

RAS 11916

DOCKETED
USNRC

June 30, 2006 (10:52am)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

STEVEN P. MOFFITT)

) Docket No. IA-05-054

) ASLBP No. 06-847-03-EA

**STEVEN P. MOFFITT'S
ANSWERS TO THE NRC STAFF'S INTERROGATORIES
AND REQUESTS FOR ADMISSIONS**

GENERAL OBJECTIONS:

Mr. Moffitt 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. Moffitt's initial disclosures dated April 26, 2006.

ANSWER TO INTERROGATORY 1:

The following individuals may have discoverable information relative to disputed issues. Concerning Mr. Moffitt's knowledge of RPV head inspections and leaking flanges he adds Chuck Ackerman, Edward Chimahusky, John Cunnings, Stephen Fyfitch , Alex Kurasz, and Andy Wilson. Concerning Mr. Moffitt's contention that he did not endorse misleading statements during the October 3, 2001 teleconference, he adds Richard Barrett, Howard Bergendahl, Mel Holmberg, Andrea Lee, Stacey Rosenberg, Stephen Sands, Brian Sheron, Doug

TEMPLATE = SELY-035

SELY-02

Simpkins, Lonnie Worley, and John Zwolinski. Concerning Mr. Moffitt's contention that he did not present misleading statements on October 11, 2001, he adds William Bateman, Jim Beall, Rich Croteau, Michael Dowling, Ray Ganther, Allen Hiser, Tom Hiltz, Andrea Lee, David Loveless, Douglas Pickett, Darrell Roberts, Stacey Rosenberg, Ken Yoon, and John Zwolinski. Concerning the submittal of additional information through Serial No. 2735, supplemental responses, and videos, Mr. Moffitt adds Singh Bajwa, William Bateman, Richard Barrett, Sam Collins, Michael Dowling, Allen Hiser, Douglas Killian, Andrea Lee, Steve Long, Douglas Pickett, Robert Rishel, Stacey Rosenberg, Stephen Sands, Brian Sheron, Jack Strosnider, Keith Wichman, Gerald Wolfe, Dale Wuokko, Jacob Zimmerman, and John Zwolinski.

INTERROGATORY 2

Identify every position, including the position of Shift Director during 12RFO, held by Mr. Moffitt at nuclear power plants.

- a. For each position identified, provide the name of the facility.
- b. For each position identified, describe the duties/responsibilities of that position including supervisory responsibilities.
- c. For each position identified, state whether the position was considered a management level position.
- d. For each position identified at DBNPS, describe Mr. Moffitt's interactions, if any, with other offices of the DBNPS organization and with industry groups, including, but not limited to, EPRI, B&W Owners Group, and/or MRP.
- e. For each position identified, describe Mr. Moffitt's interactions with the NRC, including, but not limited to, interactions with the NRC as DBNPS' Technical Services Director concerning Bulletin 2001-01.
- f. For each position identified, describe the education/subject matter expertise required to fill the position and the training Mr. Moffitt received while in that position.

- g. For each position identified, state whether Mr. Moffitt'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 Letter (GLs), either in the ordinary course of his position or under special circumstances. If while holding a particular position Mr. Moffitt was responsible for reviewing or drafting the aforementioned documents only in special circumstances, identify those circumstances.

ANSWER TO INTERROGATORY 2:

Electrical Systems Engineer/Lead Electrical Systems Engineer

- a. Perry Nuclear Power Plant (PNPP).
- b. System Engineer for assigned power systems.
- c. Non-management.
- d. Not applicable (NA).
- e. Limited NRC interaction.
- f. Engineering Degree, System Engineer Training Program, Electrical Power Systems Scope.
- g. Ordinary course of position included drafting and reviewing condition reports (CRs), modification requests (MODs), work orders, INPO documents, Licensee Event Reports (LERs), NRC Notices and Bulletins. Scope was generally limited to electrical power systems and associated control circuits.

Supervisor of Electrical Design

- a. PNNP.
- b. Supervised Design Engineers in areas of Power Systems and Instrumentation and Controls. Developed electrical mod packages, evaluated electrical systems data and performance. Assigned tasks and monitored performance.
- c. Non-management.
- d. NA.
- e. Limited NRC interaction -- resident inspector and occasional inspections.
- f. Engineering degree. Design Engineer Training Program for Power Systems and I&C Scope.
- g. Ordinary duties included drafting and reviewing CRs, Mods, INPO reports, LERs, and NRC documents. Scope was generally limited to electrical power systems and I&C.

Shift Technical Advisor

- a. PNPP.
- b. Engineer on shift in the control room functioning as STA.
- c. Non-management.

- d. NA.
- e. Occasional discussions with Resident Inspectors in the Control Room.
- f. Engineering Degree, Senior Reactor Operator License Training for PNPP, continuing operations and simulator training.
- g. Reviewed CRs, LERs, INPO reports, and NRC documents routed to Operations to update control room staff (including Shift Technical Advisers).

Plant Engineering Manager

- a. PNPP.
- b. Managed engineering staff involved in systems engineering and equipment monitoring programs. Provided day-to-day support to maintenance and operations.
- c. Management.
- d. NA.
- e. Limited NRC interaction -- resident inspector and occasional inspections. Visited Region III.
- f. Engineering Degree, Technical Staff and Managers' Training Program, management development courses.
- g. Ordinary duties included reviewing CRs, Mods, INPO reports, LERs, and NRC documents.

Support Services Director

- a. Davis-Besse.
- b. Managed staff responsible for security, training, and administration.
- c. Management.
- d. Interacted primarily with managers in Support Services, Site Vice President, and other Directors. Attended daily morning meetings with plant staff. Attended INPO training managers' course, and was involved with INPO. Was not assigned roles in EPRI, B&WOG, or MRP. General membership in Institute of Electrical and Electronics Engineers (IEEE).
- e. Attended NRC inspection debriefings, and generally interfaced with site resident. Visited Region III to meet NRC security experts and prepare for the Operational Safeguards Response Evaluation.
- f. Recall no specific educational or subject matter expertise required other than engineering degree. Attended INPO training managers' workshop. Did not receive Pressurized Water Reactor (PWR) system training.
- g. Routine routing for INPO and NRC documents. Review generally limited to training and security matters.

Technical Services Director

- a. Davis-Besse.
- b. Managed staff generally responsible for Design and System Engineering activities.

- c. Management.
- d. Interacted primarily with managers in Technical Services, Site VP, and other Directors. Attended morning meetings as schedule permitted. INPO evaluator and engineering mentor. No assigned roles in EPRI, B&WOG, or MRP. General membership in IEEE.
- e. Attended NRC inspection debriefings, and generally interfaced with site resident. Subsequent to September 28, 2001, assigned lead technical role for Bulletin response by Site VP. Focused on circumferential crack growth rate model.
- f. B.E.E. Did not receive PWR systems training. Was not enrolled in technical staff training programs, but monitored periodic classes to assess effectiveness.
- g. Ordinary duties included reviewing significant CRs, INPO documents, LERs, and other regulatory correspondence. After September 28, 2001, reviewed NRC Bulletin and related responses.

Shift Director 12RFO

- a. Davis-Besse.
- b. Rotated on shift with three other Directors. Apprised Site VP of any significant developments.
- c. Management.
- d. 12RFO specific assignment.
- e. General interface with NRC resident inspector.
- f. Unaware of specific degree requirements or training. Assigned as one of the department directors (not outage management). First PWR refueling outage.
- g. Duties included attending meetings (see Answer to 9 below).

INTERROGATORY 3

Did Mr. Moffitt hold any position other than Technical Services Director at DBNPS?

ANSWER TO INTERROGATORY 3:

Yes. On January 2, 1999, Mr. Moffitt became Support Services Director responsible for training, security, and administration. In January of 2000, he was named Director of Technical Services.

INTERROGATORY 4

Describe Mr. Moffitt'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 4:

Mr. Moffitt, an electrical engineer, took an undergraduate course in Materials Science. From 1983 through 1999, Mr. Moffitt was assigned to Perry Nuclear Power Plant, a Boiling Water Reactor; therefore, he did not receive training in axial cracking, circumferential cracking, boric acid corrosion control, or reactor vessel head inspection methods/procedures at Davis-Besse and at other plants.

