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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

:

:

Docket No. IA-05-053

DALE MILLER

:

:

ASLBP No. 06-846-02-EA

**DALE L. MILLER'S
ANSWERS TO INTERROGATORIES
AND REQUESTS FOR ADMISSIONS**

GENERAL OBJECTIONS:

Mr. Miller objects to the NRC Staff's "general instructions," and "definitions and guidelines to be used in responding" to the Staff's discovery requests to the extent that they impose upon him an obligation to respond in a manner beyond the requirements set forth in 10 C.F.R. §§ 2.704 and 2.709.

INTERROGATORY 1

Identify all individuals likely to have discoverable information relative to disputed issues and who were not listed in Mr. Miller's initial disclosures dated April 26, 2006.

ANSWER TO INTERROGATORY 1:

The names of individuals with discoverable information have been disclosed in Mr. Miller's Initial Disclosures and throughout these Answers.

INTERROGATORY 2

Identify every position held by Mr. Miller at DBNPS.

- a. For each position identified, describe the duties/responsibilities of that position including supervisory responsibilities.
- b. For each position identified, state whether the position is considered a management level position.

TEMPLATE = SEL4-035

SEL4-02

- c. For each position identified, describe Mr. Miller's interactions, if any, with other offices of the DBNPS organization, with industry groups (including, but not limited, to EPRI, MRP, B&W Owners Group), and the NRC.
- d. For each position identified, describe the subject matter expertise required to fill the position and the training Mr. Miller received while in that position.
- e. For each position identified, state whether Mr. Miller's duties/responsibilities included drafting or reviewing condition reports (CRs), modification requests (MODs), work orders, possible condition adverse to quality reports (PCAQRs), licensee event reports (LERs), INPO reports, NRC Bulletins, or NRC Generic Letters (GLs), either in the ordinary course of his position or under special circumstances. If while in a particular position Mr. Miller was responsible for reviewing or drafting the aforementioned documents only in special circumstances, identify those circumstances.

ANSWER TO INTERROGATORY 2 a. - e.:

Assistant Engineer

(03/1974 – 12/1975)

- Wrote plant system procedures and test procedures
- Assisted plant operators writing plant system procedures and integrated plant operations procedures
- Assisted in the construction turn-over receipt of plant systems including walkdowns of systems proposed for turn-over to Toledo Edison
- Assisted in start-up activities of systems

This position did not involve any supervisory responsibilities but was considered a management position. Mr. Miller's interactions were primarily within Operations; however, he worked with the Bechtel Start-up Engineer Group, Bechtel Construction engineers, Davis-Besse maintenance, health physics and technical section personnel, and Toledo Edison engineering department personnel. He did not interact with industry groups or the NRC. Mr. Miller was required to have an engineering degree, but not specific nuclear industry expertise. He completed a general nuclear power plant training course and participated in plant system training classes (known as Phase V Training). Other training included health physics, quality assurance and emergency planning. When system deficiencies were noted, Bechtel's Start-up Group resolved them. Mr. Miller's responsibilities did not include drafting or reviewing work orders,

resolved them. Mr. Miller's responsibilities did not include drafting or reviewing work orders, corrective action documents, licensee event reports or NRC correspondence. INPO did not exist at the time.

Senior Assistant Engineer

(1/1976 – 07/1977)

- Wrote plant system procedures and test procedures
- Tracked Operations department procedure development
- Assisted plant operators writing plant system procedures and integrated plant operations procedures
- Assisted in the construction turn-over receipt of plant systems including walkdowns of systems proposed for turn-over
- Assisted in start-up activities of systems
- Responsible for construction turn-over receipt of the plant fire suppression systems
- Test Leader for fire suppression systems

This position was considered a management position. Mr. Miller directed personnel assigned to him during testing. Mr. Miller's interactions were primarily within Operations. He worked with Bechtel Start-up engineers, Bechtel Construction engineers, Davis-Besse maintenance, health physics and technical section personnel, and Toledo Edison engineering department personnel. He did not interact with industry groups. He interacted with a Region III inspector reviewing test results. Mr. Miller was required to have an engineering degree and was trained in the performance of start-up testing. Participation in Phase V Training continued. The Bechtel Start-up Group resolved any deficiencies noted. Mr. Miller's responsibilities did not include drafting or reviewing work orders, corrective action documents, licensee event reports or NRC correspondence. INPO did not exist at the time.

Operations Support Engineer

(8/1977 – 10/1978)

- Wrote plant system procedures and test procedures.
- Assisted in the construction turn-over receipt of plant systems including walk-downs of systems
- Assisted in system start-up

- Supported Operations' shift activities
- Reviewed Technical Specification-required test results
- One of three on-shift-coordinators for initial fill of the reactor coolant system
- Test leader for reactor coolant pump startup
- Hot Functional Test Coordinator during integrated startup testing
- Obtained a Senior Operator License

This position was considered a management position. Mr. Miller coordinated and directed personnel when assigned to him. When shift supervisory personnel were in training for cold reactor operator licensing, the Operations engineers assisted in the supervision of non-licensed operators on shift. Mr. Miller's interactions were primarily within Operations although he worked with other test engineers, B&W engineers, Bechtel Start-up engineers, Bechtel Construction engineers, Davis-Besse maintenance, health physics and technical section personnel, and Toledo Edison engineering department personnel. He did not interact with industry groups or the NRC other than a Region III inspector. He was required to have an engineering degree. He obtained a NRC Senior Operator License. Training included Basic Academic Training, Pressurized Water Reactor Technology, B&W Simulator and Start-up Certification, and Specialized License Training. Mr. Miller's responsibilities did not include drafting or reviewing work orders or corrective action documents. He recalls drafting a Licensee Event Report, but not the subject. INPO did not exist at the time.

Operations Engineer

(11/1978 – 09/1984)

- Managed and directed all activities for the operation of the reactor, primary and secondary systems, and radioactive waste processing systems
- Supervised the Operations Superintendent who supervised the shift organization
- Supervised and managed the Operations Department engineering staff and Shift Technical Advisor staff
- Established priorities for plant maintenance activities
- Increased Operations staffing from 65 to 101 budgeted personnel
- Developed and implemented the Shift Technical Advisor program
- Prepared, implemented and monitored an annual budget of approximately six million dollars

This was a management position. Mr. Miller managed and supervised the Davis-Besse Operations Department. Although Mr. Miller worked primarily within Operations, he routinely worked with Davis-Besse maintenance, health physics and technical section personnel and, occasionally, with Toledo Edison engineering department personnel. Mr. Miller did not represent Davis-Besse in any industry groups; however, he attended INPO Operations Superintendent workshops. Mr. Miller was required to have an engineering degree and satisfy the ANSI requirements for Plant Operations Manager. Mr. Miller completed operator requalification training, emergency response training, NRC correspondence training and several management courses. He initiated and reviewed work requests. He monitored significant work activities that affected plant or worker safety, Technical Specifications or electrical production. He reviewed some modification requests and Deviation Reports generated within Operations. The Deviation Report was a precursor to the Potential Condition Adverse to Quality Report (PCAQR). He also reviewed NRC correspondence affecting Operations. As Operations Engineer, he was a member of the Station Review Board. He or his staff reviewed INPO and NRC reports.

Senior Engineer – Nuclear Group Staff

(10/1984 – 10/1985)

- Coordinated actions and implementation of NRC commitments in response to NUREG 1000 and Generic Letter 83-28 for Anticipated Transient Without Scram
- Drafted supplemental correspondence to the NRC for issues identified in the initial response to GL 83-28 and worked with Licensing during review and submittal to the NRC
- Produced a revised Nuclear Group organization and coordinated activities for an in-depth Nuclear Group manning, wage, and salary study under the direction of the Senior Vice-President Nuclear, following the Davis-Besse loss of feedwater event in 1985

This position was considered a management position, although Mr. Miller had no direct supervisory responsibility. He worked with Davis-Besse Licensing staff and engineering

department personnel. Mr. Miller was not a member of any industry groups. Interaction with the NRC would have been relative to GL 83-28 and labor issues. This position required an engineering degree and plant experience. Mr. Miller could initiate PCAQRs, modification requests, work requests, and responses to NRC generic correspondence. He reviewed INPO reports for informational purposes.

Senior Engineer, Quality – Quality Assurance Department (11/1985 – 09/1993)

- Worked as an auditor in the quality assessment unit, performed audits as a lead auditor in training
- Coordinated quality assessment activities for a comprehensive plant configuration review and walkdown following the loss of feedwater event in 1985
- Developed and coordinated a post outage restart readiness review
- Performed Engineering Assurance duties such as reviewing assigned plant modification packages
- Performed quality services activities
- Served as an alternate to the Station Review Board
- Company Nuclear Review Board sub-committee member
- Developed procedures and completed implementation of a site commercial grade dedication laboratory
- Developed and implemented a material receipt inspection Procurement Evaluation Request process
- Advisor to the Emergency Director for the site Emergency Plan

This position was considered a management position. Mr. Miller worked with Nuclear Group departments, but did not serve on industry groups. He received training on audit techniques. He drafted procedures and changes to the Nuclear Quality Assurance Manual. He could initiate PCAQRs, modification requests, or work requests, and he reviewed INPO reports for informational purposes.

