# EXHIBIT NRC S24

Prefiled Rebuttal Testimony of George A. Lipscomb
(May 30, 2013)

Exhibit NRC S24

May 30, 2013

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

# WRITTEN REBUTTAL TESTIMONY OF GEORGE A. LIPSCOMB CONCERNING THE STAFF'S REVIEW OF THE FERMI 3 QUALITY ASSURANCE PROGRAM AS IT RELATES TO CONTENTION 15

**Q1. Have you reviewed the prefiled written direct testimony filed by the Intervenors and the Applicant?**

A1. Yes.

**Q2. What is your opinion of the testimony submitted by the Intervenors?**

A2. The Intervenors' testimony does not support the many broad conclusions they make about Detroit Edison's quality assurance program. The Intervenors focus on a handful of examples related to how the pre-application quality assurance (QA) program was developed and implemented by the Applicant. However, they fail to acknowledge, let alone contradict, the way QA concerns were addressed through the regulatory process. More importantly, they fail to present any detailed evidence as to why those past concerns, which have been addressed, have any safety significance. They simply assert, without plausible support, that those concerns require the Applicant to redevelop its application from scratch.

For instance, the two violations the Staff cited in its April 2010 Notice of Violation (NOV), *see* Exhibit NRC S4, do not indicate a "pattern of violations," as the Intervenors claim in their Statement of Position. *See* Intervenors' Initial Statement of Position on Contention 15 (Intervenors' SOP) at 6. I also do not see evidence supporting the Intervenors' claim that "confusion and lack of organizational control reigned within Detroit Edison for years prior to the COLA submittal and to this day." Testimony of Arnold Gundersen Supporting of Intervenors Contention 15 (Gundersen Direct Testimony) at A13. Contrary to what the Intervenors suggest, NRC inspectors who conducted the 2009 inspection of DTE's QA program did not observe "organizational chaos," *see* Intervenors' SOP at 6; Gundersen Direct Testimony at A41. DTE's suggestion they may have done things differently, in hindsight with years of additional knowledge and experience to date, does not lend support to the Intervenors' conclusion that the COL application does not meet applicable regulations. The Intervenors state, without credible support, that "the Detroit Edison Fermi 3 Licensing Project for COLA is totally flawed and incapable of repair." Intervenors' SOP at 15; Gundersen Direct Testimony at A44. The Intervenors attempt to portray a few examples from emails or presentations as evidence for broad or irreparable deficiencies in the QA program. But doing so reflects a misunderstanding both of how quality assurance programs for such a large project are established and implemented and of what is needed to meet NRC regulations.

One pillar of quality assurance is identifying and correcting deficiencies and processes in a continuous cycle of self-improvement. The Intervenors' arguments concerning Contention 15 focus on just a few years at the beginning of the Fermi project and include the quality assurance applied to just a few safety-related activities. Most of these activities were controlled under the Black & Veatch (B&V) Appendix B QA program; as I describe in my direct testimony, this program is well established, has been audited multiple times, and was also inspected by the NRC in 2010. *See* Written Direct Testimony of George A. Lipscomb (Lipscomb Direct Testimony) at A26-A27. The Intervenors, the Applicant, and the Staff have all presented

examples where quality assurance activities could have been done better, and where changes have been made. However, the relevant considerations for resolving Contention 15 are whether regulatory requirements have been met, whether any necessary corrective actions were taken, and whether there are any remaining questions regarding the quality of work already completed. *See Detroit Edison Co*. (Fermi Nuclear Power Plant, Unit 3), LBP-10-9, 71 NRC 493, 510-11 (2010).

For all the Fermi 3 activities I have reviewed, analyses were completed to ensure there was not a significant impact on quality, and processes were changed to improve performance in the future. I have not seen information, whether from my review or from the Intervenors' testimony, that brings into question the overall quality of the Fermi 3 combined license (COL) application such that DTE should "stop work and begin the entire process from the beginning" as the Intervenors assert. *See* Gundersen Direct Testimony at A44. In the absence of any such information, Contention 15 is without merit.

**Q3. What documents did you consult in preparing your rebuttal testimony?**

A3. I reviewed testimony submitted by the Applicant and Intervenors, as well as selected exhibits submitted by the Applicant. I cite three specific exhibits submitted by the Applicant in my testimony below.