INTERROGATORY 5

Describe Mr. Moffitt's employment situation as the Technical Services Director 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. Moffitt.

ANSWER TO INTERROGATORY 5:

In 2001, Mr. Moffitt received a 3.5% pay raise and in 2002, he received a 2% pay raise. Mr. Moffitt separated from FENOC on September 22, 2002; therefore, he was not promoted from the position of Director, Technical Services. For 2000, his incentive compensation was approximately 20% of his base compensation, and for 2001 his incentive compensation was approximately 22% of his base compensation. Factors on which his incentive compensation were based included corporate earnings per share, shareholder value, merger savings, budget factors, INPO factors, employee safety, radiation dose, and production. Mr. Moffitt did not retain copies of his performance evaluations; however Site Vice President Guy Campbell

evaluated his performance for 2000. Mr. Moffitt cannot recall who would have evaluated his performance for 2001.

INTERROGATORY 6

Provide copies of all documents not previously disclosed concerning the subject matter of Interrogatory 5.

ANSWER TO INTERROGATORY 6:

Mr. Moffitt believes that the management compensation plan in which he participated was included among the compensation plans reviewed in the 2002 Root Cause Analysis Report (page 53). He did not maintain copies of performance evaluations.

INTERROGATORY 7

State whether Mr. Moffitt, while employed as the Technical Services Director at DBNPS, ever drafted/created or reviewed the following types of documents, photographs, and videos: CRs, LERs (including, but not limited to, 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 or photographs of past inspections, or NRC information notices.

- a. For each type of document, photograph, or video, state whether Mr. Moffitt drafted or reviewed that type of document, photograph, or video in the ordinary course of his position as the Technical Services Director at DBNPS.
- b. If Mr. Moffitt did not draft or review the types of documents, photographs, and videos listed above in the ordinary course of his position as the Technical Services Director at DBNPS, identify any special circumstances in which he drafted or reviewed any of the types of documents, photographs, or videos listed above. In so doing:
 - 1. identify the document, photograph or video; and
 - 2. identify the special circumstances involved.
- c. Was Mr. Moffitt briefed on or otherwise made aware of the contents of these types of documents, photographs, or videos in the ordinary course as the Technical Services Director? If so, identify:

1. the documents, photographs, or videos;
 2. how Mr. Moffitt learned about the documents, photographs, or videos; and
 3. when Mr. Moffitt learned about them.
- d. If Mr. Moffitt 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 the Technical Services Director at DBNPS, 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 7:

Documents:

a.- d. As a director, Mr. Moffitt did not routinely create or draft documents. He would, however, review Significant Condition Reports and newly drafted Condition Report event descriptions to prepare for Plan of the Day Meetings. He would have been included on the distribution for LERs. Normally, he did not review work orders or MODs. Prior to September 28, 2001, Mr. Moffitt has no recollection of reviewing any specific CRs, LERs, INPO reports, PCAQRs, or work orders related to the condition of the RPV head. He was aware that the NRC issued Bulletin 2001-01 (the Bulletin).

After the discovery of the RPV head cavity in March of 2002, Mr. Moffitt asked his staff to locate Condition Reports and background documents to help him understand the reason for the cavity. In 2002, Mr. Moffitt listed the documents he reviewed (S14N-000001-4). In response to OI's subpoena, FENOC produced copies of the documents Mr. Moffitt analyzed that were in his file (S14N-000001-336; S14N-00571-610).

Photographs:

On or about October 17, 2001, Mr. Moffitt reviewed photographs created from tapes of previous outages showing RPV to nozzle interfaces. He reviewed them with engineering staff to

obtain a sense of assurance regarding the characterizations presented. Mr. Moffitt recalls seeing NRC and Davis-Besse slide presentations showing photographs of “popcorn” deposits. The photos were from other PWRs, not Davis-Besse. Mr. Moffitt has no recollection of viewing any other photographs of the RPV head or service structure prior to the discovery of the head degradation in 2002. After March of 2002, Moffitt saw additional photographs of the RPV head and service structure.

Videos:

During 12RFO, System Engineer Andrew Siemaszko showed Mr. Moffitt a part of an RPV head inspection video. During the rest of 2000 and 2001, Mr. Moffitt does not recall personally viewing other videos from past RPV head inspections conducted in 1996, 1998, or 2000. After September 28, 2001, David Geisen and Andrew Siemaszko told Mr. Moffitt that Davis-Besse had RPV head inspection videos taken during prior outages, and he made certain that copies were made available to the NRC on or by November 8, 2001.

INTERROGATORY 8

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

ANSWER TO INTERROGATORY 8:

Mr. Moffitt disputes the validity of the Enforcement Order. Throughout his Answers to these Interrogatories, he has disclosed the documents upon which he will rely to present his defense to the Order’s allegations. He will supplement this Answer through the course of discovery.

INTERROGATORY 9

Identify Mr. Moffitt's role(s) in outages during his time 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 modification requests, writing or reviewing PCAQRs, writing/reviewing LERs, and/or reviewing photos/videos of inspections. For each role, identify the outage in which Mr. Moffitt performed that role.

ANSWER TO INTERROGATORY 9:

Mr. Moffitt was present for the mid-cycle outage, which Davis Besse entered in May of 1999. He does not recall participating in planning for the mid-cycle outage. During the mid-cycle outage, Mr. Moffitt did not schedule maintenance activities, draft or approve work orders, write CRs, write or review MODs, write or review PCAQRs, or write LERs. He would, however, review Significant Condition Reports and newly drafted Condition Report event descriptions.

Refueling Outage 12 (12RFO) was Mr. Moffitt's first refueling outage at Davis-Besse. As a department director, he served a general oversight role, and rotated on shift with the other directors. He received turnovers and status reports at one of the two meetings conducted each day at 7:00 a.m. or 7:00 p.m. During 12RFO, Mr. Moffitt did not schedule maintenance activities, draft or approve work orders, write CRs, write or review modification requests, or write LERs. He would, however, review Significant Condition reports and review newly drafted Condition Report event descriptions. He briefly reviewed a part of one video shown to him by Andrew Siemaszko, when Mr. Siemaszko attempted to enlist his support for using water to clean the RPV head of boric acid deposits.

INTERROGATORY 10

Identify Mr. Moffitt's role(s) in outages at the facilities he worked at prior to coming to 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 licensee event reports, and/or reviewing photos/videos of inspections.

ANSWER TO INTERROGATORY 10:

Mr. Moffitt was at PNPP from 1983 until 1999. The highest position of authority he achieved as an outage team member was “Shift Engineering Manager”.

As System Engineer and Lead System Engineer, he recommended corrective and preventive maintenance for his assigned systems. He followed progress on key work activities and reviewed completed Work Orders. He wrote and reviewed CRs (or similar documents) and LERs related to his assigned systems. He typically did not review photos or videos, since most electrical equipment was accessible. On some occasions, photos of thermography results or NDE results were developed and reviewed.

As Supervisor of Electrical Design Engineering, Mr. Moffitt’s role was similar to the Lead System Engineer Role; however he focused on modifications and non-conformances.

As Plant Engineering Manager/Shift Engineering Manager, Mr. Moffitt participated on the “Outage Management Team” that reviewed and approved the scope and schedule of the outage. During the outage, he tracked emergent condition reports for items assigned to engineering. Mr. Moffitt cannot recall seeing outage videos (other than a fuel inspection video), although photos, sketches, and drawings were sometimes used to assist communications about equipment.

INTERROGATORY 11

Identify Mr. Moffitt’s role(s) in preparing for and carrying-out 12RFO, including, but not limited to, review of documents, photographs, and videos.

ANSWER TO INTERROGATORY 11:

Answered in 9 above.

INTERROGATORY 12

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

ANSWER TO INTERROGATORY 12:

During 12RFO, Mr. Moffitt learned that several of the CRDM flanges were repaired and that Davis-Besse had a history of flange leaks. Prior to August 2001, Mr. Moffitt was told that dry boric acid was not corrosive; therefore, at operating conditions, boric acid remaining on the head was not a significant safety concern. As of August 2001, Mr. Moffitt was unaware of flange leakage problems at other facilities. Mr. Moffitt was concerned that the flange design was faulty, and prior to 13RFO he discussed an "Omega Seal" upgrade with FENOC's Vice President of Engineering, John K. Wood, and Alex J. Kurasz, Regional Manager, Framatome, ANP.