Senior Engineer, Licensing – Compliance Unit

(10/1993 – 11/2000)

- Coordinated, drafted and reviewed submittals to the NRC such as Licensee Event Reports and Notice of Violation responses.
- Performed reviews of site corrective action program documents (PCAQRs and Condition Reports) for NRC reportability

- Coordinated site activities, as assigned, for NRC inspection responses
- Developed and prepared, as assigned, responses to allegations
- Tracked actions and reviewed closeouts for NRC commitments
- Drafted evaluations required in accordance with the Code of Federal Regulations for implementation of dry spent fuel storage. Also drafted procedures for implementation of dry spent fuel storage and worked as one of three on-shift implementation coordinators
- Advisor to the Emergency Director on rotational duty assignment for the site Emergency Plan

This position was considered a management position. Mr. Miller had no direct supervisory responsibility while in this position, except when performing dry spent fuel storage activities. He worked with Nuclear Group departments. He was not a representative to any industry groups. He communicated with Resident Inspectors and Region III inspectors. He received training on nuclear licensing and completed the Job Familiarization Guideline (JFG) for the Compliance unit. Mr. Miller could initiate PCAQRs, CRs, modification requests, and work requests. NRC correspondence was circulated within the Regulatory Affairs section and assigned to Nuclear Group staff for action. The Compliance unit was not responsible for reviewing INPO reports.

Supervisor Nuclear Regulatory Compliance - Regulatory Affairs Section (11/2000 – 10/2002)

- Supervised the Compliance unit staff
- Primary contact for NRC Resident Inspectors and Region III inspectors
- Supervised regulatory reportability determinations for all issues identified in the corrective action program
- Supervised and coordinated site activities for NRC inspections
- Supervised preparation of docketed submittals to the NRC such as Licensee Event Reports, Notices of Violation, NRC Performance Indicators and NRC generic correspondence
- Coordinated submittal of responses to allegations, as requested by the NRC
- Monitored regulatory compliance with Technical Specifications and the Code of Federal Regulations
- Supervised disposition of regulatory correspondence
- Supervised regulatory agency commitment tracking
- Designated as NRC Liaison on rotational assignment in the Emergency Plan

This was a management position. Mr. Miller supervised the Regulatory Affairs

Compliance unit and acted as Regulatory Affairs Manager, upon the Manager's absence. He did not serve on industry groups. He could initiate PCAQRs, CRs, modification requests, and work requests. He reviewed PCAQR and CR responses assigned to the Compliance unit, and worked with Nuclear Group departments. NRC correspondence was circulated among Regulatory Affairs personnel for informational purposes. He reviewed INPO reports for informational purposes or as needed to supplement his assignments.

INTERROGATORY 3

Describe Mr. Miller's education and training with regard to metallurgy, circumferential and axial cracking in CRDM nozzles, boric acid corrosion control, and reactor vessel head inspection methods/procedures at DBNPS and at other plants, including but not limited to, VT-2 examinations.

ANSWER TO INTERROGATORY 3:

Mr. Miller completed one college course in metallurgy as part of his Mechanical Engineering curriculum. He did not receive specific training with regard to circumferential and axial cracking in CRDM nozzles. Following the RC-2 events in 1998, he attended a presentation on the effects of boric acid corrosion and boric acid corrosion control as part of his Engineering Support Continuing Training.

INTERROGATORY 4

Describe Mr. Miller's employment situation as a Compliance Supervisor with regard to the following:

- a. promotions/opportunities for advancement;
- b. raises (increases in salary);
- c. incentive/performance-based pay and criteria for receipt; and
- d. performance evaluations, including but not limited to, criteria to evaluate performance and individuals evaluating Mr. Miller.

ANSWER TO INTERROGATORY 4:

Mr. Miller did not seek promotional opportunities while he was Compliance Supervisor. He received annual salary increases commensurate with FENOC's guidelines, and he participated in FENOC's performance-based incentive program. Although Mr. Miller no longer recalls all of the criteria set by FENOC and the Nuclear Group for the incentive program, they included areas such as plant reliability and industrial safety. Mr. Miller received bonuses through this program, except for the year 2002.

INTERROGATORY 5

Provide copies of all documents not previously disclosed concerning the subject matter of Interrogatory 4.

ANSWER TO INTERROGATORY 5:

Mr. Miller is producing separately copies of his performance evaluations and training records.

INTERROGATORY 6

State whether Mr. Miller, as Compliance supervisor, ever drafted/created or reviewed the following types of documents, photographs, and videos: CRs, LERs (including other licensees' event reports), INPO reports, PCAQRs, work orders, MODs, videos or photographs of the condition of the RVH, videos or photographs of the service structure, videos of photographs or past inspections, NRC Bulletins, GLs, or NRC information notices.

- a. For each type of document, photograph, or video, state whether Mr. Miller drafted or reviewed that type of document, photograph, or video in the ordinary course as a Compliance Supervisor.
- b. If Mr. Miller did not draft or review the types of documents, photographs, and videos listed above in the ordinary course as a Compliance Supervisor, identify any special circumstances in which he did draft or review these types of documents, photographs and videos. In so doing:
 1. identify the document, photograph, or video; and
 2. identify the special circumstances involved.

c. Was Mr. Miller briefed on or otherwise made aware of the contents of these types of documents, photographs, or videos? If so, identify:

1. the documents, photographs, or videos;
2. how Mr. Miller learned about the documents, photographs, or videos; and
3. when Mr. Miller learned about them.

d. If Mr. Miller was not briefed on or otherwise made aware of the types of documents, photographs, and videos listed above in the ordinary course of his position as a Compliance Supervisor, identify any special circumstances in which he was briefed on or was otherwise made aware of the contents of the types of documents, photographs, and videos listed above.

ANSWER TO INTERROGATORY 6:

a. As Compliance Supervisor, Mr. Miller drafted Condition Reports. Licensee Event reports were usually delegated to an engineer on the staff, but Mr. Miller reviewed them. He read LERs from other plants as well as INPO documents on various topics. He did not draft INPO, EPRI or NEI reports. In the ordinary course, Mr. Miller did not draft or review work orders or modifications, although he may have referenced work orders or modifications as part of his job. As part of his normal duties, he reviewed Generic Letters, Bulletins and Information Notices distributed by the NRC.

b. During August of 2001, Mr. Miller cannot recall reviewing any specific industry background information, i.e. NRC, INPO, NEI or EPRI reports, with the exception of the EPRI table that listed the susceptibility rankings of the plants (S14M-4021) and Figure 5 from MRP-055, Comparison of Crack Growth Curve for Alloy 600 (S14M-6510).

c. During August of 2001, Mr. Miller did not create or review videos or photographs for past inspections of the Davis-Besse RPV head or service structure. During the fall of 2001, he saw a photo of "popcorn boron" located on the head of another plant's RPV. In late October or November 2001, he briefly saw a part of a Davis-Besse inspection CD with Rodney M. Cook.

Mr. Cook showed him the poor quality of converted images.

d. Mr. Miller does not recall being briefed on any of Davis-Besse's inspection videos or photographs of the head. He believes he saw tables, location maps, diagrams or photographs in connection with the information provided in the October 2001 serial letters to the NRC.

INTERROGATORY 7

Identify all documents not disclosed which provide support to Mr. Miller's position on the validity of the Order. As to each such document, state what fact or opinion Mr. Miller intends to establish if the document is admitted into evidence.

ANSWER TO INTERROGATORY 7:

Mr. Miller disputes the validity of the Enforcement Order. Throughout his Answers to these Interrogatories, Mr. Miller has referenced the documents in support of his position that the Order unfairly and erroneously targets him for punishment. Mr. Miller did not make assignments for the preparation of Serial No. 2731. Although response preparations began in early August 2001, Mr. Miller did not attend Bulletin-related meetings or receive a draft response until it was ready for circulation among the individuals who had already supplied technical data and comments. Mr. Miller did not concur on a draft until after the individuals who provided input, and their management, approved the text. Additionally, Mr. Miller did not edit, review, or approve the final version of Serial 2731, which was circulated and filed on September 4, 2001. He did not have first-hand knowledge of incomplete or inaccurate communications, and he neither intentionally nor carelessly concurred in any incomplete or inaccurate communications.

INTERROGATORY 8

Identify Mr. Miller's role(s) in outages during his entire career at Davis-Besse, including but not limited to: planning outages (e.g. scheduling maintenance activities), drafting or approving work orders, writing or reviewing CRs, writing or reviewing PCAQRs, writing or reviewing modification requests, writing/reviewing LERs, and/or reviewing photos/videos of inspections. For each role identified, specify the appropriate outage.

ANSWER TO INTERROGATORY 8:

While in the Operations department, Mr. Miller was involved in planning plant outages. As Operations Engineer, he helped establish the priority of corrective and preventative maintenance. Operations removed or isolated equipment from service based on plant and Technical Specification requirements. After equipment was removed from service Operations, in coordination with Maintenance, implemented safety tagging to establish system boundaries for maintenance work. Once maintenance was completed, Operations assisted with testing to verify functionality and Technical Specification compliance. While the plant was operating, Mr. Miller prioritized work to meet Technical Specification requirements.

