

NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

CAROLINA POWER AND LIGHT COMPANY

**(Shearon Harris Nuclear Power Plant,
Units 1, 2, 3 and 4)**

**Docket Nos. 50-400
50-401
50-402
50-403**

Place - Raleigh, North Carolina

Date - 1 March 1979

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

In the matter of:

CAROLINA POWER AND LIGHT COMPANY

(Shearon Harris Nuclear Power Plant,
Units 1, 2, 3 and 4)

: Docket Nos. 50-400
: 50-401
: 50-402
: 50-403

Courtroom 2,
Federal Building,
310 New Bern Avenue,
Raleigh, North Carolina.

Thursday, March 1, 1979.

The hearing in the above-entitled matter was
reconvened, pursuant to adjournment, at 9:00 a.m.

BEFORE:

IVAN W. SMITH, Esq., Chairman,
Atomic Safety and Licensing Board.

DR. J. VENN LEEDS, Esq., Member.

GLENN O. BRIGHT, Member.

APPEARANCES:

On behalf of the Applicant:

GEORGE F. TROWBRIDGE, Esq. and JOHN H. O'NEILL, JR.,
Esq., Shaw, Pittman, Potts and Trowbridge,
1300 M. Street, N.W., Washington, D. C. 20036.RICHARD E. JONES, Esq., Associate General Counsel,
Carolina Power and Light Company.

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1 On behalf of the NRC Regulatory Staff:

2 EDWIN J. REIS, Esq., Office of the Executive
3 Legal Director, Washington, D. C.

4 On behalf of the Attorney General of North Carolina:

5 DENNIS P. MYERS, Esq. and DAVID GORDON, Esq.,
6 Office of the Attorney General, Raleigh,
7 North Carolina.

8 On behalf of the Conservation Council and Wake
9 Environment, Inc.

10 THOMAS S. ERWIN, Esq., Water Tower Court,
11 115 W. Morgan Street, Raleigh, North Carolina
12 27602.
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C O N T E N T S

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<u>Witnesses</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>	<u>Board</u>
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Paul J. Kallogg)	2629	2639			2708
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William A. Ruhlman)		2712	2718		2720
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Charles E. Murphy)		2740			2747
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Virgil L. Brownlee)					
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Charles McFarland)					
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Allan Herdt)					
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Jack Bryant)					
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(Resumed)					
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Richard Wessman					2792
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	2806				2818
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	2821				
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Howard Wilber	2830				2841
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	2844				2858
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	2880				
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ExhibitsIden. Evi.

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Staff 15					2631
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Staff 18	Attachments to Wilber testimony		2835		2841
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P R O C E E D I N G S

CHAIRMAN SMITH: Mr. Reis, are you ready? We are going to lead off with your people this morning.

MR. REIS: Yes, Mr. Kellogg and Mr. Ruhlman.

MR. TROWBRIDGE: Mr. Chairman, I have a short preliminary matter, if I may.

It is the Applicant's intention to respond to many of the statements made by Mr. Eddleman in his limited appearance and supplemental appearance, excluding some items obviously more appropriate to the Staff rather than the Applicant.

Behind those statement are documents, or appear to be documents, a number of which we recognize simply from his statement. There are some, however, which we do not recognize, and I would like to ask, not necessarily at the moment perhaps but as soon as possible that Mr. Eddleman be asked to identify for the record documentary material on which his statements are based. And I have I think six items that I would like to have identified. And I will give the transcript page from yesterday.

At page 2382 there's a reference to radioactivity release rates, and we would like to know the source of that.

At pages 2385 and 2386 there are references to cable fires sought to be suppressed by the NRC. We would like those identified.

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1 At transcript 2387 and -88 there's a reference
2 to a memorandum or some other document dated April 5, 1975.
3 That may be an I&E report or it may be some other document,
4 and we would like that document more clearly identified.

5 At page 2390 there's a reference to operation at
6 the plant with one of the safety systems out of commission
7 at 60 to 100 percent of -- somewhere between 60 to 100 percent
8 of power. We would like the source of that information
9 identified.

10 At page 2390 also there is reference to operation
11 of the plant for weeks and months with some systems out of
12 commission, and we would like the documentary reference for
13 that.

14 Lastly, page 2533 there's a reference to the case
15 of Honnicker versus Hendrie having to do with primary-to-
16 secondary leaks and a table. We would like to know whether
17 that table is in the opinion or in some other document. We
18 would like a more clear reference to that table.