INTERROGATORY 13

Identify what Mr. Moffitt learned about flange leakage problems both at DBNPS and at other facilities between August 1, 2001, and October 31, 2001. In so doing:

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

ANSWER TO INTERROGATORY 13:

a. -b. Mr. Moffitt does not recall learning about flange leakage problems at other facilities between August 1 and October 31, 2001. During October of 2001, Mr. Moffitt was briefed about Davis-Besse's history of flange leakage in preparation for the NRC teleconference on October 3, 2001, and slide presentation to the NRC Commissioners' Technical Assistants on October 11, 2001. In October of 2001, Mr. Moffitt reviewed photographs taken from RPV head inspection videos, and location diagrams showing inspection results and areas affected by

leaking flanges. Mr. Moffitt believes that he learned about leaking flanges from the engineering staff, including David Geisen, David Eshelman, Andrew Siemaszko, and Prasoon Goyal.

INTERROGATORY 14

Identify what Mr. Moffitt knew in August 2001 about the scope of past flange inspections both at DBNPS and at other facilities, including, but not limited to, Mr. Moffitt'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. In so doing:

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

ANSWER TO INTERROGATORY 14:

Moffitt does not recall learning about flange inspections at other facilities between August 1 and October 31, 2001. Mr. Moffitt does not recall which flanges had gaskets replaced during 12RFO. See Answers to 12 and 13 above.

INTERROGATORY 15

Identify what Mr. Moffitt learned between August 1, 2001, and October 31, 2001, about the scope of past flange inspections both at DBNPS and at other facilities, including, but not limited to, what Mr. Moffitt 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 Mr. Moffitt acquired the information.

ANSWER TO INTERROGATORY 15:

Between August 1 and October 31, 2001, Mr. Moffitt does not recall learning about the scope of past flange leakage at other facilities. While reviewing the information prepared for submittal as part of Serial No. 2735 and supplemental Bulletin responses, Mr. Moffitt gained

knowledge about Davis-Besse's 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. The knowledge that he acquired was submitted to the NRC.

INTERROGATORY 16

Explain the factual basis for Mr. Moffitt's asserted lack of knowledge of the scope of previous inspections of DBNPS' reactor vessel head.

ANSWER TO INTERROGATORY 16:

Mr. Moffitt did not begin working at Davis-Besse until January 2, 1999. During 12RFO, he knew that Andrew Siemaszko had cleaned the RPV head with water and that the results were considered successful, although some boron remained on the head.

INTERROGATORY 17

There were two events involving significant boric acid degradation at DBNPS prior to 2002. In 1998, it was discovered 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 was significantly corroded. Describe Mr. Moffitt's involvement, if any, in the RC-2 event or its aftermath.

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

ANSWER TO INTERROGATORY 17:

Mr. Moffitt was not employed at Davis-Besse during 1998. After he began employment in 1999, he and the other directors were briefed about a corrective action on an RC-2 topic related to the type of nut that was installed. He also recalls that the NRC closure briefing on the

RC-2 issues occurred soon after he arrived at Davis-Besse. Mr. Moffitt cannot recall receiving training on or reviewing other RC-2 issues.

INTERROGATORY 18

DBNPS had boric acid corrosion control (BACC) procedures in 2001 (NG-EN-00324).

- a. Identify what Mr. Moffitt knew about DBNPS' BACC as of August 2001.
- b. Identify training received by Mr. Moffitt concerning BACC as of August 2001.
- c. Identify training received by Mr. Moffitt concerning BACC between August 1, 2001, and October 31, 2001.
- d. Identify what Mr. Moffitt knew about DBNPS' BACC procedures as of:
 1. October 3, 2001;
 2. October 11, 2001; and
 3. October 17, 2001.
- e. Identify what Mr. Moffitt knew about DBNPS' compliance with its BACC procedures as of:
 1. October 3, 2001;
 2. October 11, 2001; and
 3. October 17, 2001.

ANSWER TO INTERROGATORY 18:

Mr. Moffitt had limited knowledge about Davis-Besse's BACC procedure. He does not believe he completed any training on the procedure. After his arrival in 1999, he was aware of containment walk-downs conducted at Davis-Besse attempting to identify the source of RCS unidentified leakage. Mr. Moffitt had no basis for believing there were any BACC compliance issues at Davis-Besse. He thought the BACC program had been reviewed the year before he arrived on site, and knew of no issues until the RPV head cavity was discovered in 2002.

INTERROGATORY 19

Identify Mr. Moffitt's knowledge of/familiarity with NRC Generic Letter 97-01 "Degradation of Control Rod Drive Mechanisms Nozzle and other Vessel Closure Head Penetrations." In so doing, identify the extent of Mr. Moffitt's knowledge of/familiarity, and when that knowledge of/familiarity was acquired.

ANSWER TO INTERROGATORY 19:

Mr. Moffitt first read Generic Letter 97-01, after Davis-Besse discovered the RPV head cavity in 2002. Generic Letter 97-01 did not apply to PNPP; therefore, he had not reviewed the letter when it was issued.

INTERROGATORY 20

Identify every meeting/gathering/briefing (formal or informal, scheduled or unscheduled), including teleconferences, attended/participated in by Mr. Moffitt between August 1, 2001, and October 31, 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 20:

Mr. Moffitt does not recall attending a Saturday, August 11, 2001 meeting in David Lockwood's office on the subject of the Bulletin. Praseon Goyal named Mr. Moffitt as a meeting attendee in an August 11, 2001 e-mail Mr. Goyal sent to David Geisen, Theo Swim, and Dale Wuokko. Mr. Goyal did not send a copy of the e-mail to Mr. Moffitt (SPM 0000017). Mr. Moffitt's access log does not show an entry for August 11, 2001. His calendar shows that he was on vacation beginning August 6, and that Mr. Eshelman was his alternate (SPM 00000209; 217). On August 9, 2001, Site Vice President Guy Campbell had asked Director Lonnie Worley to "brief him on Saturday on the time frame for responding to the Bulletin" (NRC005-3732-3).

On August 15, 2001, Mr. Moffitt could have accessed, by telephone, the NRC public meeting about expectations relative to Bulletin responses (NRC005-3698); however, he is not listed as a call participant (NRC028-1478-9), and has no recollection of the call. Around August or September of 2001, Mr. Moffitt informally asked Andrew Siemaszko how much of the head was cleaned, and he indicated approximately 80%. He expressed uncertainty about the number. Mr. Moffitt's calendar lists an August 28, 2001 meeting with Messrs. Worley, Geisen, McLaughlin and Goyal about "NRC bulletin on reactor head" (SPM 00000210).

Mr. Moffitt was briefed in preparation for and participated in the October 3, 2001 teleconference with the NRC. Mr. Moffitt did not take notes. He previously supplied Dale L. Miller's handwritten notes (SPM 0000087-92, SPM 0000099-102). Other notes dated October 3, 2001 are at NRC020-2202, NRC001-0574 -5, and NRC001-0571. Handwritten notes at NRC014-0896-7 and NRC014-0899 may be related to the October 3 call. On October 5, 2001, handwritten notes list Mr. Moffitt as a participant in a telephone call with Messrs. Campbell, Geisen, Lockwood, Attorney Roy Lessy, and T. Hiltz (NRC003-0897).

Mr. Moffitt's calendar reflects an entry for October 9, "NRC Dry Run," and an October 10, 2001 entry states "Steve in Washington, D.C." See Answer to 29 below about the Washington D.C. meetings and presentations. Mr. Moffitt's calendar entries for October 23 and 24, 2001 state "Steve-Washington, D.C." (SPM 00000212). A "Framatome/Fuel Meeting" is listed for October 29, 2001 (SPM00000213).