- Applicant's Exhibit DTE000071 – Revision 0 of the Fermi 3 QAPD.
- Applicant's Exhibit DTE000073 – Revision 4 of the Fermi 3 QAPD.
- Applicant's Exhibit DTE000070 – The Nuclear Development QAPD (ND QAPD).

In addition, I consulted three responses to Requests for Additional Information (RAIs) that have not been submitted previously as hearing exhibits, and which are attached to this testimony as Exhibits NRC S18 through S20.

- Exhibit NRC S18 – Detroit Edison Company Response to NRC Request for Additional Information Letter No. 10, Attachments 5-6 (Sept. 30, 2009) (September 2009 RAI

Responses), ADAMS Accession No. ML092790561.

- Exhibit NRC S19 – Detroit Edison Company Response to NRC Request for Additional Information Letter No. 25, Attachments 8-13 (April 16, 2010) (April 2010 RAI Responses), ADAMS Accession No. ML101190369.

- Exhibit NRC S20 – Detroit Edison Company Response to NRC Request for Additional Information Letter No. 37, Attachments 4-5 (Aug. 13, 2010) (August 2010 RAI Responses), ADAMS Accession No. ML102290043.

I hereby introduce these three documents into the record of this proceeding.

**Q4. How is your rebuttal testimony organized?**

A4. Because the Intervenors' testimony uses some terms imprecisely and raise issues that are not relevant to Contention 15, I would like to clarify a few points relating to the NRC inspection and licensing review as they relate to Fermi 3 COL application and Contention 15. My answers to Questions 5-6 address the scope of Appendix B as it relates to the scope of this contention. My answers to Questions 7-9 provide information clarifying the RAI process and the process by which applications are updated based on RAI responses. My answers to Questions 10-12 address specific Intervenor claims related to the organizational structure of Fermi 3 QA programs. Finally, my answer to Question 13 addresses concerns the Intervenors raise with respect to NEI 06-14, and my answer to Question 14 addresses concerns the Intervenors raise with respect to the Fermi 2 QA program.

**Q5. Please clarify what activities are considered "safety-related" and controlled under Appendix B.**

A5. 10 CFR Part 50, Appendix B, includes the following language regarding its applicability:

> Nuclear power plants and fuel reprocessing plants include structures, systems, and components that prevent or mitigate the consequences of postulated accidents that could cause undue risk to the health and safety of the public. This appendix establishes quality assurance requirements for the design, manufacture, construction, and operation of those structures, systems, and components. The pertinent requirements of this appendix apply to all activities affecting the safety-related functions of those structures, systems, and components; these activities include designing, purchasing, fabricating, handling,

> shipping, storing, cleaning, erecting, installing, inspecting, testing, operating, maintaining, repairing, refueling, and modifying.

10 CFR Part 50, Appendix B, "Introduction." In response to Staff RAI 17.5-16, the Applicant has provided a table which lists safety-related activities related to preparing the Fermi 3 COL application and the related sections of the Applicant's Final Safety Analysis Report (FSAR) that include them. *See* May 2010 RAI Responses, Exhibit NRC S7, Attachment 1, Enclosure 1. These activities are geotechnical site boring and radiological analysis (including associated meteorological analysis), and development of related FSAR chapters and sections. This is a small number of safety-related activities.

The Staff has reviewed this list in the formulation of its conclusions on the acceptability of the Fermi 3 QA program that are stated in the Safety Evaluation Report (SER) for Fermi 3. *See* SER, Exhibit NRC S1 at 17-34 to 17-35. Other portions of the COL application that do not contain safety-related information (e.g., the Environmental Report) are not covered by Appendix B and are not relevant to Contention 15, and portions of the Intervenors' testimony related to those sections of the COL application therefore do not support their conclusions.

Most of the Intervenors' testimony focuses on what they believe are deficiencies in the Applicant's pre-application activities – those completed before the Fermi 3 COL application was submitted to the NRC in September 2008. To my knowledge, almost all safety-related activities completed to date that are potentially related to Contention 15 are pre-application activities described in the table in the May 2012 RAI Responses, *see* Exhibit NRC S7, Attachment 1, Enclosure 1, with the exception of developing responses to RAIs and inspection findings.