19 Perhaps after the next recess when Mr. Eddleman
20 is ready, we can have that.

21 Mr. Reis?

22 MR. REIS: The Staff would also like that infor-
23 mation, and particularly we would appreciate it if
24 Mr. Eddleman could supply us with copies of the table re-
25 ferred to, although I can get them from the Solicitor's



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1 Office of the Commission I presume. It would certainly
2 simplify things if we could just at least have that document,
3 as well as a better indication of the other matters that
4 Mr. Trowbridge referred to.

5 MR. ERWIN: Mr. Chairman, we'd be happy to pro-
6 vide copies of the documents, Honnicker versus Hendrie.

7 I'm sure Mr. Eddleman will be prepared at some
8 later time to explain all of these.

9 MR. REIS: I can undertake to reproduce the pages
10 if I can just borrow it for an hour or so, the one page of
11 the table.

12 MR. TROWBRIDGE: I would hope at "some later time"
13 is not too late because we will have people working on the
14 preparation of the responses.

15 CHAIRMAN SMITH: Yes.

16 MR. REIS: Mr. Chairman, in talking of responses
17 I would like clarified as to what the Board sees as the time
18 frame for these responses. As you realize, when we went
19 through the transcript last night, we knew when we heard
20 Mr. Eddleman or when we went through the transcript, there
21 was a great number of subjects covered. On just setting
22 people and assigning tasks we want to know whether-- In
23 other proceedings we supplement the record afterwards with
24 response to the public comments. Should this be handled the
25 same way?

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1 CHAIRMAN SMITH: Of course we don't know yet what
2 burden the Staff has. And when I say "burden" I don't mean
3 responsibility, but the magnitude of the task. The prefer-
4 ence would be if the responses could be made during the
5 course of the hearing. If it can't be, it can't be.

6 It may very well be that the responses may re-
7 quire reopening of the evidentiary session.

8 The only thing I can say is just do what you can
9 do.

10 MR. REIS: Okay. We will try and get responses
11 to those items if we can before the close of the session.
12 Some of the problem is some of the people who are going to
13 respond are sitting here and can't get back to check their
14 records.

15 CHAIRMAN SMITH: Yes.

16 MR. REIS: We'll do what we can and get it in,
17 what we can, next week, and the rest we will supplement.

18 Should I proceed, if there is no other preliminary
19 business?

20 MR. ERWIN: In response to Mr. Trowbridge's last
21 comment, Mr. Eddleman will undertake to provide the infor-
22 mation requested by Applicant no later than the resumption of
23 the hearing this afternoon, but I think he should not be
24 asked to do it instantaneously.

25 CHAIRMAN SMITH: Are you ready with your witnesses?

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MR. REIS: Yes, Mr. Kellogg and Mr. Ruhlman.

Whereupon,

PAUL J. KELLOGG

and

WILLIAM A. RUHLMAN

were called as witnesses on behalf of the NRC Regulatory Staff and, having been first duly sworn, were examined and testified as follows:

CHAIRMAN SMITH: Gentlemen, perhaps you were present during the testimony of other witnesses, but I want to review the conditions of your testimony with you to make sure there is no confusion about it.

You are of course free to testify concerning the position or consensus of the Staff and the organizations whom you represent. However, the testimony you give we expect to be your personal, individual testimony, and if your personal, individual testimony differs from the position of the office that you represent, you should make that clear in your testimony.

Do you understand? You are individually under oath to tell the truth as you understand it to be, regardless of what the position of your organization is.

DIRECT EXAMINATION

BY MR. REIS: .

Q Gentlemen, can you identify yourselves, please?

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1 A (Witness Kellogg) My name is Paul Kellogg. I'm
2 chief of the Nuclear Support Section 2, Office of Inspection
3 and Enforcement, Region II.

4 A (Witness Ruhlman) I am William Ruhlman. I'm
5 the lead quality assurance inspector in Mr. Kellogg's section.
6 in Region II.

7 Q Gentlemen, were you involved in an inspection
8 at a Carolina Power and Light facility in January of this
9 year?

10 A (Witness Ruhlman) Yes, sir.

11 Q And what were the dates of that inspection?

12 A Would you repeat the question, please?

13 Q What were the dates of that inspection?

14 A January 8th to 12th, the 15th and the 16th.

15 Q And what facility was that?

16 A That was at Brunswick, for Units 1 and 2.

17 Q And did you prepare a report on that?

18 A Yes, sir.

19 MR. REIS: I have previously distributed a
20 document which was identified as Staff Exhibit 15.

21 BY MR. REIS:

22 Q Can you tell me, is this Staff Exhibit 15 a copy
23 of your report that you just referred to?

24 A (Witness Ruhlman) Yes, sir, it is.

25 Q Was this report prepared in the course of your

WRBeb7

1 work?