Following the presentation to the Technical Assistants on October 11, 2001 (Answer 29 below), Mr. Geisen told Mr. Moffitt that Davis-Besse needed to include the results of its 1996 RPV head inspection to establish an accurate baseline for its crack initiation calculation. By e-mail memo dated October 12, 2001, Regulatory Affairs Manager David Lockwood wrote to

Attorney Roy Lessy and FirstEnergy's Michael Dowling that "John Zwolinski contacted Steve Moffitt, Dale Wuokko and myself regarding our submittal of supplemental information and proposed meeting on 10/17/01 regarding CRDM nozzle cracking." (NRC014-2439) (19960). Other handwritten notes dated October 12, 2001 are at NRC021-0864.

After October 11, 2001, Mr. Moffitt recalls that he and Mr. Geisen asked Regulatory Affairs Manager David Lockwood how to correct the information previously related to the NRC. Mr. Lockwood told Mr. Moffitt the information should be corrected in the next NRC submittal scheduled for October 17, 2001.

Mr. Moffitt attended an October 24, 2001 NRC public meeting (NRC020-2625-6, NRC014-2394, NRC014-0857-9, NRC020-2611-3, NRC020-2617). During October 2001, Mr. Moffitt may have discussed telephone calls placed or received by Dale Wuokko (NRC020-2316-9, NRC020-2672, NRC007-1607-8, NRC007-1610, NRC014-0984, NRC0202166-7).

INTERROGATORY 21

Describe Mr. Moffitt's involvement/interactions with the utility response group organized by Mr. Miller in August 2001.

ANSWER TO INTERROGATORY 21:

Mr. Moffitt cannot recall any involvement with the utility response group, although he was generally aware that Davis-Besse was coordinating its response to the Bulletin with other utilities, so that the NRC's concerns would be addressed in an integrated manner.

INTERROGATORY 22

Identify every communication involving Mr. Moffitt 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 22:

Prior to August 2001, Mr. Moffitt had limited knowledge about Davis-Besse's BACC procedure (see Answer 18 above). During 1999, Mr. Moffitt was aware that the Plant Engineering Department was tracking the issue of increasing unidentified leakage from the Reactor Coolant System (RCS), and he recalls hearing presentations about walk-downs and potential sources of unidentified leakage during Plan of the Day meetings. In late 2000 or 2001, Mr. Moffitt learned about the issue of circumferential cracking. He recalls that Mr. Geisen addressed the issue at Plan of the Day meetings. At some point, Mr. Moffitt recalls seeing a sketch of a CRDM penetration nozzle and hearing about welds and crack growth. Mr. Moffitt received a copy of Prasoon Goyal's June 27, 2001 Memorandum, which concluded that Davis-Besse's inspection could be safely delayed until 13RFO, because there was no short term safety issue associated with CRDM nozzle cracking. Prior to August 2001, Mr. Moffitt believes that he was aware of the existence of a proposed service structure modification because he reviewed a list of pending design engineering modifications.

INTERROGATORY 23

Identify every communication involving Mr. Moffitt during August, September, and October 2001 concerning the following topics:

- a. boric acid corrosion control;
- b. circumferential cracking;
- c. DBNPS' reactor vessel service structure;
- d. reactor coolant leakage at DBNPS;
- e. other plants' response(s) to Bulletin 2001-01;
- f. other plants' meetings with the NRC to discuss Bulletin 2001-01;

- g. the NRC's anticipated reaction to DBNPS' Bulletin response(s);
- h. the NRC's reaction to DBNPS' Bulletin response(s); and
- i. the NRC's reaction to other plants' Bulletin responses.

ANSWER TO INTERROGATORY 23:

- a. BACC: Mr. Moffitt cannot recall communications about this topic between August and the end of October, 2001. He cannot recall any questions from the NRC (or anyone) about the potential for corrosion.
- b. Circumferential Cracking: In Mr. Moffitt's opinion, the possibility of circumferential cracking and a loss of coolant accident was the major focus of the Bulletin and related communications and correspondence in which he was involved from September 28, 2001 through October 2001. See Answer 20 above.
- c. Service structure: Mr. Moffitt believed that he was generally aware of the existence of a proposed service structure modification; however, he is not identified in the service structure modification's meeting history (NRC001-1518-1521).
- d. RCS leakage: Mr. Moffitt does not recall any specific discussion on the subject of RCS leakage during this time period.
- e. Other plants' responses: By e-mail dated August 29, 2001, Rodney M. Cook forwarded to Mr. Moffitt and Lonnie W. Worley a revised response to the Bulletin that he said considered "the TMI, CR-3, and ANO-1 responses" (SPM 0000024-49, 05712-37). Mr. Moffitt has no recollection of reading this e-mail or

the draft response Mr. Cook attached (Version 1g-ANO.PDF). Mr. Moffitt was generally aware that Davis-Besse was coordinating its response to the Bulletin with other utilities, so that the NRC's concerns would be addressed in an integrated manner.

f. Other plants' meetings: Mr. Moffitt had several discussions with employees of the D.C. Cook plant about their discussions with the NRC.

g. NRC's anticipated reaction: On September 28, 2001, Mr. Moffitt was surprised to learn about Brian Sheron's telephone call to FENOC's President Robert Saunders.

h. NRC's actual reaction: On September 28, 2001, Mr. Moffitt was surprised to learn about Mr. Sheron's telephone call to Mr. Robert Saunders. Mr. Moffitt did not participate in the call.

i. NRC's reaction to other plants: Other than D.C. Cook, Mr. Moffitt does not recall having first-hand knowledge about the NRC's reaction to other plants' responses, although he may have heard about this subject during NRC meetings that he attended in October of 2001.

INTERROGATORY 24

Identify any information Mr. Moffitt received or obtained during August, September, and/or October 2001 either directly or indirectly from Roger Huston, including but not limited to, Mr. Huston's September 7, 2001 e-mail to Dale Wuokko. In so doing, identify the date Mr. Moffitt received the information.

ANSWER TO INTERROGATORY 24:

Moffitt does not recall receiving information directly or indirectly from Roger Huston. Mr. Moffitt does not believe that Dale Wuokko forwarded to him a September 7, 2001 e-mail that Mr. Huston sent to Mr. Wuokko. On October 2, 2001 Dale Wuokko listed Mr. Moffitt as one of eight recipients of a telephone call summary that Mr. Wuokko received from Mr. Huston (SPM 0000095-6). On October 26, 2001, Dale Wuokko e-mailed Mr. Lockwood and Mr. Moffitt his summary of Mr. Huston's insights regarding "the 10/24/01 CRDM nozzle meeting" (NRC020-2609).

INTERROGATORY 25

Identify all nuclear industry events (i.e. conferences, meetings, or gatherings, sponsored by industry groups such as EPRI and MPR) attended by Mr. Moffitt in 2001, and the dates on which Mr. Moffitt attended.

ANSWER TO INTERROGATORY 25:

Other than the NRC meetings related to the Bulletin responses, Moffitt did not attend industry events.

INTERROGATORY 26

Identify industry and NRC publications Mr. Moffitt read, reviewed, or was made aware of in 2001.

ANSWER TO INTERROGATORY 26:

Mr. Moffitt was aware of many industry topics in 2001. Relative to the Bulletin and Davis-Besse's response, Mr. Moffitt was aware of Framatome's assessment of CRDM cracking. He was aware that the Electric Power Research Institute (EPRI) had developed a time at temperature susceptibility model on the topic, but does not believe that he reviewed it in detail. Mr. Moffitt reviewed the NRC's crack growth presentation, and attended the Advisory

Committee on Reactor Safeguards presentation on the topic. He was aware of the Framatome and SIA documents provided by Davis-Besse as supplements to the Bulletin response (See 05812-51). He reviewed an NRC assessment which listed issues related to the Bulletin.

INTERROGATORY 27

Did Mr. Moffitt at any time question the completeness and accuracy of any of the information presented to NRC Staff: during the October 3, 2001 teleconference, during the October 11, 2001 briefing, or in Serial 2735?

- a. If Mr. Moffitt had questions/concerns:
 1. identify Mr. Moffitt's questions/concerns;
 2. identify the person or persons to whom he addressed them; and
 3. explain how Mr. Moffitt's concerns were resolved to his satisfaction. If his concerns were not resolved to his satisfaction, explain why not.
- b. If Mr. Moffitt never questioned the completeness and accuracy of information presented to the NRC in the aforementioned teleconference, briefing, or Serial 2735, explain why.