Mr. Miller did not draft or approve individual work orders. He or his staff could initiate plant corrective action program documents such as PCAQRs and Condition Reports. When Operations was assigned the responsibility to investigate or evaluate corrective action program documents, he or his staff would review the disposition of corrective actions. During plant operations or outages, a modification request could be written at any time, by any Davis-Besse staff member. If a modification request were written, Mr. Miller or a staff supervisor reviewed it for submittal. He drafted or reviewed LERs, as assigned.

While working as a Senior Engineer, Nuclear Group Staff, and for the rest of his time at Davis-Besse, Mr. Miller generally did not perform outage tasks, and he was not involved in outage planning or implementation activities. Mr. Miller does recall helping to draft and review

the procedure for lifting reactor vessel internals during the Second Ten Year ISI Outage; however, he was not involved in the performance of the actual work. The response to Interrogatory 2 provides information on the scope of work performed in each job assignment. Mr. Miller does not recall any involvement in creating or reviewing inspection videos or photos taken during outages.

INTERROGATORY 9

There were two events involving significant boric acid degradation at DBNPS prior to 2002. One of these two events concerned a discovery in 1998 that reactor coolant system pressure spray valve two (RC-2) was degraded, two of eight carbon-steel body to bonnet nuts had been dissolved by boric acid, and a third body to bonnet nut was significantly corroded. Describe Mr. Miller's involvement in the RC-2 event and its aftermath.

- a. Identify any documents that Mr. Miller drafted, reviewed, or was otherwise made aware of the content thereof concerning this event.
- b. Identify any training Mr. Miller received concerning/related to this event.
- c. Identify any videos or photographs reviewed by Mr. Miller or of which he was otherwise made aware of concerning this event.

ANSWER TO INTERROGATORY 9:

Mr. Miller was not involved in the RC-2-related events and investigation. He was aware of the 1998 events and participated in Engineering Support Continuing Training as stated in Answer 3 above. Mr. Miller does not recall having any review responsibilities with regard to the Licensee Event Report submitted to the NRC. At some point after the RC-2 investigation, he saw pictures of the corroded body-to-bonnet nuts.

INTERROGATORY 10

DBNPS had boric acid corrosion control procedures (BACC) in 2001.

- a. Identify what Mr. Miller knew about DBNPS' BACC procedures and

compliance therewith as of August 2001.

- b. Identify what Mr. Miller learned about DBNPS' BACC procedures and DBNPS' compliance with those procedures during August 2001.
- c. Identify what Mr. Miller knew about DBNPS' BACC procedures and DBNPS' compliance with those procedures as of August 30, 2001.

ANSWER TO INTERROGATORY 10:

a. - c. Mr. Miller was aware that Davis-Besse had a Boric Acid Corrosion Control program. He understood that its objective was to inspect systems containing boric acid for leakage and initiate actions to resolve any leakage problems detected. He also knew that there was a procedure that implemented the program, but was not versed on the specific content. His general understanding was that if boric acid were found, a Condition Report should be initiated to investigate and correct the source of the leakage.

Mr. Miller did not learn anything new about the procedure or review it during August of 2001. He was under the impression that the procedure was being implemented and Davis-Besse was in compliance. He did not add a reference to the procedure to the text of Serial Number 2731.

INTERROGATORY 11

Identify Davis-Besse's "normal" procedure for responding to NRC bulletins/communications.

ANSWER TO INTERROGATORY 11:

Davis-Besse was supposed to follow an Administrative Procedure for outgoing NRC correspondence. The procedure provided that Regulatory Affairs was to determine the appropriate distribution for NRC correspondence, based upon a department's organizational responsibilities. The lead department to whom Regulatory Affairs assigned responsibility would

then prepare correspondence containing the required information. The lead department was supposed to verify the completeness and accuracy of the information and provide a draft to Regulatory Affairs. Regulatory Affairs reviewed the draft for format, content, completeness, clarity, and acceptability, and prepared a proposed submittal to the NRC. Designated individuals would then review the submittal and Regulatory Affairs and the lead department would resolve any comments. Before the submittal went to the Site Vice President or his designee, the Regulatory Affairs Manager was supposed to review the submittal for appropriate wording and verify that appropriate individuals had approved the submittal.

INTERROGATORY 12

If Davis-Besse departed from the procedure identified above in preparation of Serial 2731, explain how and why the normal procedure was not followed.

ANSWER TO INTERROGATORY 12:

Mr. Miller did not become involved with Bulletin response preparations until August 17, 2001; therefore, he does not have sufficient information to know what initial decisions were made about procedural compliance. From case documents he has learned that on August 3, 2001, Frank W. Kennedy of the Regulatory Affairs Licensing unit initiated Condition Report 01-2012, assigning Regulatory Affairs' Licensing as the Bulletin "owner," with input for the response to be provided by the Alloy 600 Team, Design Engineering (DEMS), System Engineering (SYME), and Quality Control (QC) (DLM 000002-DLM 000005). On August 7, 2001, Dale Wuokko, Frank Kennedy's supervisor, approved Condition Report 01-2012 (DLM 000002).

A Bulletin Response Action Plan dated August 9, 2001, states that Frank Kennedy had a meeting on August 7, 2001 and assigned Prasoon Goyal, Rodney M. Cook and Andrew

Siemaszko responsibility for specific Bulletin items (NRC020-3010-12). On August 9, 2001, System and Design Engineering personnel, Andrew Siemaszko, John Cummings, and Prasoon Goyal, forwarded to Mr. Kennedy comments about inspections within the last four years (05482A-05483-4; 05701A-05702-3). By e-mail dated August 15, 2001, Mr. Cook advised Mr. Kennedy that he had placed the first draft of the bulletin on his desk, and needed a list of people who "should be looking at this. . . ." (06469A).

Mr. Miller did not receive his first copy of the draft Bulletin response until August 20, 2001, the date on which Mr. Cook stated he was planning on "getting it out into Green Sheet review. . . ." (05544-60).

Block 14 of FENOC's "Green Sheet," or the review and approval report stated: "Initiator checks and/or enters the desired reviewer(s). The technical accuracy of a response to the NRC is the responsibility of the Director and Management individual assigned the action" (NRC027-1697). The review and approval report indicates that David H. Lockwood, Manager of Regulatory Affairs, concurred in the response on September 4, 2001, as did Site Vice President Guy G. Campbell (NRC027-1692).

INTERROGATORY 13

Identify every meeting/gathering/briefing (formal or informal, scheduled or unscheduled), including teleconferences, attended/participated in by Mr. Miller during August 2001 concerning Bulletin 2001-01.

- a. For each meeting identified, provide copies of all documents related thereto, such as agendas, notes, and attendance sheets.
- b. For each meeting identified, identify everyone involved, including those attending via telephone.

ANSWER TO INTERROGATORY 13:

On August 17, 2001, Dale Miller began his primary Bulletin-related assignment, at Director of Nuclear Services Lonnie W. Worley's request, to contact other utilities to assemble a Bulletin response group (DLM 0000039-40; DLM 0000042-4; DLM 0000046-51). Mr. Miller recalls that Mr. Worley told him to set up a meeting for the following week at a central location. Mr. Miller immediately attempted to contact utility representatives to discuss their interest and schedules (DLM 0000039-40). By August 20, 2001, Mr. Miller alerted his Manager, David Lockwood, that an in-person meeting was not feasible. Mr. Lockwood then asked Mr. Miller to arrange a teleconference among interested utility representatives. Mr. Miller exchanged numerous telephone calls and e-mails in connection with setting up the utility group (DLM 0000039-53, DLM 0000071-91, DLM 00000171-8, DLM 00000236-40, DLM 00000294-7, DLM 00000326). He participated in his first call with the group on August 23, 2001. The participants are listed at DLM 00000242. Mr. Miller conducted another utility call on August 27, 2001, and utility participants are listed at DLM 00000331. Please include the Answers to 15 and 16 below here.

INTERROGATORY 14

Identify every communication involving Mr. Miller and concerning boric acid corrosion control, circumferential cracking, DBNPS' reactor vessel service structure, or reactor coolant leakage at DBNPS prior to August 2001.

ANSWER TO INTERROGATORY 14:

Prior to August 2001, Mr. Miller does not recall any communications about boric acid corrosion control, Davis-Besse's reactor vessel service structure, or reactor coolant leakage in connection with the upcoming Bulletin response. In 1999, he could have been aware of efforts to

track unidentified leakage, from attending meetings, but he was not directly involved. In late 2000 or 2001, he may have been generally aware of the issue of circumferential cracking, but does not recall. His files contain a copy of a July 23, 2001 telephone call memorandum from Dale Wuokko to Mr. Miller and fifteen other individuals about the "forthcoming NRC bulletin on circumferential cracking" (DLM 000001).

INTERROGATORY 15

Identify every communication involving Mr. Miller and concerning boric acid corrosion control, circumferential cracking, DBNPS' reactor vessel service structure, or reactor coolant leakage at DBNPS during August 2001.

ANSWER TO INTERROGATORY 15:

Circumferential Cracking:

On August 14, 2001, Mr. Miller received a copy of the NRC Bulletin about "Circumferential Cracking" (DLM 000001835). On August 17, 2001, Mr. Miller began calls to utilities about participating in a response group (DLM 0000039-53). Please incorporate the Answer to 13 above here. On August 20, 2001, Mr. Miller received his first draft of the Bulletin response dated August 18, 2001 (DLM 0000054). On August 21, and 22, 2001, Mr. Miller received e-mails and telephone calls relative to the utility response group (DLM 0000071-91).

