

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)
THE DETROIT EDISON COMPANY) Docket No. 52-033-COL
(Fermi Nuclear Power Plant, Unit 3))

AFFIDAVIT OF STANLEY STASEK IN
SUPPORT OF SUMMARY DISPOSITION OF CONTENTION 15

I, Stanley Stasek, do hereby state as follows:

1. I am a Director, Quality Management, for the Detroit Edison Company. In my current position I am responsible for developing and maintaining the Fermi 3 Quality Assurance Program Description (“QAPD”), evaluating compliance with the program, and managing the Quality Assurance (“QA”) organization resources. I have held this position since April 2009. Previously, I held roles at Fermi 2 that included responsibility for QA programs. I have also served as a Senior Inspector for the Nuclear Regulatory Commission.

2. The QA organization is responsible for independently planning and performing activities to verify the development and effective implementation of the Fermi 3 QAPD including but not limited to Nuclear Development, engineering, licensing, document control, corrective action program and procurement that support preconstruction activities for Fermi 3.

3. The QA organization’s function includes: (1) coordinating the development of audit schedules; (2) auditing, performing surveillances, and evaluating suppliers of quality services; (3) supporting general QA indoctrination and training for Detroit Edison personnel performing activities covered by the QAPD; and (4) quality control.

4. I report to the Chief Nuclear Officer (“CNO”) and to the Senior Vice President of Major Enterprise Projects. I am responsible for developing and verifying implementation of the Fermi 3 QAPD and for assuring compliance with regulatory requirements and procedures through audits and technical reviews; for administering the Auditor and Lead Auditor Certification process; for monitoring organization processes to ensure conformance to commitments and licensing document requirements; for performing QA technical reviews of procurement documents, acceptance of contractor QA programs, and oversight of contractor QA program implementation; and for ensuring that vendors providing quality services, parts and materials to Fermi 3 are meeting the requirements of 10 CFR 50, Appendix B through the Nuclear Procurement Issues Committee (“NUPIC”) or Detroit Edison vendor audits.

5. I operate independently from other Nuclear Development priorities and am able to bring forward issues affecting safety and quality and makes judgments regarding quality in all areas necessary regarding Fermi 3 Nuclear Development activities. I make recommendations, as necessary, to Fermi 3 management regarding improving the quality of work processes. If I disagree with any actions taken by the Nuclear Development organization and am unable to obtain resolution, I must bring the matter to the attention of the CNO who will determine the final disposition.

6. Detroit Edison has, since the beginning of the project, been providing active oversight of the Appendix B program related activities of its contractor, Black & Veatch (“B&V”), and has developed the Fermi 3 QAPD to carry oversight forward throughout the construction and operation of Fermi 3 — consistent with all NRC standards and expectations. There were no regulatory requirements applicable to Detroit Edison before it became a COL applicant, and therefore no intent to avoid compliance with any regulation. Nevertheless, during

the period of time that B&V was performing site investigations, tests, and other safety-related activities to support the development of a COLA, the work was performed by B&V at Detroit Edison's direction, under an established Appendix B/NQA-1 QA program. Because B&V had an established Appendix B and NQA-1 Program, internal oversight of safety-related activities was inherent in the B&V QA program. As a result, the information developed during that time is of high-quality and can be relied upon in the COLA. And, as of February 2008, when Detroit Edison approved for use the ND QAPD, Detroit Edison was implementing an appropriate QA program. A summary of those oversight activities is provided in the Statement of Material Facts accompanying this motion for summary disposition.

7. The Fermi 3 QAPD meets applicable regulatory requirements and is functioning in accordance with the intent of the NRC's regulations. The only "discrepant" conditions identified by the Intervenors — two Severity Level IV NOVs issued in April 2010 — do not demonstrate either a pervasive breakdown of the Fermi 3 QA program or a lack of commitment to continue to implement the Fermi 3 program as broadly alleged by the Intervenors. And, both were corrected by Detroit Edison and accepted by the NRC Staff. Detroit Edison performed the necessary audits and corrective action trending and has continued to perform those audits and corrective action trending as required by our QA procedures. For example, Detroit Edison performed annual audits from October 26-30, 2009, July 26 to August 5, 2010, and from July 13-27, 2011. The next audit is scheduled for July 2012.

8. Detroit Edison is currently implementing an effective QA program that complies with the requirements of Appendix B. The Intervenors have not identified any ongoing QA problems that carry material safety significance with respect to plant design, equipment procurement construction, or operation, and I am aware of none. The NRC Staff also has not

found any ongoing breakdown in the Fermi 3 QA program. The totality of any QA issues do not indicate a pervasive breakdown of the Fermi 3 QA program and do not support the hyperbole in Contention 15. In my opinion, there remains no genuine dispute as to whether the Fermi 3 QA program meets applicable regulatory requirements and the applicable standards and guidance.

9. I hereby certify under penalty of perjury that the foregoing is true and complete to the best of my knowledge, information, and belief.

Executed in accord with 10 C.F.R. § 2.304(d),

/s/ Stanley Stasek
Stanley Stasek
The Detroit Edison Company
One Energy Plaza
Detroit, MI 48226

Dated at Detroit, Michigan
this 16th day of April 2012