ANSWER TO INTERROGATORY 27:

Following Mr. Sheron's September 28, 2001 call to Robert Saunders, Mr. Moffitt had to quickly prepare to take the technical lead on the Bulletin response assigned him by Site Vice President Guy Campbell (NRC020-2200). In Mr. Moffitt's opinion, Mr. Campbell wanted to quickly schedule a teleconference with the NRC Staff to discuss why Staff viewed Davis-Besse's September 4, 2001 Bulletin response as unsatisfactory, and why Staff wanted Davis-Besse to shut down to conduct a CRDM nozzle inspection by December 31, 2001. Mr. Moffitt believes he received briefings by Davis-Besse personnel on topics they thought were likely to be raised during the call, including the partial nature of the 2000 RPV head inspection. Framatome ANP was asked to present Davis-Besse's position on crack growth rates (NRC020-275). Mr. Moffitt did not have any questions regarding the accuracy of information relayed by Davis-Besse

personnel prior to the October 3, 2001 telephone call. During the October 3 call, Mr. Moffitt learned that the difference between Davis-Besse's and the NRC's circumferential crack growth rate was a primary issue. He recalls that Davis-Besse committed to providing details about its past inspection history. Because the information presented during the October 3 teleconference was consistent with Mr. Moffitt's understanding, he believed the information was complete and accurate.

Shortly after the October 11, 2001 presentation to the Technical Assistants, Mr. Geisen told Mr. Moffitt that FENOC now needed to include the results of Davis-Besse's 1996 RPV head inspection to establish a more accurate baseline for its crack initiation evaluation. Mr. Moffitt recalls that he and Mr. Geisen asked Regulatory Affairs Manager David Lockwood how to correct the information previously related to the NRC. Mr. Lockwood told Mr. Moffitt the information should be corrected in the next NRC submittal scheduled for October 17, 2001. Mr. Moffitt read Serial 2725 prior to concurring, and considered the information relayed to be consistent with his knowledge and understanding at the time.

INTERROGATORY 28

Identify all of Mr. Moffitt's activities related to preparing for the October 3, 2001 teleconference with NRC Staff, including but not limited to:

- a. identification of all meetings/briefings/rehearsals attended, including, but not limited to, the October 1, 2001 meeting and the October 2 "dry-run" meeting;
- b. identification of individuals consulted;
- c. identification of all documents, including photographs and videos, reviewed, used, or consulted by Mr. Moffitt; and;
- d. identification of all documents, including photographs and videos, the contents or existence of which Mr. Moffitt was made aware of or briefed.

ANSWER TO INTERROGATORY 28:

Mr. Moffitt objects to the use of the term "rehearsal" to the extent its use suggests that he engaged in deliberate misconduct while preparing for discussions with or presentations to the NRC. Mr. Moffitt recalls attending a meeting with Davis-Besse and Framatome personnel in preparation for the October 3, 2001 telephone conference. The preparation meeting date is not in his calendar although his calendar shows an October 2, 2001 meeting at 4:00 p.m. about "reactor vessel replacement" (SPM 00000212). Mr. Moffitt recalls that Site Vice President Guy Campbell started the preparation meeting by asking all present whether Davis Besse was safe to continue to operate. The meeting participants then discussed the differences between Framatome's opinion regarding the likelihood of circumferential cracking and the NRC's analysis. Mr. Moffitt probably reviewed the Bulletin and Davis-Besse's response (Serial No. 2731) in preparation for the telephone conference. He does not believe that he reviewed any videos or photos. Moffitt was made aware that Davis-Besse had inspection videos taken during prior outages.

INTERROGATORY 29

Identify all of Mr. Moffitt's activities related to preparing for the October 11, 2001 briefing of the Commissioners' Technical Assistants, including but not limited to:

- a. identification of all meetings/briefings/rehearsals attended;
- b. identification of all individuals consulted;
- c. identification of all documents, including photographs and videos, reviewed, used, or consulted; and
- d. identification of all documents, including photographs and videos, the contents or existence of which Mr. Moffitt was made aware of or briefed.

ANSWER TO INTERROGATORY 29:

Mr. Moffitt objects to the use of the word "rehearsal" to the extent it implies that he engaged in deliberate misconduct. The three October 11, 2001 slide presentations were developed at two meetings on October 10, 2001, up to the time of the presentation to the NRC Commissioners' Technical Assistants on October 11, 2001. The first October 10 meeting took place in Washington, D.C., and was attended by FirstEnergy Attorney Roy Lessy (Akin, Gump, Strauss, Hauer & Feld, L.L.P.), FirstEnergy Service's Vice President of Federal Governmental Affairs Michael Dowling, and Framatome ANP's Vice President Raymond W. Ganther. Framatome's Stephen Fyfitich may also have been present. Also present were Mr. Moffitt, Guy Campbell, David Geisen, David Lockwood, and Gerald Wolf. (See NRC002-0622 for a list of attendees' names).

A second meeting took place later the same day at a hotel in Rockville, Maryland. At some point, Mr. Wolf developed the presentation slides. Different slide presentations were prepared for the October 11, 2001 meetings scheduled with the Technical Assistants, Senator George Voinovich's staff, and Congressman Paul Gillmor. On October 11, 2001 at the Technical Assistants' briefing, Mr. Campbell introduced the issue and asked for an opportunity for dialogue with the NRC Staff, Mr. Geisen discussed information about Davis-Besse's inspection history, and Mr. Moffitt believes that he presented slide 11 (SPM00000111-126A).

INTERROGATORY 30

Identify all of Mr. Moffitt's activities related to Serial 2735, including but not limited to:

- a. identification of all meetings/briefings/rehearsals attended;
- b. identification of all individuals consulted;

- c. identification of all documents, including photographs and videos, reviewed, used, or consulted; and
- d. identification of all documents including photographs and videos, the contents or existence of which Mr. Moffitt was made aware of or briefed.

ANSWER TO INTERROGATORY 30:

Mr. Moffitt objects to the use of the word "rehearsal" to the extent it implies that he engaged in deliberate misconduct. See Answer to 27 above.

INTERROGATORY 31

Identify all changes, and all suggestions for changes, made by Mr. Moffitt to documents (including, but not limited to, the agenda) prepared for the October 3, 2001 teleconference with NRC Staff. For each suggestion or change:

- a. explain why he suggested the change or made the change;
- b. state when he suggested the changes or made the change; and
- c. state whether the change appeared in the final version of the materials prepared for and/or used on October 3, 2001.

ANSWER TO INTERROGATORY 31:

Mr. Moffitt recalls reviewing an agenda being prepared for the October 3 teleconference. He has no recollection of preparing or changing documents for the teleconference, including the agenda (see 05803-4 and 05807A-05808). On October 3, 2001 at 8:52 a.m., Dale Wuokko e-mailed Mr. Moffitt a copy of the agenda and list of conference call participants "for today's 9:30 AM discussion on Davis-Besse's response" to the Bulletin (05809A-05810-11).

INTERROGATORY 32

Identify all changes, and all suggestions for changes, made by others to materials prepared for the October 3, 2001 teleconference and of which Mr. Moffitt was aware. For each change or suggestion:

- a. identify the individual(s) making or suggesting the change;
- b. identify the affected material(s);
- c. identify when the change was made;
- d. identify what Mr. Moffitt thought of the change or suggestion; and
- e. state whether the change or suggestion was incorporated into the final version of materials prepared for and/or used on October 3, 2001.

ANSWER TO INTERROGATORY 32:

See Answer to 31 above.

INTERROGATORY 33

Identify all changes, and all suggestions for changes, made by Mr. Moffitt to documents including, but not limited to, presentation slides prepared for the October 11, 2001 briefing of the Commissioners' Technical Assistants. For each suggestion or change:

- a. explain why he suggested the change or made the change;
- b. state when he suggested the change or made the change; and
- c. state whether the change appeared in the final version of the materials prepared for and/or used on October 11, 2001.

ANSWER TO INTERROGATORY 33:

Mr. Moffitt cannot recall making any specific changes or suggesting any changes to the slides presented to the Technical Assistants. See Answer to 29 above.