Activities after the Fermi 3 COL application was submitted, including responses to RAIs and NOVs, are covered by the Fermi 3 quality assurance program description (QAPD). I describe the Staff's review of the Fermi 3 QAPD in my initial testimony. *See* Lipscomb Direct Testimony at A17. The Intervenors have not provided testimony or documents challenging this review.

Although the Intervenors do not raise the issue directly, one other area not related to Contention 15 is the ESBWR design, which was developed by General Electric-Hitachi under its own Appendix B-compliant quality assurance program. That program was reviewed separately by NRC as part of the ESBWR rulemaking under Docket No. 052-010. Portions of the Fermi 3 COL application incorporate the ESBWR design certification document by reference, but these portions of the COL application are not relevant to Contention 15. I note this because the Intervenors refer to how applicants for NRC licenses prepared applications in the past, before standard design certifications and COLs under 10 CFR Part 52. *See* Gundersen Direct Testimony at A22. However, now that a significant portion of safety-related design work is performed as part of the design certification, rather than plant-by-plant by each COL applicant, the COL review is limited to those safety-related design activities that are site-specific. As I describe above, this is a small list of activities, all of which have been examined to ensure that they were controlled under appropriate QA programs. *See* Lipscomb Direct Testimony at A25.

**Q6. How is the term "safety-related" defined?**

A6. The Definitions section of 10 CFR Part 50 defines the term "safety-related" as referring to those structures, systems, and components

> that are relied upon to remain functional during and following design basis events to assure:
>
> (1) The integrity of the reactor coolant pressure boundary
>
> (2) The capability to shut down the reactor and maintain it in a safe shutdown condition; or
>
> (3) The capability to prevent or mitigate the consequences of accidents which could result in potential offsite exposures comparable to the applicable guideline exposures set forth in § 50.34(a)(1) or § 100.11 of this chapter, as applicable.

This definition applies to all of 10 CFR Part 50, including Appendix B. 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," requires applicants for COLs to submit QA programs in their FSARs and discusses how Appendix B requirements have been

and will be satisfied. *See* 10 CFR 52.79(a)(25). As I discuss above, Appendix B applies only to "activities affecting the safety-related functions of [plant] structures, systems, and components" 10 CFR Part 50, Appendix B, "Introduction." Portions of the Intervenors' testimony that have no connection with safety-related activities are not relevant to Contention 15.

**Q7. Please describe the RAI process as it relates to the Staff's review of a COL application.**

A7. From my perspective as a technical reviewer, RAIs are used to clarify or to provide additional details for information submitted with the application. The reviewer needs to determine if the information in the application meets regulatory requirements by using an NRC-approved application review process. I discussed this in my initial testimony. *See* Lipscomb Direct Testimony at A10 & A12.

RAIs are created and go through an internal NRC approval process, and then are issued to the applicant in the form of a letter. The applicant responds to the RAI letter, usually within in 30-45 days, and then the reviewer determines if he or she has sufficient information to determine whether regulatory requirements have been met. Sometimes the RAI process will require iteration to provide sufficient detail for the reviewer to reach a conclusion. Use of the NEI Template in NEI 06-14A makes the process quicker because the NEI Template has been previously reviewed by the NRC staff, as I discuss in my direct testimony. When the NEI Template is used by a COL applicant, the standard content in the template has already been examined during the NRC's review of the template, so the reviewer for the individual COL application can concentrate on deviations from the NEI Template and on site-specific information. *See* Lipscomb Direct Testimony at A11.

**Q8. Can RAI responses result in changes to a COL application? If so, how?**

A8. On a case-by-case basis, the Applicant determines if changes to the Application are needed in response to an RAI, and it is common for the RAI response to include proposed language modifying the Application. 10 CFR 50.71(e)(3)(iii) requires a COL applicant to update its FSAR annually from the time its application is docketed until the time the Commission makes its finding under 10 CFR 52.103(g). Proposed FSAR changes are incorporated in the COL application as part of these annual updates, though the applicant can submit revisions more frequently.