On August 22, 2001, Rodney Cook sent Mr. Miller and six others a copy of an e-mail about the definition of the majority of the nozzles, writing that Andrew Siemaszko stated "approximately 90% were inspected. This will be used in the Bulletin response" (DLM 0000092; 05668). Mr. Goyal then sent an August 22, 2001 e-mail to Mr. Cook and Mr. Siemaszko with copies to Messrs. Kennedy and McLaughlin (but not Miller), asking whether 90% meant prior to or after the head was cleaned. Mr. Goyal directed Mr. Siemaszko to respond to his e-mail (DLM 0000092; 05668). On August 22, 2001, Mr. Cook sent Mr. Miller and five others "Serial 2731

revisited" (Draft 8-22-01-wo-figures) (DLM 0000093-116). On August 22, 2001, Mr. Cook sent the same draft (8-22-01-wo-figures) to Mr. Miller, Regulatory Affairs personnel, and the utility response group members (DLM 00000117-141). On August 22, 2001, Mr Goyal forwarded an e-mail to Mr. Miller about a B&WOG executive committee call (DLM 00000168). On August 23, 2001, Mr. Cook sent Mr. Miller and five others Mr. Goyal's comments on the draft Bulletin response and Mr. Cook's additions (DLM 00000142-167). On August 23, 2001, Mr. Cook sent Mr. Miller and six others a Serial 2731 draft with Mr. Goyal's and Charles Daft's comments (Draft 8-23-01 Parts 1 and 2) (DLM 00000183-204; DLM 00000205-210).

On or about August 23, 2001, Mr. Miller handwrote "Agenda" notes for the utility response group call (DLM00000175-8). On August 23, 2001, Mr. Miller e-mailed an agenda and conducted the first utility group teleconference call (DLM 00000238). Additional documents and notes are located at DLM 00000236-7 and 239-40.

On August 23, 2001, Mr. Goyal sent a copy of an e-mail to Mr. Cook, with copies to Mr. Kennedy and Mr. Miller, recommending the inclusion of "a picture of RV head showing CRDMs" (DLM 00000244). On August 24 and 27, 2001, Mr. Miller exchanged e-mails with Erdal Caba about an upcoming utility group call on August 27, 2001 (DLM 00000294-7).

On August 27, 2001, Mr. Cook forwarded Serial 2731 Version 1b.pdf to Mr. Miller and six others, with an e-mail explaining that this version "deleted the reference to 90% of the nozzles being inspected during the 2000 inspection, and revises the first paragraph of the response to 1d concerning the scope of the inspections. . . ." (DLM 00000298-323). On August 27, 2001, Mr. Goyal sent Mr. Cook an e-mail with copies to Mr. Miller and four others with comments about Version 1b including "It is very difficult to look at the CRDMS when there is boric acid around it. Do we want to reword this?" (DLM 00000325, 07224). On August 27,

2001, Mr. Miller received input for a table about upcoming inspections (DLM 00000326). On August 28, 2001, Mr. Miller received a copy of an e-mail about Beaver Valley's response to the Bulletin (DLM 00000327). On August 28, 2001, Mark McLaughlin e-mailed to Mr. Miller his notes from the 8/27/01 utility group call (DLM 00000329-32). On August 28, 2001, Mr. Cook sent a copy to Mr. Miller and Mr. Goyal of the Serial 2731 8-28-01 Version 1e.pdf draft that he e-mailed to Beaver Valley (DLM 00000333-61).

On August 29, 2001, Mr. Cook e-mailed to Mr. Miller and five others a new draft Serial 2731, Version 1f-ANO.pdf, incorporating a "discussion similar to ANO's" providing for a supplement 60 days before the outage (DLM 00000362-88). On August 29, 2001, Mr. Cook sent Directors Moffitt and Worley, with copies to Mr. Miller and three others, a revised response "considering the TMI, CR-3 and ANO-1 responses" (Version 1g-ANO.pdf) (DLM 00000389-415). On August 29, 2001, Mr. Goyal sent an e-mail to Mr. Cook with a copy to Mr. Miller and Mr. Laughlin about Oconee's response to the Bulletin, asking FENOC's Kendall W. Byrd to review the section about risk assessment (DLM 00000443).

On August 28, 2001, Mr. Goyal and his management concurred in the Bulletin response (NRC027-1692, 1694-6). On August 30, 2001, Mr. Goyal sent an e-mail to Mr. Siemaszko and Mr. McLaughlin, with copies to Mr. Cook and Mr. Miller, stating he had not seen an EWR to cut openings in the service structure and "inspection thru the mouse holes creates an impedement [sic] for 100% visual examination. (management need to know this)" (DLM 00000444). On August 13, 2001, Mr. Goyal had prepared and circulated the inspection chart ("RV Head Visual Inspection") later incorporated as page 18 of Serial No. 2731. Mr. Goyal sent his inspection chart to Messrs. Siemaszko, McLaughlin, Daft, Baumgardner, Kennedy, Wuokko, and Cunnings (not Mr. Miller) (NRC020-2962). Mr. Goyal's Serial 2731 chart did not point out any visual

inspection impediments presented by the mouse holes (NRC020-2962-3).

On August 30, 2001, Dale Wuokko sent Roger Huston (with a copy to Mr. Miller and four others an e-mail about Crystal River's and Duke's potential meetings with the NRC about nozzle cracking (DLM 00000445). On August 30, 2001, Mr. Cook e-mailed Mr. McLaughlin, with a copy to Mr. Miller and six others, a comparison of high risk plants' draft Bulletin responses (DLM 00000446-8). On August 30, 2001, Andrew Siemaszko e-mailed Mr. Miller a summary of his telephone conversation with the NRC's D. Simpson and on the same date, Mr. Miller sent an e-mail about his call with Mr. Simpkins (DLM 00000449-52). Mr. Miller believes that August 30, 2001 was his last day in the office until September 4, 2001, because of the Labor Day holiday.

Boric Acid Corrosion Control:

On or about August 23, 2001, in preparing for his utility group call, Mr. Miller wrote a note referencing "GL-8805" (DLM 00000176).

Service Structure:

On or about August 23, 2001, Mr. Miller wrote a note about "bare metal insp. through weep holes" (DLM 00000176). Although Mr. Miller was not included in Mr. Goyal's e-mail correspondence dated August 21, 1001, Mr. Goyal e-mailed Messrs. McLaughlin, Wuokko, Kennedy, and Cook his comments about Framatome's response for the Bulletin (NRC020-2913). Concerning the service structure openings, Mr. Goyal wrote: "I have been told that this will probably be cutting a couple rectangular holes for improved cleaning of the RPV head and a better visual examination, using a robotic crawler with a video camera attached. These holes will be re-welded into place following the cleaning and examinations. TRUE ?"

On August 27, 2001, Mr. Cook sent Mr. Miller and six others an e-mail stating "the scope of the visual inspection was to inspect the bare metal RPV head area that was accessible through the weep holes to identify any boric acid leaks/deposits. This is to ensure that we state that not all of the head was accessible or inspected for inspection for whatever reason" (DLM 00000298). On August 30, 2001, Mr. Goyal sent an e-mail to Mr. Siemaszko and Mr. McLaughlin with a copy to Mr. Cook and Mr. Miller stating he had not seen an EWR to cut openings in the service structure and "inspection thru the mouse holes creates an impediment [sic] for 100% visual examination. (management need to know this)" (DLM 00000444). By August 21, 2001, FENOC had already approved requisitions to purchase video probe equipment and guide tubes (05358; see also NRC025-1014, NRC024-1097).

Reactor Coolant Leakage:

During August 2001, Mr. Miller does not recall any specific communications concerning reactor coolant system leakage; however, he looked at the leakage numbers on a daily basis to see if the plant was in compliance with Technical Specifications.

INTERROGATORY 16

Identify all documents (including the responses of other plants), videos, photographs, and persons consulted by Mr. Miller in:

- a. preparing for utility response group teleconferences;
- b. reviewing drafts of Serial 2731; and
- c. concurring on Serial 2731

ANSWER TO INTERROGATORY 16:

- a. In preparing for the utility group teleconference on August 23, 2001, Mr. Miller reviewed the Bulletin, a draft of Davis-Besse's response, and he could have reviewed in whole or

part Dominion's and Crystal River's (CR-3's) draft responses (DLM 00000175-8). Prior to the August 23, 2001 utility teleconference, Mr. Miller recalls speaking with Lonnie Worley and David Lockwood. Call participants from Davis-Besse included Mr. Miller, Mr. Goyal, Mr. Siemaszko, Michael Leisure, Mr. Cook, Mr. Kennedy and Mr. McLaughlin (DLM 00000181). Participants from other utilities are listed at DLM 00000181. Mr. Miller cannot recall specifically how he prepared for the August 27, 2001 teleconference. During the August 27 call, Mr. Miller learned about utilities' past visual inspections as well as non-destructive examination methods, plans for upcoming inspections, and tools. Mr. McLaughlin sent Mr. Miller a copy of his call notes (DLM 00000329-332).

b. Although Mr. Miller's primary focus was the utility group, at some point, he discussed a draft of Serial No. 2731 with Rodney Cook. Mr. Cook sent Mr. Miller copies of the e-mail correspondence about draft changes listed in Answers to 15 above and 17 below.

c. At some point, Mr. Miller discussed a draft of Serial No. 2731 with Rodney Cook. Mr. Miller does not recall any conversations after he concurred in the response on August 30, 2001. See Answer to 17 below.