INTERROGATORY 34

Identify all changes, and all suggestions for changes, made by others to materials prepared for the October 11, 2001, briefing of the Commissioners' Technical Assistants and of which Mr. Moffitt was aware. For each change or suggestion:

- a. identify the individual making or suggesting the change;
- b. identify the affected material(s);
- c. identify when the change was made;
- d. identify what Mr. Moffitt thought of the change or suggestion; and

- e. state whether the change appeared in materials prepared for and/or used on October 11, 2001.

ANSWER TO INTERROGATORY 34:

See Answer to 29 above.

INTERROGATORY 35

Identify all changes, and all suggestions for changes, made by Mr. Moffitt to documents/materials prepared for FENOC's presentation to Senator Voinovich's Staff in October 2001, including, but not limited to, presentation slides prepared for that briefing. For each suggestion or change:

- a. explain why he suggested the change or made the change;
- b. when he suggested the change or made the change; and
- c. state whether the change appears in the final version of the materials prepared for and/or used during the presentation to Senator Voinovich's Staff.

ANSWER TO INTERROGATORY 35:

Moffitt has no recollection of drafting or suggesting changes, if any were made, to the slides developed for presentation to Senator Voinovich's staff. See Answer to 29 above.

INTERROGATORY 36

Identify all changes, and all suggestions for changes, made by others to materials prepared for the presentation to Senator Voinovich's Staff and of which Mr. Moffitt was aware. For each change or suggestion:

- a. identify the individual(s) making or suggesting the change;
- b. identify the affected material(s);
- c. identify when the change was made;
- d. identify what Mr. Moffitt thought of the change or suggestion; and
- e. state whether the change appears in the final version of the materials prepared for and/or used in the presentation to Senator Voinovich's Staff.

ANSWER TO INTERROGATORY 36:

Moffitt has no recollection of who suggested changes or made changes, if any, to the slides prepared for presentation to Senator Voinovich's staff. See Answer to 29 above.

INTERROGATORY 37

References to the discovery of circumferential cracks at Crystal River 3 were included in drafts of slides prepared for presentation to Senator Voinovich's Staff and the Commissioners' Technical Assistants.

- a. Explain why reference to the discovery of the circumferential cracks Crystal River-3 was deleted from the final version of the slides for the presentation to Senator Voinovich's Staff and identify the individual(s) initiating/suggesting/recommending the deletion.
- b. Explain why reference to the discovery of circumferential cracks at Crystal River-3 was deleted from the final version of the slides for the presentation to the Commissioners' Technical Assistants and identify the individual(s) initiating/suggesting/recommending the deletion.
- c. If Mr. Moffitt does not know why the references to Crystal River were deleted, was he aware of the deletions?

ANSWER TO INTERROGATORY 37:

a. - c. If any were made, Moffitt has no recollection of drafting or suggesting changes or deletions to the slides developed for presentation to Senator Voinovich's staff. He cannot recall who would have initiated references about Crystal River-3's discovery of circumferential cracking or proposed or made deletions, if any. See Answer to 29 above.

INTERROGATORY 38

Drafts of the slides prepared for presentation to Senator Voinovich's Staff and the Commissioner's Technical Assistants included references to the DBNPS' 10RFO inspection results.

- a. Explain why reference to DBNPS' 10RFO inspection results were deleted from the final version of the slides for the presentation to Senator Voinovich's Staff and identify the individual(s) initiating/suggesting/recommending the deletion
- b. Explain why reference to the DBNPS' 10RFO inspection results was deleted from the final version of the slides for the presentation to the Commissioners' Technical Assistants and identify the individual(s)

initiating/suggesting/recommending the deletion.

- c. If Mr. Moffitt does not know why references to the DBNPS' 10RFO inspection results were deleted, was Mr. Moffitt aware of the deletion?

ANSWER TO INTERROGATORY 38:

Moffitt has no recollection of drafting or suggesting changes to the slides developed for presentation to the Technical Assistants or Senator Voinovich's staff. See Answer to 29 above.

INTERROGATORY 39

Slide 6 (NRC015-2717/S14N-00668) of DBNPS' October 11, 2001 presentation to the Commissioners' Technical Assistants states: "no head penetration leakage was identified" at DBNPS during either 11RFO or 12RFO or review of 11RFO and 12RFO inspection videos:

- a. Did Mr. Moffitt believe that this statement had a basis in fact?
- b. If Mr. Moffitt believed that this statement had a basis in fact, explain the factual basis.

ANSWER TO INTERROGATORY 39:

- a. The statement had a basis in fact; however, S14N-00668 was not the final Slide 6 presented to the Technical Assistants. See Answer to 40 below.
- b. Mr. Moffitt believed that no head penetration leakage had been identified, during inspections conducted in 11RFO and 12RFO. He believed that leakage detected was attributed to CRDM flanges, not nozzles; however, he also believes Davis-Besse personnel indicated during their presentation to the Technical Assistants that based upon a conservative analysis, each of the nozzles obscured from inspection during 2000 had a crack initiate in 1998. See Answer to 40 below.

INTERROGATORY 40

Identify the factual basis for Mr. Moffitt's assertion on page 13 of his Answer that FENOC did not represent to the Commissioners' Technical Assistants on October 11, 2001, that all the CRDM nozzles were inspected in 2000.

ANSWER TO INTERROGATORY 40:

The slides presented to the Technical Assistants did not state that all the CRDM nozzles were inspected in 2000. Mr. Moffitt believed that during the meeting, Davis-Besse presenters stated that they had to establish an earlier baseline than 2000, *because* boric acid obscured some nozzles during the 2000 RPV head inspection. Additionally, the purpose of the meeting with the Technical Assistants was to attempt to encourage them to have the NRC Staff consider FENOC's technical arguments, not to have the Technical Assistants decide the issues.

Slide 6 presented on October 11, 2001 to the Technical Assistants stated that head inspections were conducted during 11 RFO (April 1998) and 12 RFO (April 2000). Slide 7 stated: "All CRDM penetrations were verified to be free from 'popcorn' type boron deposits using video recordings from 11RFO or 12RFO," "65 out of 69" will provide visual indication of leakage, and the "[r]emaining 4 CRDMS" were located in an area where circumferential cracks had not been found. Slide 8 assumed an undetected crack started to grow in 1998, and Slide 9 stated it would not grow to "critical crack size before the 13th refueling outage" (SPM 00000116-119).

An NRC summary "Commission Technical Assistant Briefing October 11, 2001" stated that FENOC took the position that all "CRDM penetrations were verified to be free from the characteristic boron deposits using video recordings from the previous 2 refueling outages." The same NRC summary observed that the licensee assumed an "initial crack size of 180 degrees at the beginning of Cycle 12 (1998)," and videotapes of inspections "during the past 2 outages were

. . . of sufficient quality that permitted reinspection of the head looking for the characteristic born deposits" (NRC004-1782-3).INTERROGATORY 41

Identify the factual basis for Mr. Moffitt's assertion on page 13 of his Answer that, at the time of the briefing of the Commissioners' Technical Assistants on October 11, 2001, he and others believed that the 1998 outage (11RFO) provided an adequate baseline.

ANSWER TO INTERROGATORY 41:

As a director, Mr. Moffitt relied upon the information provided by his subordinates about the condition of the RPV head, the extent and quality of past inspections, and the plant's ability to continue to safely operate. On October 11, 2001, Mr. Moffitt believed that all nozzles that would show leakage were viewed in either 11 or 12RFO. Prior to the October 17, 2001 submittal (Serial No. 2735), Mr. Geisen informed Mr. Moffitt that the 1998 inspection could not be used as a baseline, and Davis-Besse had to go back to the 1996 inspection to properly assess crack initiation. Mr. Moffitt wanted to immediately correct the baseline information previously conveyed, so that the NRC would be aware that Davis-Besse now had to assume that cracking initiated prior to 1998. See Answer to 40 above.

INTERROGATORY 42

Identify all changes, and all suggestions for changes, made by Mr. Moffitt to Serial 2735. For each suggestion or change:

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

ANSWER TO INTERROGATORY 42:

a. - c. Mr. Moffitt's does not recall suggesting or making changes to Serial No. 2735 other than to ensure that the information he had learned about the number of nozzles viewed in 1996, 1998, and 2000 was added. He understood that Serial 2735 would correct and supplement the information previously conveyed to the NRC. Mr. Moffitt recalls reading Serial 2735 and reviewing its attachments prior to signing his concurrence.