**Q9. Has this occurred in the case of Fermi? How many revisions of the Fermi 3 COL application have there been?**

A9. Yes, this occurs with all COL applications. The original version of the FSAR for the Fermi 3 COL application, submitted in 2008, was Revision 0. The current version, submitted in 2013, is Revision 5. I have reviewed up to and including FSAR Revision 3, which included Fermi 3 Quality Assurance Program Description (QAPD) Revision 4, dated February 2011. This version incorporated all twenty-seven Chapter 17.5 RAIs and forms the basis of the Staff's review in Chapter 17.5 of the SER. See SER, Exhibit NRC S1. The Applicant has submitted Revision 0 of the Fermi 3 QAPD as Applicant's Exhibit DTE000071, and Revision 4 of the Fermi 3 QAPD as Applicant's Exhibit DTE000073.

**Q10. In the Intervenors' Written Direct Testimony, specifically the response to Question 23 therein, how does the Staff explain the differences the Intervenors note between the position titles in the RAI response they cite and the information in the Fermi 3 COL application?**

A10. In general with regards to Question 23 in Mr. Gundersen's testimony, questions about the purpose behind the specific changes to position titles and responsibilities in the early phases of QA program development would be best directed to the Applicant. However, from a Staff reviewer perspective, the differences and changes in position titles and responsibilities do not

ultimately indicate any failure to meet applicable QA regulations, nor demonstrate any substantive deficiency in the application.

Changes to organizational structure and titles were generally driven by transitions between various phases of the Fermi project (e.g. pre-application, to design and construction, to operations). As I noted in my initial testimony, DTE's activities related to receipt of contractor work product were controlled under the Nuclear Development QAPD (ND QAPD), which existed between February and September 2008. *See* Lipscomb Direct Testimony at A25. Pre-application position titles originated with the ND QAPD, which the Applicant has submitted as Applicant's Exhibit DTE000070. The ND QAPD is different from the Fermi 3 QAPD, which is included in the Fermi 3 COL application and which went into effect in September 2008. The Staff does not expect position titles in the ND QAPD to match those in the Fermi 3 QAPD.

Additionally, as I noted in my initial testimony, the version of the NEI Template referenced in the Fermi 3 QAPD changed during the Staff's review of the Fermi 3 QAPD. Lipscomb Direct Testimony at A17. During the development of Revision 7 of NEI 06-14A, NRC expectations regarding organizational structure were changing. This was one of the last major areas to be resolved in the formulation of the version of the NEI Template ultimately referenced in the Fermi 3 QAPD. For this reason, DTE modified the Fermi 3 QAPD in response to NRC RAIs that were issued to address changes in the NEI Template.

The Staff issued three groups of RAIs to DTE relating to organizational areas. RAIs 17.5-5 and 17.5-6 were issued to request clarity on how the organizational provisions of the Standard Review Plan (*see* SRP, Exhibit NRC S11 at 17.5-6 to 17.5-8) were met and to ensure consistency throughout the Application. The Applicant's September 2009 responses to RAIs 17.5-5 and 17.5-6 are found in Exhibit NRC S18, which is attached to this testimony as a new exhibit. RAIs 17.5-10 through 17.5-15 requested information related to NEI Template changes and supplemental information related to previous RAIs 17.5-5 and 17.5-6. The Applicant's April 2010 responses to RAIs 17.5-10 through 17.5-15 are found in Exhibit NRC S19, which is

attached to this testimony as a new exhibit. RAIs 17.5-21 and 17.5-22 requested clarity on organizational changes during transitions between project phases and supplemental information related to previous RAIs 17.5-10 and 17.5-13. The Applicant's August 2010 responses to RAIs 17.5-21 and 17.5-22 are found in Exhibit NRC S20, which is attached to this testimony as a new exhibit. These RAI responses included proposed language for changes to the COL application.

The Staff reviewed these RAI responses, together with those previously introduced in the record of this proceeding as May 2010 RAI Responses, Exhibit NRC S7, and determined that the Applicant had provided sufficient information for the Staff to conclude that the organizational structure in the Fermi 3 QAPD met the guidance in the SRP. The Staff review is described in SER section 17.5.4.1, "Organization." SER, Exhibit NRC S1 at 17-15 to 17-16. The staff concluded that the Fermi 3 QAPD follows the guidance of Section 17.5 of the SRP related to Organization, *see* Exhibit NRC S11 at 17.5-6 to 17.5-8, and that it is consistent with with ASME NQA-1–1994 and with NEI 06-14A, Revision 7. The QAPD describes and defines the responsibility and authority for planning, establishing, and implementing an effective overall QA program; describes the organization's structure, functional responsibilities and levels of authority, and the interfaces for establishing, executing, and verifying the QAPD implementation; establishes independence between the organization responsible for overseeing a function and the organization that performs the function; and allows the applicant's management to size the QA organization commensurate with assigned duties and responsibilities. SER, Exhibit NRC S1 at 17-16.