INTERROGATORY 17

Describe how information for Serial 2731 was supplied to Rodney Cook.

ANSWER TO INTERROGATORY 17:

Because Mr. Miller was not given a Bulletin-related assignment until August 17, 2001, and did not receive a draft of a proposed Bulletin response until August 20, 2001, he does not know how information was first supplied to Mr. Cook. Case documents show Bulletin-related meetings may have occurred on August 2 (NRC020-3081, NRC020-1382), August 11, 2001 (SPM 0000017), and August 14, 2001 (06144A-06146). Mr. Miller did not attend any of the

meetings. Mr. Wuokko or Mr. Kennedy, or both, maintained Bulletin Response Action Plans that included assignments to Messrs. Kennedy, Goyal, Siemaszko, and Cook, with associated "due dates" (NRC006-1107-9, NRC020-3010 -3012, NRC021-0876-8, NRC020-2936-9). Mr. Miller did not receive any Action Plan assignments.

Case documents show that Mr. Goyal assumed an early role in the Bulletin response by circulating comments, and dispensing assignments to Mr. Siemaszko and others (NRC010-0995, 05461A, NRC011-1944, NRC020-2962-3; NRC010-0379, SPM 0000018, NRC011-1466, NRC010-1004, 05359A, NRC011-1245, NRC020-2913-26). Mr. Kennedy wrote that Mr. Goyal was supposed to receive any comments related to Davis-Besse's justification for continued operation (NRC005-3554). On August 15, 2001, Mr. Cook gave Mr. Kennedy his first draft response (06469A). Mr. Cook sought comments or was supplied them by Charles Daft (NRC010-0468, NRC 007-1986-2011), Mr. Goyal (05483-4; NRC007-1767), Mr. Wuokko (NRC008-1504, NRC011-1245, NRC020-2825), and Mr. Campbell (NRC005-3701-25, NRC007-0681-706, 07347-72).

On August 20, 2001, Mr. Cook told Mr. Wuokko that his earlier draft changed after he received information that other utilities were writing plant specific responses. Mr. Cook wrote that he used Dominion's response as a guide (NRC007-2279). On August 22, 2001 Mr. Cook advised Messrs. McLaughlin, Goyal, Wuokko, Miller, Siemaszko, and Kennedy that he had made "editorial changes" and "included Framatome's writeup that kinda [sic] justifies why we are okay." He also added "newer figures" to "address comments" (NRC008-0189-213). By e-mail dated August 29, 2001, Mr. Cook said he revised Bulletin response 1g-ANO.pdf to include the TMI, CR-3 and ANO-1 responses (05712-37). An e-mail from Mr. Cook to Mr. McLaughlin (but not Mr. Miller) dated September 4, 2001 attached a "revised response incorporating Guy's

comments" (NRC008-0409). Mr. Cook's e-mail observed that the "main" changes were "on pages 5 and 6," and there were other, "editorial" changes (NRC008-0409-35). On September 4, 2001, Mr. Cook e-mailed Mr. Moffitt (but not Mr. Miller) a "final copy that incorporates comments that Guy has been looking at" (07347-72).

INTERROGATORY 18

Did Mr. Miller at any time question the completeness and accuracy of Serial 2731 or any part thereof, including, but not limited to, questions about the meaning of terms and DBNPS ability to prove factual assertions contained therein?

- a. If Mr. Miller had questions/concerns:
 1. identify Mr. Miller's questions/concerns;
 2. identify the person or persons to whom he addressed his concerns; and
 3. explain how Mr. Miller's concerns were resolved to his satisfaction. If his concerns were not resolved to his satisfaction, explain why not.
- b. If Mr. Miller never questioned the completeness and accuracy of the Serial 2731, explain why not.

ANSWER TO INTERROGATORY 18:

Mr. Miller did not question the completeness and accuracy of Serial No. 2731 until after the degradation was discovered in 2002. Mr. Miller did not dispute Mr. Cook's August 27, 2001 assessment that it was preferable to delete draft version 1b's reference to 90% of the nozzles being inspected during the 2000 inspection . . . "to ensure that we state that not all of the head was accessible or inspected for inspection for whatever reason" (NRC007-1728). Mr. Miller was also aware that Davis-Besse provided updated and additional information in its October 17, 2001 supplement to the initial Bulletin response. On October 17, 2001, Mr. Miller concurred in the updated response, Serial No. 2735 (DLM 00000484).

INTERROGATORY 19

Identify all changes, and all suggestions for changes, made by Mr. Miller to Serial 2731. For each suggestion or change:

- a. explain why he suggested it or made it;
- b. when he suggested it or made it; and
- c. state whether it appears in the final version of the Serial 2731.

ANSWER TO INTERROGATORY 19:

Mr. Miller did not suggest or make any changes to the drafts, and he did not see the final version of Serial No. 2731 until after it was filed. See Answers to 17 above and 22 below.

INTERROGATORY 20

Provide copies of documents and notes containing Mr. Miller's comments, suggestions, and/or changes to Serial 2731 not previously disclosed.

ANSWER TO INTERROGATORY 20:

Mr. Miller did not suggest or make any changes to Serial No. 2731. See Answer to 19 above.

INTERROGATORY 21

Identify all changes, and all suggestions for changes, made by others to Serial 2731 and of which Mr. Miller was aware. For each change/suggestion:

- a. identify the person(s) making or suggesting the change;
- b. identify when the change or suggestion was made;
- c. identify what Mr. Miller thought of the change; and
- d. state whether the change or suggestion was incorporated into the draft of Serial 2731 on which Mr. Miller concurred.

ANSWER TO INTERROGATORY 21:

a. - d. On or by August 20, 2001, Mr. Miller was aware that Rodney Cook had circulated a draft of Serial No. 2731 dated August 18, 2001, and planned on "getting it out into Green Sheet review today" (05544-05560). Mr. Cook's August 18, 2001 draft was the first Bulletin response Mr. Miller received. At some point, Mr. Miller became aware that Senior Design Engineer Prasoon Goyal and System Engineer Andrew Siemaszko were working with Mr. Cook. Mr. Miller thought that Mr. Goyal was the subject matter expert on nozzle cracking and Mr. Siemaszko had conducted prior RPV head inspections.

On August 22, 2001, Mr. Miller received another draft Serial 2731 from Mr. Cook (DLM 0000093). On August 23, 2001, Mr. Miller received a third draft from Mr. Cook (DLM 00000183). Concerning the April 2000 inspection, the August 18, 2001 draft stated: [a] majority of the nozzles were inspected (DLM 0000058); the August 22 draft stated: "[a]pproximately 90% of the nozzles were inspected (DLM 00000100), as did the August 23, 2001 draft (DLM 00000190).

Mr. Miller did not challenge Mr. Cook's August 27, 2001 statement accompanying draft version 1b that it was more accurate to delete the reference to 90% of the nozzles being inspected (DLM 00000298, NRC007-1728). Version 1b did not show how Mr. Cook actually changed the text (DLM 00000305). The draft on which Mr. Miller concurred on August 30, 2001 (either 1f-ANO.pdf or 1g-ANO.pdf) did not include a reference to the percentage of nozzles inspected during 2000. Please include here Answers to 15 and 17 above and 22 below.

INTERROGATORY 22

Can Mr. Miller explain why the drafts of Serial 2731 he received between August 20, 2001 and August 30, 2001 were so different? If not, why not?

ANSWER TO INTERROGATORY 22:

Case documents show that Mr. Miller did not receive preliminary Bulletin responses dated approximately August 9, 2001 (05701A-3), August 14, 2001 (06539A-46), or the first draft Mr. Cook gave to Mr. Kennedy on August 15, 2001 (06469A). Mr. Miller did not receive a copy of a draft until August 20, 2001 (05544), when Mr. Cook was already planning to circulate the document for review and approval (05544). Mr. Miller clearly missed out on preliminary assignments, meetings, discussions, and documents that might have better focused him on key issues or text changes or deletions. After Mr. Miller signed his approval on August 30, 2001, he did not receive later-circulated drafts of the Bulletin response. An e-mail from Mr. Cook to Mr. McLaughlin (but not Mr. Miller) dated September 4, 2001 attached a "revised response incorporating Guy's comments" (NRC008-0409). Mr. Cook's e-mail observed that the "main" changes were "on pages 5 and 6," and there were other, "editorial" changes (NRC008-0409-435). Mr. Miller concurred in either draft version 1f-ANO.pdf or 1g-ANO.pdf; however, by September 4, 2001, Mr. Cook was up to version 1k-GGC comments. doc (NRC007-0681). See Answers to 17 and 21 above.

INTERROGATORY 23

Can Mr. Miller explain why the draft Serial 2731 on which Mr. Miller concurred provided less detailed information about the scope of past inspections than previous drafts of Serial 2731. If not, why not?