INTERROGATORY 43

Identify all changes, and all suggestions for changes, made by others to Serial 2735 and of which Mr. Moffitt was aware. For each change of suggestion:

- a. identify the individual making or suggesting the change;
- b. state when the change was made;
- c. identify what Mr. Moffitt thought of the change; and
- d. state whether the change appears in the final version of Serial 2735.

ANSWER TO INTERROGATORY 43:

a. - d. Moffitt is unaware of any changes or suggestions for changes made by others to Serial No. 2735. He understood that Serial 2735 would correct and supplement the information conveyed to the NRC on or before October 11, 2001.

INTERROGATORY 44

Identify the factual basis for the assertion in Serial 2735 that boron leakages was clearly attributable to leaking flanges?

ANSWER TO INTERROGATORY 44:

The initial Bulletin response (Serial No. 2731) attributed the "downward flow" as evidence of flange leakage. Mr. Moffitt accepted that explanation based upon the information he had learned about the characteristics of flange leakage and the appearance of boric acid deposits during and subsequent to 12RFO (see 05614-5).

INTERROGATORY 45

Provide copies of documents and notes containing Mr. Moffitt's comments, suggestions, changes, etc. related to the October 3, 2001 teleconference, the October 11, 2001 briefing, and Serial 2735, not previously disclosed.

ANSWER TO INTERROGATORY 45:

In July of 2002, copies of Mr. Moffitt's documents were provided by FENOC to OI. On April 25, 2006, Mr. Moffitt provided the Staff with copies of Dale L. Miller's handwritten notes related to the October NRC teleconference and follow-up, and additional documents of which he became aware during the course of the investigations conducted by the Office of Inspector General and the Office of Investigations (SPM 000001-223).

INTERROGATORY 46

Identify the photographs reviewed by Mr. Moffitt and his staff in October 2001, and the date the photographs were reviewed. See Answer at p.16.

ANSWER TO INTERROGATORY 46:

Mr. Moffitt believes that he saw the photographs on or before October 17, 2001. The photographs he viewed with his staff could have been made part of the photographs later submitted with Serial No. 2744, on October 30, 2001.

INTERROGATORY 47

Did Mr. Moffitt believe he had a duty to ensure the completeness and accuracy of information presented during the October 3, 2001 teleconference, the October 11, 2001, briefing, and in Serial 2735? If not:

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

ANSWER TO INTERROGATORY 47:

a. - c. Mr. Moffitt had the responsibility to present complete and accurate information to the NRC, as did all others associated with the Bulletin response. See Answer to 27 above.

INTERROGATORY 48

Identify when and how Mr. Moffitt learned that DBNPS planned to replace the RPV head and the service structure during 14RFO.

ANSWER TO INTERROGATORY 48:

Mr. Moffitt no longer recalls precisely when and how, but he knows that he regarded head replacement as the ultimate solution to concerns about RPV head inspections and radiation dose. Case documents show that by e-mail dated August 2, 2001, Allan Kemp quoted Andrew Siemaszko a price for the "Midland Closure Vessel Head," matching "Upper Support Service Structure and any and all RV studs and nuts at the site," with a turn around time of "20 months from site to delivery" (NRC031-0014). On September 24, 2001, Alex Kurasz of Framatome sent an e-mail to FENOC's Joseph Rogers indicating that Framatome did not "have enough surplus drives left to accommodate a full head replacement" (08257). Mr. Moffitt's calendar shows a meeting on October 2, 2001 at 4:00 p.m. on "Reactor Vessel Replacement" (SPM 00000212). He does not recall if the meeting took place. Early milestones for the "I-600 Reactor Vessel Head Penetration Cracking Inspection and Repair Project" reflect a date of October 17, 2001 for a "bid package for new head installation" (NRC023-1032). On November 6, 2001, Alex Kurasz e-mailed FENOC's Mark McLaughlin "references for replacement RV closure heads supplied by Framatome" (NRC023-2000).

INTERROGATORY 49

Describe Mr. Moffitt's knowledge of the RPV service structure:

- a. Describe Mr. Moffitt's knowledge of Mod 94-0025 and Mr. Moffitt's knowledge of plans/requests to cut larger mouse/weep holes in the service structure in general. Specifically, describe Mr. Moffitt's knowledge as to why plans to cut larger holes were repeatedly postponed.
- b. Identify all meetings (formal or informal, internal or external) attended by Mr. Moffitt during his career at Davis-Besse at which the service structure was discussed.
- c. Identify all communications Mr. Moffitt had concerning the service structure during his career at Davis-Besse.
- d. Did Mr. Moffitt know in the Fall of 2001 that Davis-Besse and ANO-1 were the only B&W plants that had not cut larger holes in the service structure for cleaning and inspection? If not, why? If he learned later, identify when and how.
- e. Was Mr. Moffitt aware of a May 8, 1996 white paper by Praseon Goyal concerning reactor vessel nozzle cracking (NRC028-1295 to NRC028-1330):
 1. prior to August 2001?
 2. as of October 3, 2001
 3. as of October 11, 2001? or
 4. as of October 17, 2001?

ANSWER TO INTERROGATORY 49:

a. - e. Prior to August 2001, Mr. Moffitt believes that he was generally aware of the existence of a proposed service structure modification because he reviewed a list of pending design engineering modifications. His name is not listed on the meeting history for the modification (NRC001-1518-21). During 2001, Mr. Moffitt may have discussed the service structure in connection with a replacement head or the 13RFO options for installing openings that could be welded or closed (See NRC012-0728 and NRC023-1522). Mr. Moffitt and his peers had asked Mark McLaughlin to head up the Alloy 600 Team who were planning the

13RFO RPV head inspection. Mr. Moffitt believes that Mr. McLaughlin was aware that he had full management support to obtain the resources and tools necessary to complete the task (See 05535, 05535A-6). By e-mail dated September 21, 2001 (NRC012-0483, 0485-6), Mr. McLaughlin detailed the Team's roles and responsibilities. Prasoon Goyal was in charge of coordinating "all MODs and EWRs" (NRC012-0485). Mr. Moffitt does not recall learning details about ANO's and Davis-Besse's service structures until after March of 2002. Mr. Moffitt does not believe that he read Prasoon Goyal's white paper until 2002.

INTERROGATORY 50

Mr. Moffitt reviewed DBNPS documents, including but not limited to PCAQRs 94-0295 and 96-551, CRs 2000-0782 and 2000-1037, in connection with Bulletin 2001-01 and its aftermath (August 2001 through May 2002):

- a. Identify all DBNPS documents reviewed by Mr. Moffitt during this time period (August 2001 to May 2002) in connection with Bulletin 2001-01 and its aftermath.
- b. For each document, identify when Mr. Moffitt reviewed it.
- c. For each document, identify why Mr. Moffitt reviewed it.

ANSWER TO INTERROGATORY 50:

a. - c. After the cavity was discovered in 2002, Mr. Moffitt read PCAQR 96-551, PCAQR 98-0649, CR 2000-0782 and CR 2000-1037. He also reviewed correspondence related to NRC Generic Letters 97-01 and 88-05, 1993 and 1994 B&W Owners Group papers on CRDM cracking. He reviewed other documents to prepare for the root cause and lessons learned efforts. Mr. Moffitt believes that in July of 2002, FENOC submitted the documents that he reviewed in 2002. See Answer to 7 above.

STEVEN P. MOFFITT'S RESPONSES
TO REQUESTS FOR ADMISSIONS¹

- A. Mr. Moffitt knew that the reactor head was not completely cleaned during 12RFO:
1. on October 3, 2001, when he participated in a teleconference with NRC Staff;
 2. on October 11, 2001, when he participated in a briefing of the Commissioners' Technical Assistants; and/or
 3. on October 17, 2001, when he concurred on Serial 2735.

RESPONSE TO REQUEST A:

Admitted.