A note at the beginning of NEI Template, Part II, Section 1, "Organization," states "Generic titles (e.g., Nuclear Development, Quality Assurance Manager) may be used in the QAPD. However, the generic titles established in the Organization Section must be used throughout the document." *See* NEI 06-14A, Revision 7, Exhibit NRC S13 at 3. The Applicant addresses title consistency in the Fermi 3 QAPD and related portions of the COL application in

its response to RAI 17.5-10, which shows how the generic titles were incorporated throughout the application. *See* April 2010 RAI Responses, Exhibit NRC S19, Attachment 8.

As far as the specific organizational title and responsibilities comparison in Mr. Gundersen's response to Question 23, Table 1, the "New Plant Oversight Manager" title was changed, although the nature of the position remained the same. In its the response to RAI 17.5-5, the Applicant states "The Director, Quality Management, formerly called the 'new plant oversight manager' in QAPD Rev 1, is responsible for …" *See* Exhibit NRC S18, Attachment 6 at 3. The new title was included in Fermi 3 QAPD, Revision 2, and subsequent revisions. *See* Fermi 3 QAPD, Revision 4, Applicant's Exhibit DTE 000073 at 9-10. The "Nuclear Development QA Manager" title appears to be the "ND Quality Assurance Manager" mentioned in the ND QAPD. The ND QAPD was in place only for pre-application activities and has been introduced into the record of this proceeding as Applicant's Exhibit DTE000070. As I note above, the ND QAPD is different from the Fermi 3 QAPD, and position titles are not expected to match.

**Q11. Again considering the Intervenors' Testimony, in particular the response to Question 24, how does the Staff explain the differences the Intervenors note between the reporting relationships in the RAI response they cite and the information in the Fermi 3 COL application?**

A11. With regards to Mr. Gundersen's response to Question 24, his conclusions related to the five concerns presented in the testimony are unsupported, and the logic employed in reaching the conclusions is difficult to follow. The Intervenors refer to the May 10 2010 RAI Responses (Exhibit NRC S7), an 81-page document covering four RAIs and a mark-up to the COL application, as clearly supporting broad conclusions such as that the application is "not in compliance with federal law," and "does not provide the Quality Assurance mission with adequate functional separation," and that "NEI criteria are violated." Mr. Gundersen presents these conclusions generally following one sentence of description and without specific references. I found it particularly unusual the fifth concern listed by Mr. Gundersen, which is

that the Applicant did not consider a statement by former Chairman Jaczko when submitting its Application. The Chairman's comments were directed to the Small Modular Reactor (SMR) community at a SMR workshop on October 8, 2009. DTE is not in the SMR community, and the statement is from over a year after DTE filed their COL application, so it is unclear why it supports any of the Intervenors' claims about Contention 15.

Concerns raised about the reasons for changes in the reporting structure are best answered by the Applicant. I am unable to determine based on the Intervenors' presentation what portion of the May 2010 RAI Responses in the Staff's exhibit (Exhibit NRC S7) they dispute, let alone why they consider the alleged deficiency to be significant. As I discussed in my initial testimony, the Staff reviewed both the Fermi 3 QAPD and the May 2010 RAI Responses the Intervenors cite, and determined that the Applicant has met all regulatory requirements. Lipscomb Direct Testimony at A17 & A25.

**Q12. Was the information in the RAI responses the Intervenors cite in Question 23 and Question 24 incorporated into the Fermi 3 COL application? If so, when and where?**

A12. Generally yes for those items taken from an RAI response. Each RAI has a "Proposed COLA Revision" section which provides the details of any related FSAR or QAPD changes to the next revision of the Application. These changes are reviewed as part of the NRC RAI review process, and their incorporation is verified in the next revision of the Application. All Chapter 17.5 RAI responses were incorporated into FSAR Revision 3, which included Fermi 3 QAPD Revision 4, dated February 2011. Revision 4 of the Fermi 3 QAPD was submitted into the record of this proceeding as Applicant's Exhibit DTE000073. The Fermi 3 QAPD that is in place for current activities and that will be in place for future activities includes all RAI responses cited in my testimony and in the SER.