2 A Yes, sir.

3 MR. REIS: I ask that this report be introduced
4 in evidence.

5 CHAIRMAN SMITH: Staff Exhibit 15 is received
6 into evidence, it being a letter dated February 21st, 1979,
7 to Carolina Power and Light Company, attention: Mr. J. A.
8 Jones.

9 (Whereupon, Staff Exhibit 15,
10 having been previously
11 marked for identification,
12 was received in evidence.)

13 CHAIRMAN SMITH: Are you going to address the
14 professional qualifications?

15 MR. REIS: Yes.

16 BY MR. REIS:

17 Q Gentlemen, did you give me copies of your pro-
18 fessional qualifications previously?

19 A (Chorus of "Yes.")

20 Q I have distributed copies of them to the Board
21 and I show you copies of similar material. Are these the
22 qualifications you gave me?

23 (Handing documents to the witness panel.)

24 A (Chorus of "Yes.")

25 MR. REIS: I ask that these qualifications

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1 accompany the record of Mr. Kellogg and Mr. Ruhlman.

2 CHAIRMAN SMITH: The professional qualifications
3 of the witnesses will be bound into the transcript.

4 (The documents follow:)

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PROFESSIONAL QUALIFICATIONS

OF

PAUL J. KELLOGG

NRC OFFICE OF INSPECTION AND ENFORCEMENT

REGION II, ATLANTA, GEORGIA

My name is Paul J. Kellogg. My business address is 101 Marietta Street, Suite 3100, Atlanta, Georgia 30303.

I am employed by the United States Nuclear Regulatory Commission, Office of Inspection and Enforcement, as Chief, Nuclear Support Section No. 2.

I have completed accredited college courses from the United States Naval Academy and graduated from there with a B. S. degree in 1965.

During my present employment with NRC and previous Naval career, I completed several military and civilian courses related to the nuclear field.

In 1965, I entered the nuclear power program and received training at Bainbridge, Maryland, and Windsor, Connecticut. I qualified as Engineering Officer of the Watch on the prototype reactor (SIC). I participated in the shutdown and initial preparation for refueling of SIC.

In 1967, I was reassigned to the USS JACK (SSN 605) as an Engineering Department Division Officer and Engineering Officer of the Watch. I participated in power operation, training and maintenance of electrical and reactor

WRBeb2

control instrumentation.

In 1970, I was reassigned to the USS STURGEON (SSN 637) as Chief Engineer. I was responsible for the operation, training and maintenance of an S5W reactor plant. I participated in preoverhaul testing, overhaul, power ascension testing and power operations following overhaul.

In 1974, I joined the NRC (at that time the AEC), Region I as a Reactor Inspector. I was principal inspector on two power facilities. I participated in the preoperational testing, initial criticality startup testing and power operation.

In 1978, I was promoted to my current position of Chief, Nuclear Support Section No. 2 of the Reactor Operations and Nuclear Support Branch, Region II. This section is responsible for inspection of all power reactors in Region II in the areas of quality assurance, calibration, surveillance, maintenance, training, fire protection and procedures during the preoperational testing, startup testing and power operation phases.

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PROFESSIONAL QUALIFICATIONS

OF

WILLIAM A. RUHLMAN

NRC OFFICE OF INSPECTION AND ENFORCEMENT

REGION II, ATLANTA, GEORGIA

My name is William A. Ruhlman. My business address is 101 Marietta Street, Suite 3100, Atlanta, Georgia 30303. I am employed by the United States Nuclear Regulatory Commission, Office of Inspection and Enforcement, as the Lead Quality Assurance Inspector, Nuclear Support Section Number 2.

I have completed accredited college courses from the University of Hawaii, the United States Naval Academy and Miami Dade Junior College. During my present employment with NRC and previous Navy career, I completed several military and civilian courses related to the nuclear field. I am a registered professional nuclear engineer, a member of the American Society of Quality Control, and a member of the Korea Nuclear Society.

My initial experience in the nuclear field (1961 - 1968) was in the Navy Nuclear Submarine program, where I was responsible for maintenance, operation, and directing the crew of a nuclear submarine as the Leading Petty Officer in the Electrical Division and as the Engineering Watch Supervisor (Senior Enlisted Watchstation) of the Engineering Department. I was a staff instructor at the SIC prototype for

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1 a period of two years during my Navy assignment.