ANSWER TO INTERROGATORY 23:

Mr. Miller did not provide or cause information to be "less detailed". Please incorporate Answers to 17, 18, 21, and 22 here.

INTERROGATORY 24

At the time he was reviewing drafts of Serial 2731, and at the time he concurred on Serial 2731 on August 30, 2001, did Mr. Miller believe Serial 2731 was fully and completely responsive to Bulletin 2001-01?

- a. If Mr. Miller believed that Serial 2731 was fully and completely responsive to Bulletin 2001-01, identify with specificity the factual basis for Mr. Miller's belief;
- b. If Mr. Miller believed that Serial 2731 was not fully and completely responsive to Bulletin 2001-01, identify with specificity the basis for Mr. Miller's belief and identify the portion(s) of the response Mr. Miller believed were not fully and completely responsive to Bulletin 2001-01;
- c. If Mr. Miller was not sure whether Serial 2731 was fully and completely responsive to Bulletin 2001-01, identify the basis for Mr. Miller's uncertainty and identify the portion(s) of Serial 2731 about which Mr. Miller was uncertain.
- d. If Mr. Miller was not sure whether Serial 2731 was fully and completely responsive to Bulletin 2001-01, explain why Mr. Miller concurred on the document.

ANSWER TO INTERROGATORY 24:

a. - d. Between August 20, 2001 when he received his first draft, and August 30, 2001 when he concurred in Serial No. 2731, Mr. Miller did not have a reason to challenge the accuracy and completeness of Serial No. 2731. He relied upon the System and Design Engineering lead departments to provide accurate information, and upon his colleagues in the Regulatory Affairs department to resolve any comments or disputes with the individuals to whom they had assigned the work.

INTERROGATORY 25

Why is DBNPS' answer to Item 1.d in drafts of Serial 2731 written in terms of future inspections (i.e. "will not impede" vs. "does not impede")? If Mr. Miller does not know why, was Mr. Miller aware that the answer to item 1.d of Serial 2731 in the drafts he reviewed and the draft he concurred upon was written in terms of future inspections?

ANSWER TO INTERROGATORY 25:

Mr. Miller did not focus on the tenses used in drafts of Serial 2731, although he discussed future inspection plans with members of the utility group. See handwritten comments (not Mr. Miller's) on NRC005-3701-25, and the September 4, 2001 Serial 2731 drafts (NRC007-0681-706 and 07347-72). Please include the Answer to 22 above.

INTERROGATORY 26

Did Mr. Miller believe he had a duty to ensure the completeness and accuracy of Serial 2731? If not:

- a. Did Mr. Miller believe that someone else was responsible for assuring completeness and accuracy?
- b. Identify the person or persons Mr. Miller believed were responsible for assuring completeness and accuracy?
- c. Did Mr. Miller verify that those he believed to be responsible for assuring completeness and accuracy were in fact so doing?

ANSWER TO INTERROGATORY 26:

(a) - (c). Mr. Miller believes that he had a duty to ensure the completeness and accuracy of Serial No. 2731 to the extent he was able, as did all of the individuals who contributed to or prepared the response. Mr. Miller believes that his responsibility to the NRC to ensure the completeness and accuracy of the Bulletin response was limited by the fact that he did not begin his first Bulletin-related assignment until August 17, 2001, he did not receive a draft response until August 20, 2001, he did not receive draft responses circulated after August 30, 2001, and he did not write any sections of or make any changes to Serial No. 2731. Mr. Miller had to rely upon the System and Design Engineering departments to provide accurate information, and upon his colleagues in Regulatory Affairs to resolve any comments or disputes with the individuals to whom they had assigned the work. He had no reason to believe they were

not doing their jobs.

INTERROGATORY 27

Identify when and how Mr. Miller learned that DBNPS planned to replace the RVH and the service structure during 14RFO.

ANSWER TO INTERROGATORY 27:

Mr. Miller's documents contain at least six drafts of a discussion agenda, presumably for the October 3, 2001 teleconference with the NRC about Davis-Besse's Bulletin response. The drafts reference the topic of head replacement (NRC017-1258, 1259, 1260, 1261, 1262, 1263). On NRC017-1263, Mr. Miller crossed-out "Recommendation to management" next to "RPV head Replacement during RFO14" and substituted "Actively evaluating". NRC017-1262 states "Actively evaluating RPV head Replacement during RFO14" but notes in Mr. Miller's handwriting: "(Clear w/GGC)". NRC017-1261 states "Actively evaluating RPV head Replacement during RFO14" as does NRC017-1258. Draft NRC017-1259 does not contain the phrase.

On October 2, 2001 at 4:25 p.m., Rodney Cook circulated a revised agenda. He attached "NRC Discussion Draft 4" stating "[a]ctively evaluating RPV head Replacement during RFO14" (05803-4). By e-mail dated October 3, 2001, Mr. Cook sent a revised agenda for the NRC conference call to Messrs. McLaughlin, Wuokko, Lockwood, and Miller (05807A). Mr. Cook stated the "only question remaining is whether head replacement statement stays or goes. Have alpha-paged Lockwood with the question, but if any of you has insight, please let me know" (05807A). The head replacement topic line was still included in the conference call agenda that Mr. Wuokko forwarded to the NRC on October 3, 2001 at 8:52 a.m. (NRC008-1619-21). Please include Answer to 15 here (service structure).

INTERROGATORY 28

Why did Mr. Miller focus on the word "impede" and why did he look it up in the dictionary?

ANSWER TO INTERROGATORY 28:

To prepare for his Office of Investigations (OI) interview on October 22, 2002, Mr. Miller reviewed documents in his file including approximately ten drafts of Serial No. 2731. During his preparation, he looked up the word "impede" in the Dictionary, because the Augmented Inspection Team had focused on the subject. During his 2002 OI interview, Mr. Miller tried to explain that the collective thought in the engineering department was that Davis-Besse could perform an inspection through the mouse holes during the upcoming refueling outage, with the right equipment and the right tools. He did not look up the word "impede" in August or September of 2001, and he did not draft or edit any Serial 2731 sections. As he told OI Senior Special Agent Joseph M. Ulie, OI Special Agent Michelle F. Janicki, and Senior Reactor Inspector James A. Gavula on October 22, 2002, he did not have a reason to question engineering's conclusion. On September 4, 2004, Mr. Miller told OI Senior Special Agent Ulie, Special Agent Janicki, Senior Reactor Inspector Gavula, and Department of Justice attorneys that he had looked up the word "impede" in preparation for his October 22, 2002 OI interview.

INTERROGATORY 29

Identify industry (EPRI, NEI, MRP, INPO, etc) publications read by Mr. Miller during his time as a Compliance Supervisor at DBNPS.

ANSWER TO INTERROGATORY 29:

Mr. Miller cannot recall specific industry publications that he reviewed while he was Davis-Besse's Compliance Supervisor other than information supplied by LIS, Licensing

Information Services, of Scientech. He did not review EPRI and NEI material unless an issue prompted him to seek additional information. Prior to August 2001, Mr. Miller was not aware of the Materials Reliability Program (MRP). He does not recall reviewing any MRP documents sent to him during the Bulletin response period, although he may have reviewed information specifically identified to him. Mr. Miller was not responsible for processing INPO documents; however, he reviewed INPO documents as needed.

INTERROGATORY 30

Mr. Miller asserts that he had minimal involvement in preparing Serial 2731. Identify all other activities and responsibilities occupying Mr. Miller's time in August 2001.

ANSWER TO INTERROGATORY 30:

Mr. Miller did not retain any plant or personal records relative to his specific activities in August 2001, so the following discussion is based on his responsibilities. Discussions of inspections are based on publicly available NRC inspection reports.

Each morning, his first responsibility was to review the Daily Status Report for emerging plant equipment or system deficiencies. He reviewed Condition Reports, and then discussed plant issues and Condition Reports with the Compliance engineers and plant staff personnel.

When a Condition Report identified a potential regulatory issue, he conducted additional research on reportability. The Shift Supervisor determined immediate reportability for any CR affecting plant equipment. Compliance personnel would review the CR against NRC mandated reportability criteria. For each CR, the subject was reviewed to determine if the condition affected Technical Specification equipment. Compliance followed up on all CRs that were potentially reportable by calling the subject matter expert and researching the license design basis. They reviewed computerized plant logs to ensure Technical Specification required actions

occurred. Compliance was responsible for any follow-up communication with the Resident Inspector. Daily Status, Condition Report and reportability reviews could involve a significant amount of Mr. Miller's time each day.

One of Compliance's major responsibilities was to coordinate NRC inspections. The Senior Resident Inspector for Davis-Besse conducted an exit meeting on August 23, 2001 for the inspection period July 1 through August 23, 2001. In August, leading up to this exit meeting, an issue was identified that design basis documents pertaining to a steam line break in the turbine building were potentially incomplete. During the week of August 20, Mr. Miller worked with his staff to prepare for the Resident exit meeting and attempt to resolve the steam line break issue.

On a daily basis, the Compliance unit processed all regulatory correspondence for immediate distribution to the station management staff. Standard distribution lists existed for each category of regulatory correspondence; however, Mr. Miller verified that the correct distribution occurred. His goal was to distribute regulatory correspondence the same day it was received, so that the station management staff could begin evaluating the correspondence in a timely manner. In addition, Mr. Miller remained available to consult with the station staff on any regulatory issue.