**Q13. Again considering the Intervenors' Testimony, in particular the response to Question 8, are the Intervenors correct that the Applicant is required to notify the NRC of any deviations from NEI 06-14?**

A13. No. As I described in my direct testimony, Lipscomb Direct Testimony at A17, and as the Intervenors also note, the Applicant referenced the Staff-endorsed version of NEI 06-14, labeled NEI 06-14A, Revision 7, in the QAPD in the Fermi 3 COL application. NEI 06-14A, Revision 7, has been introduced into this proceeding as Exhibit NRC S13. In the final stages of the Chapter 17.5 SER development, the Staff reviewed the QAPD in the Fermi 3 Application against NEI 06-14A, Revision 7, as noted in my previous testimony and in the SER. *See* Lipscomb Direct Testimony at A17; SER, Exhibit NRC S1 at 17-15.

The Fermi 3 QAPD was not in effect until the Fermi 3 COL application was submitted in September 2008. Before that date, work on the Fermi 3 COL application was governed by the ND QAPD and by Black & Veatch's QA program. Although the Intervenors' discussion of this issue is not entirely clear, it appears that their claim may be related to the fact that the ND QAPD (Applicant's Exhibit DTE0000070) is not the same document as the Fermi 3 QAPD. *See* Gundersen Direct Testimony at A8. The ND QAPD references those portions of ASME NQA-1-1994 that apply to the scope of work performed between February and September 2008, but does not reference any revision of NEI 06-14A. *See* ND QAPD, Applicant's Exhibit DTE000070 at 1.

The Intervenors cite no source for their claim that the Applicant was required to inform the NRC Staff of any deviations from the NEI Template. The NEI Template is guidance and, to my knowledge, there has been no specific requirement related to an Applicant's obligation to inform the NRC that it is deviating from NEI 06-14. For additional clarification, the Staff did request that the Applicant submit information on the QA programs it had in place prior to the application. These requests took the form of RAIs, which the Applicant answered as described in my previous testimony. As I noted in that testimony, the Staff determined that both B&V's

development of the information in the COLA and DTE's receipt and acceptance of B&V work product occurred under appropriate QA controls. *See* Lipscomb Direct Testimony at A25.

**Q14. What do you know about the Fermi 2 quality assurance requirements that the Intervenors refer to in their responses to Questions 18 and 19, and are they relevant to the Fermi 3 QA program?**

A14. As a preliminary matter, Mr. Gundersen's responses to Questions 18 and 19 refer to the Fermi 2 programs or to Fermi 2 as a separate corporate entity. Gundersen Direct Testimony at A18-A19. This does not appear to be correct, as both Fermi 2 and the Fermi 3 project are part of the DTE Electric Company (formerly Detroit Edison).

I am not familiar with the specifics of the Fermi 2 QA program, but I do know that during the beginning of the Fermi 3 project, Fermi 2 personnel worked on initial portions of the Fermi 3 project (i.e., issued the initial contract to B&V). To my knowledge these personnel worked under the Fermi 2 QA program. DTE holds an NRC operating license for Fermi Unit 2, and Fermi 2 is therefore subject to all NRC regulatory requirements for operating reactors. This includes the requirements of 10 CFR Part 50, including Appendix B. The Applicant provided a table of all pre-application safety-related activities in their response to RAI 17.5-16, and all of those activities were conducted under the B&V QA program or those of their approved contractors. Fermi 2 is not in this table, and to my knowledge Fermi 2 personnel did not perform any of these safety-related activities.

In the earliest stages of the Fermi 3 project, the Fermi 3 program did not exist and Fermi 3 personnel had not yet been hired. If DTE chose to have Fermi 2 personnel or Owner Engineer personnel provide additional oversight of activities contractually delegated to and preformed by or for B&V, that seems to be a business decision that does not materially affect the control of the specific activities under B&V's Appendix B QA program. It is common to observe or conduct a surveillance of activities being conducted under an Appendix B program to provide additional assurance of quality.

**Q15. Does this complete your testimony?**

A15. Yes, it does.

**Q16. Do you hereby certify under penalty of perjury that the foregoing is true and complete to the best of your knowledge, information, and belief?**

A16. Yes. 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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