2 In 1968 I entered the civilian power industry. I
3 began as a Laboratory Technician for four (4) fossil fueled
4 electrical generating plants for Florida Power and Light
5 Company. During 1969 - 1971, I followed construction acti-
6 vities and participated in preoperational and startup testing
7 of two 760 MWe nuclear plants. When Unit 3 began startup
8 operations in 1971, I directed the staff as a Nuclear Watch
9 Engineer from that point through and including commercial
10 operation. When Unit 4 began startup testing in 1972, that
11 unit was also under my direction. I held an Operator License
12 and a Senior Operator License on these two units.

13 In 1973 I began with the Atomic Energy Commission
14 where I was assigned as a Reactor Inspector in the Startup
15 and Test Branch of the Region I offices. When that Branch
16 was reorganized, I began as the Lead Training Inspector in the
17 Nuclear Support Section. In 1974 I was assigned and addi-
18 tional duties of Lead Quality Assurance Inspector. In 1976
19 I assumed the duties of Lead Quality Assurance Inspector while
20 retaining the Lead Training Inspector position. I was Acting
21 Section Chief for the Nuclear Support Section for a period of
22 six months in 1977.

23 In 1978 I was assigned to the International Atomic
24 Energy Commission and completed a three-month assignment with
25 the Republic of Korea. I assisted their Atomic Energy Bureau

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1 in establishing the Quality Assurance requirements for their
2 nuclear program. Following my return from Korea, I was
3 transferred to my current position.

4 I am currently assigned as the Lead Quality
5 Assurance Inspector in Region II and four inspectors assist me
6 in carrying out all special and routine quality assurance
7 inspections of licensees in Region II. I have also inspected
8 one construction QA program. I have participated in 45
9 quality assurance inspections in Region I, Region II and
10 Korea.

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1 BY MR. REIS:

2 Q Mr. Kellogg, have you made similar type inspec-
3 tions of other nuclear plants besides Brunswick, as to this
4 one?

5 A (Witness Kellogg) Yes, sir, I have.

6 Q And as a result of those inspections, did you
7 form any type of an opinion of how Brunswick compares with
8 the other facilities you looked at?

9 And Mr. Ruhlman, as well as Mr. Kellogg, may
10 answer that.

11 A Yes, sir. And my opinion would be that
12 Brunswick, with respect to the quality assurance program in
13 the areas we inspected, is an average utility.

14 Q Thank you.

15 MR. REIS: That's all I have.

16 CHAIRMAN SMITH: Mr. Erwin?

17 DR. LEEDS: Wait a minute. I thought the ques-
18 tion was addressed to both of you. I would like to hear what
19 Mr. Ruhlman has to say.

20 WITNESS RUHLMAN: I've also inspected other
21 facilities other than Carolina Power and Light at Brunswick,
22 and I would also define the utility as average with respect
23 to the elements of the quality assurance program that were
24 inspected.

25 DR. LEEDS: Thank you.

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1 CHAIRMAN SMITH: Mr. Erwin?

2 MR. ERWIN: Mr. Chairman, does the State go before
3 me?

4 CHAIRMAN SMITH: I just happened to start at that
5 end of the room, without any particular design.

6 MR. GORDON: I defer to Mr. Erwin.

7 CROSS-EXAMINATION

8 BY MR. ERWIN:

9 Q Appendix A to the letter from Mr. Lewis con-
10 tains the notice of violation, does it not?

11 A (Witness Ruhlman) It contains as Appendix A the
12 notice of violation; that's correct, sir.

13 Q All right.

14 There are a number of items that appear, A through
15 K; is that correct?

16 A Yes, sir.

17 Q All right.

18 Now Item A, the QA commitment to this item was
19 made September 11, 1975; is that correct?

20 A Yes, sir. It was in a letter to the Commission
21 with that date.

22 Q Who wrote the paragraph beginning, "Contrary to
23 the above, as of January 10, 1979,...."?

24 A It was actually written by an inspector by the
25 name of Mr. Jenkins.

NRBeb3

1 Q So neither of you wrote this?

2 A In my capacity as the lead quality assurance
3 inspector, all of these citations are reviewed and concurred
4 in by myself before they are presented to Mr. Kellogg for
5 his review and concurrence.

6 Q So the order in which this document was prepared
7 and transmitted was Mr. Jenkins wrote the violation, you
8 reviewed it and sent it on to Mr. Kellogg? Is that right?

