Staff Motion To Strike" continued:

to the fact that the Applicant not only many times, improperly deviated from specified procedure, but even changed procedures arbitrarily, which Mr. Boyer states is use of "judgement". The use of judgement in the manner in which Mr. Boyer has inferred is contrary to Quality Control and Quality Assurance. (See page 99-100 of March 15, 1984 AWPP Deposition.

Further, as an EPA approved laboratory director of an EPA approved laboratory, I am subject to Quality Control and Quality Control regulations. The essence of Quality Control and Quality Assurance, therefore, is inherent in the type of consideration in which I have²⁵ years of experience. (See page 3 at *)

Further, Quality Assurance does involve the performance capability of welders, and the Board rightfully sought persual of a dangerous situation involving welding fraud known to have been practiced elsewhere. The Staff should seek to include the scrutiny of the Board for the safety of the public and the elimination of such criminal practice. The Staff should support this scrutiny.

The Staff states AWPP (Romano) did not file Dr. Iverson's professional qualifications. However, AWPP did state Dr. Iverson was a Professor of Statistics at Swarthmore College. Dr. Iverson obtained his PhD in statistics from Harvard, was certified as a expert witness in Federal Court and certainly qualifies to testify on whether or not certain samplings (of welds) and audits met the scientific standards to assure highest probability of validity in making conclusions from sample observations made, as it assures or does not assure the highest degree of public safety. Only with scientific sampling and auditing of the weld population can the crucial aspects involved in assuring safe construction receive severe examination. The admitted use of "judgement" by inspectors and even as Mr. Boyer



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March 15, 1984 AWPP-Applicant Deposition).

To permit an expert, Dr. Iverson, to testify on the validity of Applicant's audits upon which conclusion of proper workmanship and corrective action is based, which apparantly has not been done at Limerick, is to be honest with the real world of reactor construction as it may affect the safety of millions. Bechtel Corporation's record at Midland, and recent disclosure of Bechtel Corporation's Korean scandal merits closer scritiny of its work at Limerick. AWPP challenges the auditing process and the Applicant's auditors capability as to statistically proper methods, as it can impinge on public safety.

The final test of proper or improper welding performance and proper or improper correction of infractions fully involves sampling and auditing. The numerous NRC reports that raise questions of assurance of ultimate performance requires a severe challenge. Such a challenge can only come from an inspection of auditing practices used by Applicant and Staff. This can only be done via an independent scientific analysis of the Limerick weld sampling and auditing procedure by a qualified expert statistician, such as Dr. Iverson's scrutiny can provide.

Respectfully submitted,
~~AIR & WATER POLLUTION PATROL~~
Frank R. Romano, Chairman

FRR/jch

* While Staff sought to limit my experience to studies of air and water which I submitted as pertinent qualifiactions in testimony for Carburetor Ice (V-4), my experience is broadly across chemical analysis, for example, analysis of brass and bronze and welding rod analyses for the United States Navy Department.

We certify the above has been served on the latest Service List.

1 this same welder could have, as he had, taken
2 liberty to modify procedures, could have on many
3 other occasions taken liberty and did improper
4 welding?

5 MR. BOYER: Your statement was that it
6 was an improper procedure. In the welder's view
7 it was appropriate and proper. There was no
8 specific procedure which said that he could not use
9 that type of access to the weld... *but do you mean*

10 *how to do it or what NOT to do or why to do?*
MR. ROMANO: Well, I thought we went
11 through this, did we not, that the extension had to
12 be designed and manufactured so as to enable him to
13 do the weld properly?

14 And then, you know -- and then --

15 MR. BOYER: In his opinion, he was using
16 a suitable extension.

17 MR. ROMANO: We're back again to whether
18 an individual welder can determine through his own
19 opinion rather than specify procedure what he will
20 do.

21 And I think again -- I say says something
22 about quality assurance -- is the big key situation
23 that we're discussing.

24 MR. BOYER: That's right. It was detected --

1 Do you do or do the inspectors do random
2 sampling or do they do sampling based on statistical
3 scientific procedure?

4 MR. WETTERHAN: I think that is confusing.
5 Are you talking about inspectors or auditors?

6 MR. ROMANO: Well, do inspectors make
7 audits and in those audits take samples, do they
8 randomly take samples or do they use scientific
9 statistical procedures to be sure that they have
10 proper representation of the welding population?

11 MR. CLOHECY: As auditors performing our
12 audits, we have done both. We have used judgment
13 and we have used standards. It depends on the
14 situation.

15 MR. ROMANO: Where would you use judgment
16 and on what basis do you use judgment?

17 MR. CLOHECY: I would appreciate it you
18 would be a little more specific in your question.

19 MR. ROMANO: You said you used judgment
20 at times in how many samples you take.

21 MR. CLOHECY: Yes, I answered this question.

22 MR. ROMANO: And I asked you when do you
23 use -- on what basis do you use judgment?

24 MR. CLOHECY: Okay. We answered a similar

1 and related question in one of your earlier
2 interrogatories.

3 MR. ROMANO: No. Just tell me now.

4 What basis do you use when you make a
5 decision you're going to use your judgment on this?

6 MR. CLOHECY: It's the judgment of the
7 auditor and the auditor's field branch head as to
8 what sample size or what items should be audited.

9 MR. ROMANO: What basis do you use for
10 when you're going to do that?

11 MR. CLOHECY: It's the judgment of a
12 qualified auditor.

13 MR. ROMANO: In other words, he can make
14 that judgment any time he wants without, you know,
15 qualification, without checking it with anyone else?

16 MR. CLOHECY: It's approved by supervision.

17 MR. ROMANO: Why isn't a statistical
18 procedure used rather than random judgment by an
19 individual?

20 MR. CLOHECY: We have used statistical
21 procedures.

22 MR. ROMANO: Why isn't it always used?

23 MR. CLOHECY: It's not felt necessary.

24 MR. ROMANO: That's your opinion, isn't it?