Mr. Miller was also responsible for facilitating station activities for NRC-scheduled inspections conducted by Region III inspectors in parallel with ongoing, resident inspection activities. Inspections that were scheduled for completion by the end of 2001 included Safeguards, Radiation Protection and ALARA, the Biennial Maintenance Rule inspection, and the Biennial Plant Modification and 50.59 inspection. The biennial inspections involved significant effort that probably began during August 2001. Mr. Miller would have reviewed the

applicable NRC inspection module and ensured that the station organization understood the scope. He may have started assembling any reference material the inspector needed. Major inspections were tracked on a database and Compliance followed the inspections on a full time basis until conclusion. Facilitating major biennial inspections involved hundreds of work hours.

Around August 21, 2001, Mr. Miller was asked to instruct another engineer on Davis-Besse's wet and dry spent fuel storage issues so that she could serve as a subject matter expert during Senator Voinovich's August 27, 2001 plant visit. Mr. Miller recalls spending a significant amount of time researching and instructing the engineer on the material. Mr. Miller eventually took over the spent fuel assignment, and fielded questions from the Senator on August 27, 2001.

During August 2001, Mr. Miller's other Compliance responsibilities likely included:

- Attending weekly Regulatory Affairs section meetings and performing any special assignments such as procedure improvements, or implementation of revised desk guides
- Conducting periodic Compliance unit meetings and discussing plant issues
- Supervising completion and submittal of Licensee Event Reports for any reportable event
- Periodic NRC Liaison on-call duty to support Operations and the Emergency Plan
- Coaching, training and developing staff personnel
- Working with agencies such as the U.S. Army Corps of Engineers and State officials who monitored Davis-Besse's performance
- Consulting with station staff on regulatory issues, plant licensing and design basis, Federal, State, and local regulations, updated Safety Analysis Report commitments, industry codes and standards, and Technical Specification bases
- Managing the program for reporting NRC Performance Indicator results
- Providing input to monthly reports and periodic self assessments of the section and Compliance unit programs
- Budget and Business plan input

INTERROGATORY 31

Mr. Miller asserts he had minimal preparation for his involvement in Serial 2731. Identify all deficiencies in Mr. Miller's preparation and the causes of those deficiencies.

ANSWER TO INTERROGATORY 31:

Mr. Miller objects to the use of the word "deficiencies" to the extent it implies that he engaged in deliberate misconduct. When Mr. Miller received his utility group assignment, he was unaware of all of the background information already assembled on the subject of CRDM nozzle cracking. He did not attempt to become knowledgeable and could not have become knowledgeable on this material in the short period of time between his first assignment on August 17, 2001, and his concurrence in a draft Bulletin response on August 30, 2001. Instead, Mr. Miller had to rely upon the expertise of the engineering personnel who provided technical input, as well as his Regulatory Affairs' colleagues, Messrs. Cook, Kennedy, Wuokko, and Lockwood, who had been involved in the project from the beginning.

INTERROGATORY 32

Identify what Mr. Miller knew about flange leakage problems both at DBNPS and at other facilities as of August 2001.

ANSWER TO INTERROGATORY 32:

See Answer to 33 below.

INTERROGATORY 33

Identify what Mr. Miller learned about flange leakage problems at DBNPS and at other facilities during August 2001. In so doing:

- a. identify the source of the information; and
- b. identify when the information was acquired.

ANSWER TO INTERROGATORY 33:

a. - b. During August of 2001, Mr. Miller either read in a draft Bulletin response or was told that the source of boric acid deposits visible on the RPV head during prior inspections was attributable to flange leakage. Mr. Miller does not believe that he knew about flange leakage at

other facilities. He is uncertain whether he was told that flange leakage was a problem at Davis-Besse or other facilities. Mr. Miller believed he learned that boric acid deposits from leaking CRDM nozzles had a popcorn-like appearance that differed from the appearance of boric acid deposits caused by leaking flanges.

INTERROGATORY 34

Identify what Mr. Miller knew as of August 2001 about the scope of past flange inspections both at DBNPS and at other facilities, including, but not limited to, Mr. Miller's knowledge of: gasket replacement, number of flanges found to be leaking during each outage, number of gaskets replaced each outage, and efforts to correlate flange leakage with boron deposits on the head.

ANSWER TO INTERROGATORY 34:

See Answer to 33 above.

INTERROGATORY 35

Identify what Mr. Miller learned between August 1, 2001, and October 31, 2001, about the scope of past flange inspections at both at DBNPS and at other facilities, including, but not limited to, what Mr. Miller learned about: gasket replacement, number of flanges found to be leaking during each outage, number of gaskets replaced each outage, and efforts to correlate flange leakage with boron deposits on the head. In so doing:

- a. identify the source of the information; and;
- b. identify when the information was acquired.

ANSWER TO INTERROGATORY 35:

Please include the Answer to 33 above. On October 3, 2001, Mr. Miller took notes during the NRC teleconference (SPM 0000099-102). His notes state: "100% inspection of head - some areas precluded from inspec. [sic] due to flange leakage - definite signs of boron flow from leakage" (SPM 0000099). On October 17, 2001, Mr. Miller concurred in Serial No. 2735. Serial 2735 discussed the number of nozzles "obscured by boric acid crystals that were clearly

attributable to leaking motor tube flanges from the center CRDMs" (DLM 00000492).

INTERROGATORY 36

Identify who asked Mr. Miller to organize utility response group teleconferences.

ANSWER TO INTERROGATORY 36:

Director of Nuclear Services, Lonnie W. Worley.

INTERROGATORY 37

Explain why Mr. Miller was asked/selected to organize and lead industry response group teleconferences.

ANSWER TO INTERROGATORY 37:

Mr. Miller does not recall asking Director Worley why he was selected.

INTERROGATORY 38

On page 5 of his Answer, Mr. Miller mentions communicating with a technical expert from ANO.

- a. Identify the ANO technical expert.
- b. Identify and provide, if not previously disclosed, the information this individual provided to Mr. Miller.
- c. Describe communications between the ANO technical expert and Mr. Miller.

ANSWER TO INTERROGATORY 38:

a - c. Page 5 of Mr. Miller's February 23, 2006 "Answer To and Request for Expedited Hearing" states information was provided to him "by a technical expert about a previously successful head inspection and cleaning performed" at ANO. The technical expert was Mark McLaughlin, Davis-Besse's Alloy 600 Team leader. See also "Answer To and Request for Expedited Hearing" pages 8-9.

Mr. McLaughlin participated in utility teleconference calls with Mr. Miller on August 23 and 27, 2001 and Mr. McLaughlin gave Mr. Miller copies of notes from the calls (DLM 00000241-3, DLM 00000329-332). The August 23, 2001 notes state that Oconee and ANO had looked "at 26 additional nozzles" (DLM 00000241); therefore, Mr. Miller assumes that he and Mr. McLaughlin discussed ANO's prior inspection, configuration similarities, and use of robotic equipment for RPV head inspection on or about this time. Page 6 of the Serial 2731 draft (either Version 1f-ANO.pdf or Version 1g-ANO.pdf) in which Mr. Miller concurred on August 30, 2001 states: "The DBNPS is similar in design to ONS3 and ANO-1 which have demonstrated an ability to identify leaking CRDM nozzles by visual examination for boric acid crystal deposits" (DLM 00000372; DLM 00000426). In the August 29, 2001 e-mail transmitting Version 1g-ANO to Mr. Miller (and five others), Mr. Cook wrote that the draft was incorporating a discussion similar to ANO's "wherein we will provide a supplement 60 days prior to the outage" (DLM 00000362, NRC007-1763). Case documents also show that Framatome's August 22, 2001 "Revised Draft of Bulletin responses" (NRC008-0921-39) stated "Davis-Besse is similar in design to Oconee and ANO-1, which have demonstrated an ability to identify leaking CRDM nozzles by visual inspection for boric acid crystal deposits" (NRC008-0925).

INTERROGATORY 39

Explain why Mr. Miller continued to be involved in DBNPS' response to Bulletin 2001-01 after submission of Serial 2731 to the NRC given his asserted lack of preparation and expertise for such involvement.

ANSWER TO INTERROGATORY 39:

During the fall of 2001, Mr. Miller continued his assignment to contact other utilities and monitor their upcoming inspections. He stayed apprised of inspection developments and techniques because Davis-Besse had committed to file a supplemental Bulletin response sixty

days prior to the outage, with plans for how inspection would be expanded if any concerns were observed during visual inspection.

INTERROGATORY 40

At the time he was reviewing drafts of Serial 2731, and at the time he concurred on Serial 2731, did Mr. Miller anticipate that the NRC would request additional/supplemental information? If yes, what additional information did he anticipate that the NRC would request. If he did not anticipate that the NRC would request supplemental information, why not?

ANSWER TO INTERROGATORY 40:

Mr. Miller did not anticipate requests for additional information, but he knew that Davis-Besse had committed to supplementing its response 60 days prior to the outage (NRC007-1763).

**DALE L. MILLER'S RESPONSES
TO REQUESTS FOR ADMISSIONS¹**

A. Mr. Miller was Rodney Cook's supervisor for purposes of drafting Serial 2731.

RESPONSE TO REQUEST A:

Denied as stated. Dale Wuokko served as Rodney Cook's supervisor for purposes of drafting Serial 2731.

