

EXHIBIT NRC S22

Prefiled Direct Testimony of Aida Rivera-Varona
(April 30, 2013)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
DTE ELECTRIC COMPANY) Docket No. 52-033-COL
)
(Fermi Nuclear Power Plant, Unit 3))

PREFILED DIRECT TESTIMONY OF AIDA RIVERA-VARONA
SPONSORING THE STAFF'S INSPECTION REPORT AND NOTICE OF VIOLATION, DATED
OCTOBER 5, 2009, AND THE APPLICANT'S RESPONSE THERETO,
INTO THE HEARING RECORD

Q1. Please state your name, occupation, and by whom you are employed.

A1. My name is Aida Rivera-Varona. I am a Branch Chief in the Division of Program Management, Policy Development, and Analysis in the NRC Office of New Reactors. I have been in this position since September 2012. Between January 2010 and September 2012, I was Technical Assistant for the Division of Construction Inspection and Operational Programs 4 in the Office of New Reactors. A statement of my professional qualifications is attached hereto as Exhibit NRC S16.

Q2. Please describe your responsibilities in relation to this review.

A2. From February 2007 to January 2010, I was an Operations Engineer in the former Quality and Vendor Branch B. During that time, I was responsible for the technical review of the ESBWR design certification and ESBWR combined license (COL) quality assurance (QA) reviews. I was also a quality and vendor inspection team leader.

I was the lead technical reviewer for North Anna, the Reference ESBWR COL (R-COL) application. Having performed the R-COL review for North Anna, I was assigned to support and peer review the Fermi COL application review.

Q3. Please describe your technical qualifications as they relate to this testimony.

A3. As a team leader of vendor inspections, I led inspections at facilities that manufacture and would be supplying basic components to NRC-licensed nuclear power plants. I was responsible for planning inspections, including early interactions with vendors to understand the activities scheduled for the week of the inspection; distributing the assignments to the team members; conducting entrance and exit meetings; issuing inspection reports; and briefing NRC management on findings.

From 2007 to 2010, I was a qualified technical reviewer for QA, responsible for the quality assurance review of design certification and combined license applications. From 2004 to 2007, I worked as a quality assurance technical reviewer for applications related to operating reactors, including license renewals and extended power uprates. During that period, I was also a technical reviewer for QA for the Vogtle early site permit.

Q4. What documents did you rely on in preparing this testimony?

A4. I relied on the following documents in preparing this testimony.

- Exhibit NRC S1–Chapter 17 of the Advanced Safety Evaluation Report (SER) With No Open Items (Oct. 17, 2011), ADAMS Accession No. ML112630120.
- Exhibit NRC S2–NRC Inspection Report 05200033/2009-201 and Notice of Violation (Oct. 5, 2009), ADAMS Accession No. ML092740064.
- Exhibit NRC S3–Detroit Edison Reply to a Notice of Violation 05200033/2009-201-01, 02, and 03 (Nov. 9, 2009), ADAMS Accession No. ML093160318.

The first of these, Exhibit NRC S1, has been introduced into the record of this proceeding. I hereby introduce the others, Exhibits NRC S2 and S3, into the record.

Q5. Please describe events leading up to NRC Staff's August 2009 inspection of the Applicant's QA Program.

A5. In early June 2009, as I was supporting the review of Fermi QA program and development of requests for additional information (RAIs), I determined that the documentation in the Fermi 3 COL application was not clear regarding certain aspects of the QA program. The main concern that was raised at that time was how the Fermi QA program was implemented. RAIs related to this issue were issued in August 2009, as described in Chapter 17 of the Fermi 3 Safety Evaluation (Exhibit NRC S1).

In the process of developing the RAIs, I supported various teleconferences with the Applicant, and also suggested that NRC conduct a QA implementation inspection to examine documents that were not part of the COL application. My management accepted this suggestion and allocated resources for an inspection.

Q6. Please describe your role in the Staff's August 2009 inspection of the Applicant.

A6. In August 2009, I led the QA implementation inspection at Fermi. George Lipscomb was a member of the inspection team. Results of the inspection were documented in an Inspection Report and Notice of Violation dated October 5, 2009 (Exhibit NRC S2). I was the primary author of the document and signed off on it as part of the concurrence process.

Q7. Please describe the inspection and the inspection team's findings.

A7. The team conducted the inspection from August 18 through August 21 at the Headquarters facilities of the Detroit Edison Company (Applicant) in Detroit, MI. The team was made up of four Quality Assurance and Vendor Inspectors, including myself as lead inspector. This was a limited scope inspection focused on assessing compliance of the Applicant's QA program with provisions of 10 CFR Part 50, Appendix B. The inspectors used established NRC inspection procedures for inspections focused on QA implementation. As instructed in the

inspection procedure, the team reviewed the Applicant's policies and procedures related to the Fermi 3 QA program.

The team identified three Severity Level IV violations of NRC requirements (see Exhibit NRC S2). The first violation was to Appendix B, Criterion II, "Quality Assurance Program," for failure to establish and implement a QA program between March 2007, and February 2008, that resulted in inadequate control of procurement documents and ineffective oversight of contract services performed by Black and Veatch (B&V) for COL application activities. The second violation was to Appendix B, Criterion XVIII, "Audits," for the Applicant's failure to conduct internal audits of QA programmatic areas for Fermi 3 COL application activities. The third violation was to Appendix B, Criterion XVI, "Corrective Action Program," for the Applicant's failure to document trending of corrective actions to identify recurring conditions adverse to quality.

The severity level of the violations was determined to be low because there were no actual safety or security consequences related to the discrepancies in the Applicant's documentation, and because the Staff determined that the violations were not willful.

Q8. Were you involved with the follow-up to the Staff's August 2009 inspection?

A8. The applicant responded to the inspection findings on November 9, 2009 (Exhibit NRC S3). I was involved in the initial discussions related to review of the response. In January 2010, I took a position as Technical Assistant and no longer worked on the Fermi 3 review. After I left my previous position, the review team continued working on the Fermi 3 application and George Lipscomb assumed my prior responsibilities related to the inspection and follow-up. The review team's work regarding Fermi 3 QA issues has resolved my concerns related to the Fermi 3 QA program.

Q9. Does this conclude your testimony?

A9. Yes, it does.

Q10. Do you hereby certify under penalty of perjury that the foregoing is true and complete to the best of your knowledge, information, and belief?

A10. 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 CFR § 2.304(d)

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