- B. Mr. Moffitt knew that boric acid deposits impeded a complete (100%) inspection of the Davis-Besse's RPV head

1. on October 3, 2001, when he participated in a teleconference with NRC Staff;
2. on October 11, 2001, when he participated in a briefing of the Commissioners' Technical Assistants; and/or
3. on October 17, 2001, when he concurred on Serial 2735.

RESPONSE TO REQUEST B:

Mr. Moffitt objects to this Request in that the phrase "boric acid deposits impeded a complete (100%) inspection" is vague and ambiguous and is not defined in this Request.

Notwithstanding the objection, Mr. Moffitt responds:

1. On October 3, 2001, Mr. Moffitt admits that he knew the 2000 RPV head inspection was partial, because of boric acid from leaking flanges;
2. On October 11, 2001, Mr. Moffitt admits that he believed the 1998 inspection provided a more complete inspection history, and an acceptable

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

baseline;

3. On October 17, 2001, Mr. Moffitt admits that he believed the 1996 inspection provided a more complete history and an acceptable baseline.

C. Mr. Moffitt knew that boric acid was left on the head after 12RFO:

1. on October 3, 2001, when he participated in a teleconference with NRC Staff;
2. on October 11, 2001, when he participated in a briefing of the Commissioners' Technical Assistants; and/or
3. on October 17, 2001, when he concurred on Serial 2735.

RESPONSE TO REQUEST C:

Mr. Moffitt objects to this Request because the phrase "boric acid was left on the head" is vague and ambiguous and is not defined in the Request. Notwithstanding the objection, Mr. Moffitt responds:

1. On October 3, 2001, Mr. Moffitt admits that he knew the RPV head was not completely cleaned during 12RFO;
2. On October 11, 2001, Mr. Moffitt admits that he knew the RPV head was not completely cleaned during 12RFO;
3. On October 17, 2001, Mr. Moffitt admits that he knew the RPV head was not completely cleaned during 12RFO.

D. Andrew Siemaszko told Mr. Moffitt in August 2001 that 80% of the head was cleaned during 12RFO.

RESPONSE TO REQUEST D:

Denied as stated. Mr. Siemaszko told Mr. Moffitt, in either August or September of 2001, that he had cleaned approximately 80% of the head.

E. Mr. Moffitt received a letter from Gregory Gibbs of Piedmont Management and Technical Services dated September 14, 2001.

RESPONSE TO REQUEST E:

Mr. Moffitt admits that on an unknown date he received a copy of Gregory Gibbs of Piedmont Management and Technical Services, Inc.'s letter dated September 14, 2001.

F. Mr. Moffitt received and read Prasoan Goyal's June 27, 2001 Memo: "Mode 5 Reactor Vessel Head Inspection Recommendation" prior to August 3, 2001.

RESPONSE TO REQUEST F:

Admitted.

G. Mr. Moffitt attended the meeting held in David Lockwood's office on August 11, 2001 at 8:30 a.m.

RESPONSE TO REQUEST G:

Denied as stated. Mr. Moffitt has no recollection of attending a meeting held in David Lockwood's office on October 11, 2001 at 8:30 a.m.

H. Mr. Moffitt received drafts of the agenda for the October 3, 2001 teleconference.

RESPONSE TO REQUEST H:

Denied as stated. Mr. Moffitt admits that he received a copy of an agenda for the October 3, 2001 teleconference, prior to participating in the teleconference.

I. On October 1, 2001, a meeting was held in Mr. Moffitt's office to discuss DBNPS' response to the NRC's response to Serial 2731. Mr. Moffitt was present as were Campbell, Cook, Goyal, Geisen, Wuokko, Coakley, Worley, and McLaughlin.

RESPONSE TO REQUEST I:

Denied as stated. Mr. Moffitt is aware that Dale Miller took handwritten notes titled "10/1 4:00 PM - Mtg. in SPM Office." The notes list initials for Guy Campbell, Rodney Cook, Lonnie Worley, Mark McLaughlin, Prasoon Goyal, David Geisen, Steven Moffitt, Howard Bergendahl, and Dale Wuokko, and include "Coakley". The notes do not reference "DBNPS' response to the NRC's response to Serial 2731" (SPM 0000087).

J. Mr. Moffitt participated in a "dry-run" of DBNPS' presentation to the NRC in preparation for DBNPS' October 3, 2001 teleconference with NRC Staff.

RESPONSE TO REQUEST J:

Mr. Moffitt objects to the phrase "'dry-run' of DBNPS' presentation to the NRC" in that it is vague and ambiguous and not defined in the Request. Notwithstanding the objection, Mr. Moffitt is aware that Mr. Miller took handwritten notes titled "10/2 Telecon Prep Mtg 1330 hours" (SPM 0000091-2). Mr. Miller's notes include Mr. Moffitt's initials. Mr. Moffitt recalls attending a meeting to prepare for the teleconference.

K. During the October 3, 2001 teleconference with NRC Staff, Mr. Moffitt's direct subordinate, David Geisen, stated that FENOC had done a 100% head inspection in 2000.

RESPONSE TO REQUEST K:

Denied. See Answer to L below.

L. Mr. Moffitt did not correct his subordinate's statement during that October 3, 2001 teleconference with NRC Staff that FENOC had done a 100% inspection in 2000.

ANSWER TO INTERROGATORY L

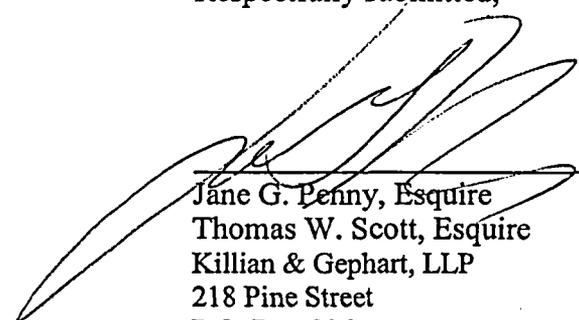
Denied as stated. In Mr. Moffitt's opinion, Mr. Geisen's October 3 statement to the NRC did not require correction, and the Staff was told that Davis-Besse's 12RFO visual inspection was not 100%, because boric acid attributed to CRDM flange leakage precluded a definitive conclusion about the center nozzles (NRC001-0571, NRC001-0574-5, NRC001-0939).

M. Mr. Moffitt was Director of Nuclear Support Services at DBNPS in September 1998.

RESPONSE TO REQUEST M:

Denied.

Respectfully submitted,



Jane G. Penny, Esquire
Thomas W. Scott, Esquire
Killian & Gephart, LLP
218 Pine Street
P.O. Box 886
Harrisburg, PA 17108-0886
jpenny@killiangephart.com
tscott@killiangephart.com
Counsel for Steven P. Moffitt

Dated: June 30, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of :
: Docket No. IA-05-054
STEVEN P. MOFFITT :
: ASLBP No. 06-847-03-EA
:

CERTIFICATE OF SERVICE

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

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

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

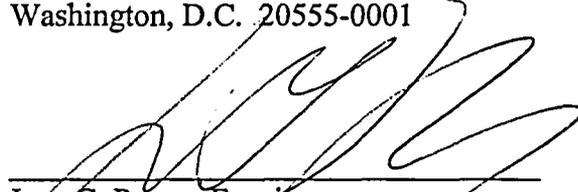
Administrative Judge
E. Roy Hawkens
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
*E-mail: erh@nrc.gov

Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Mail Stop: 0-16 C1
Washington, D.C. 20555-0001

Office of the Secretary
Attn: Rulemaking and Adjudications Staff
Mail Stop: O-16 C1
Washington, D.C. 20555-0001
*Email: hearingdocket@nrc.gov

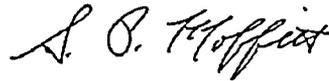
Sara E. Brock, Esquire
Mary C. Baty, Esquire
Office of the General Counsel
Mail Stop: O-15 D21
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
*E-mail: seb2@nrc.gov
E-mail: mcb1@nrc.gov

Adjudicatory File
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555-0001


Jane G. Penny, Esquire
Counsel for Steven P. Moffitt

UNSWORN DECLARATION

I, **Steven P. Moffitt**, 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.



Steven P. Moffitt
[Home Address Deleted
under 10 C.F.R. § 2.390(a)]

June 29, 2006