B. At the time he was reviewing drafts of Serial 2731, Mr. Miller knew that Rodney Cook was getting inconsistent/conflicting information from Andrew Siemaszko concerning the scope of his (Siemaszko's) inspection of the RVH in 2000.

RESPONSE TO REQUEST B:

Mr. Miller objects to this request because "inconsistent/conflicting information" is vague and ambiguous and not defined in the Request. Notwithstanding the objection, Mr.

Miller admits that he was aware that Rodney Cook heard from Andrew Siemaszko that he

¹ Mr. Miller requests the right to supplement his Responses to the Requests for Admissions upon completion of discovery.

had inspected a majority of the nozzles and 90% of the nozzles. Mr. Miller did not challenge Mr. Cook's August 27, 2001 e-mail statement that he deleted the reference to 90% of the nozzles being inspected to "ensure that we state that not all of the head was accessible or inspected. . . ." (NRC007-1728).

C. At the time he concurred on Serial 2731, Mr. Miller knew that Rodney Cook had received inconsistent/conflicting information from Andrew Siemaszko concerning the scope of his (Siemaszko's) inspection of the RVH in 2000.

RESPONSE TO REQUEST C:

Mr. Miller objects to this request because "inconsistent/conflicting information" is vague and ambiguous and not defined in the Request. Notwithstanding the objection, Mr. Miller admits that he was aware that Rodney Cook heard from Andrew Siemaszko that he had inspected a majority of the nozzles and 90% of the nozzles. At the time he concurred in Serial 2731, Mr. Miller believed that Mr. Cook deleted the reference to 90% of the nozzles being inspected to "ensure that we state that not all of the head was accessible or inspected. . . ." (NRC007-1728).

D. Mr. Miller received drafts of Serial 2731 on:

1. August 20, 2001 (draft dated August 18, 2001)
2. August 22, 2001;
3. August 23, 2001;
4. August 24, 2001;
5. August 27, 2001;
6. August 28, 2001;
7. August 29, 2001.

RESPONSE TO REQUEST D:

1. - 7. Mr. Miller admits that he was e-mailed drafts of Serial 2731 on six of the dates

stated, but other than the first draft he received dated August 18, 2001, the remainder were identified by version, as referenced in his Answers to Interrogatories. Mr. Miller cannot locate a draft received on August 24, 2001.

E. How to respond to Item 1.d of NRC Bulletin 2001-01 was discussed during the August 23, 2001 utility response group teleconference conducted by Mr. Miller.

RESPONSE TO REQUEST E:

Denied as stated. The teleconference discussed the results of inspections and inspection methods used at North Anna, Surry, and H.B. Robinson plants.

F. What constituted a "qualified visual inspection" was discussed during the August 23, 2001 utility response group teleconference conducted by Mr. Miller.

RESPONSE TO REQUEST F:

It is admitted that an agenda item for the August 23, 2001 teleconference was "qualified versus Effective visual inspection" (DLM 00000238). Subsequent discussion revealed that each plant had a different idea about the difference between a qualified visual inspection and an effective visual inspection.

G. Prior to concurring on a draft of Serial 2731 on August 30, 2001, Mr. Miller discussed Davis-Besse's bulletin response or scope of inspections or limitations on inspections with:

1. Praseon Goyal;
2. Rodney Cook;
3. an ANO technical expert; and/or
4. the utility response group teleconference participants.

RESPONSE TO REQUEST G:

Mr. Miller objects to this Request, because "scope of inspections or limitations on inspections" is vague and ambiguous and not defined in the Request. Notwithstanding the objection, Mr. Miller replies as follows:

1. Denied.
2. Admitted.
3. Denied.
4. Denied as stated. Mr. Miller recalls discussing inspection methods, equipment tools, and future inspections with the utility group participants.

H. When he was reviewing drafts of Serial 2731 and when he concurred on Serial 2731 on August 30, 2001, Mr. Miller knew that Andrew Siemaszko was unable to inspect all 69 nozzles during 12RFO.

RESPONSE TO REQUEST H:

Denied as stated. Mr. Miller did not know the number of nozzles inspected during the 2000 refueling outage until on or near October 17, 2001, when Serial No. 2735 was submitted.

I. When he was reviewing drafts of Serial 2731 and when he concurred on Serial 2731 on August 30, 2001, Mr. Miller knew that *past* inspections of the RVH had been limited because of the size and location of the mouse/weep holes.

RESPONSE TO REQUEST I:

Denied as stated. Mr. Miller believed that an inspection could be conducted through the mouse holes.

J. When he was reviewing drafts of Serial 2731 and when he concurred on Serial 2731 on August 30, 2001, Mr. Miller knew that the RVH was not free of boron deposits.

RESPONSE TO REQUEST J:

Denied as stated. On August 30, 2001, Mr. Miller knew that inspections during 1998 and 2000 showed boric acid deposits on the head. In 1998, the head was cleaned by use of a manual scrubber and vacuumed through the weepholes, and in 2000 the head was

vacuumed, then cleaned with demineralized water to the greatest extent possible while maintaining ALARA principles regarding the dose (05593-4, DLM 00000422-3, 05717-8).

K. When he was reviewing drafts of Serial 2731 and when he concurred on Serial 2731 on August 30, 2001, Mr. Miller knew about RFM 94-0025 (a.k.a. Mod 94-0025).

RESPONSE TO REQUEST K:

Denied. Mr. Miller did not learn about Modification 94-0025 (to install service structure inspection openings) until 2002.

L. When he was reviewing drafts of 2731 and when he concurred on Serial 2731 on August 30, 2001, Mr. Miller knew that DBNPS and ANO-1 were the only B&W plants that had not cut larger holes in the service structure for cleaning and inspection.

RESPONSE TO REQUEST L:

Admitted.

M. Mr. Miller was aware of filter clogging problems and the need for frequent filter changes when he was reviewing drafts of Serial 2731 and when he concured on Serial 2731 on August 30, 2001.

RESPONSE TO REQUEST M:

Denied.

N. Mr. Miller received drafts of D.B. Robinson's, ANO's, Crystal River's, TMI's, Oconee's, Beaver Valley's, and Braidwood's responses to NRC Bulletin 2001-01 in August 2001.

RESPONSE TO REQUEST N:

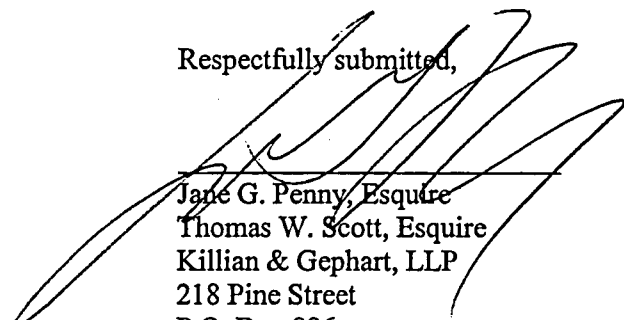
Denied as stated. During August of 2001, Mr. Miller believes he was forwarded Dominion's, Crystal River's, H.B Robinson's, Beaver Valley's and ANO's draft responses. He forwarded any draft responses he received to Rodney Cook.

O. Mr. Miller knew in August 2001 that Davis-Besse had unidentified reactor coolant system leakage.

RESPONSE TO REQUEST O:

It is admitted that in August 2001, Mr. Miller knew that Davis-Besse's unidentified Reactor Coolant System leakage was in compliance with Technical Specification limits.

Respectfully submitted,



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Counsel for Dale L Miller

Dated: June 30, 2006

UNSWORN DECLARATION

I, **Dale L. Miller**, declare under penalty of perjury that the facts set forth in the foregoing "Answers to Interrogatories and Requests for Admission" are true and correct to the best of my knowledge, information and belief. This declaration is made pursuant to Title 28 U.S.C. § 1746.

A handwritten signature in cursive script, appearing to read "Dale L. Miller", is written over a horizontal line.

Dale L. Miller

[Home Address Deleted

Under 10 C.F.R. § 2.390(a)]

June 28, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

DALE MILLER

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:
:
:
:

Docket No. IA-05-053

ASLBP No. 06-846-02-EA

CERTIFICATE OF SERVICE

On June 30, 2006, copies of Dale Miller's "Answers to Interrogatories and Requests for Admissions" were served on the following persons through the U. S. mail, and electronic mail (where indicated*):

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U.S. Nuclear Regulatory Commission
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Administrative Judge
E. Roy Hawkins
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
*E-mail: erh@nrc.gov

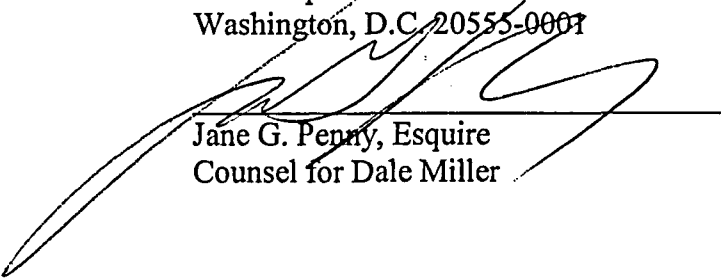
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