9 A If you will look at the cover page of the report
10 it identifies all the inspectors that participated in the
11 inspection by name, and that indicates it was myself as lead
12 inspector for the report, and, Mr. M. C. Ashenden, Mr. H. E.
13 Jenkins, Mr. J. A. McDonald, and Mr. Kellogg did accompany
14 for parts of the inspection.

15 In this case it was the inspection that was
16 conducted on the 15th and the 16th.

17 Q I'm sorry, where does that information appear?
18 I'm sure I have it.

19 A Behind Appendix A, sir.

20 Appendix A to the letter supercedes and is tied
21 onto the report. The letter and the Appendix A is one unit,
22 and the report is a separate unit which is behind those two.

23 Q I understand.
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1 In any event, the person who actually wrote up
2 the notice of violation initially was Mr. Jenkins; is that
3 correct?

4 A No, sir. Each of the inspectors that participated
5 was assigned a certain area to inspect. On this particular
6 inspection Mr. Jenkins had the area of warehousing, handling,
7 storage and shipping. That citation relates to that area.

8 Each inspector write the citation for the area
9 which he inspected and the area which he identified.

10 Q So could we go through them, just to start off
11 with, and identify the individuals who wrote up the various
12 violations?

13 A Again, the actual composition and composing of
14 the report, once we get back, all the inspectors that
15 participated, at least in the Quality Assurance Group, we
16 sit down and write these as a group. There is no single
17 author. We inspect it as a group and we-- Who actually
18 penned the actual words that got on there, it was a consensus
19 of the inspectors. That's the way, how you actually put
20 the wording in, the actual item.

21 The item was identified originally by one inspector.
22 How the words were actually penned on here to meet the
23 meet the legal requirements of the NRC is a consensus effort.

24 Q All right.

25 So, then, no one person, or even no two people wrote

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1 this notice of violation, but it was a joint effort of all
2 the inspectors who took part in the inspection?

3 A That's correct, sir.

4 But as the reporting inspector for this report,
5 I am the one who finally makes the final corrections and
6 submits the report.

7 Q So you're the initial editor, and Mr. Kellogg --
8 you submit it to Mr. Kellogg, and if there are any changes
9 made they're made at that time; is that correct?

10 A If there are any changes made, Mr. Kellogg would
11 discuss them with them. I'm the one who's responsible for
12 making the changes. I must concur in them, and I'm responsible
13 for making any changes that are made.

14 Q Okay.

15 So he's not in a position to-- You would be in a
16 position, though, to make changes if you saw fit from the
17 document that was -- You'd be in a position to edit the
18 document as it came to you initially; is that right?

19 A That's correct, sir.

20 Q And Mr. Kellogg would be in a position to discuss
21 with you any changes that he would wish to make, and if you
22 concurred in those they would be made?

23 I'm just trying to get the process straight.

24 A That would be correct.

25 Q All right.

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Now to get to the substance of it: For instance--

A A point of clarification. Mr. Kellogg pointed out as a clarification, each of the inspectors is also involved in this process. I don't arbitrarily change anything that's submitted.

Q I'm not even suggesting that. I'm just trying to establish what the actual procedure was, how a notice of violation is written.

A If I may clarify: each inspector is required to come back and document the areas that he inspected. The areas he inspected would include any notice of violation items that have to be written. As part of that, he then submits the draft to the reporting inspector. In this case it was myself. The reporting inspector then goes through and corrects it.

We try to make it a cohesive report. We try to make sure that we use the same phraseology just for the standards and ease of reading, if for no other reason, and make sure that it's grammatically correct and technically correct.

It is then reviewed by my section chief for the same purpose, and submitted to typing. It's returned from typing and it's handled essentially by the inspector, in this case the reporting inspector:

We usually delegate out to the individual who wrote it the fact of reviewing it; although we have one person

wb4

1 sit down and review it because some people have difficulty
2 reviewing their own work. So we do cross-review against
3 the original draft that was submitted, for typographical
4 errors.

5 Then the final, as it's completed, we sign off
6 on it, submit it to the section chief for approval, he
7 approves it, and then it's passed up the chain.

8 If I may, while we're on that area, there are
9 three typographical errors in this report, if this would be
10 the proper time to introduce those. I found them yesterday
11 while I was reading it.

12 CHAIRMAN SMITH: Yes, I think you should do it
13 now.

14 WITNESS RUHLMAN: On Item G of Appendix A, that
15 would be on page 4 of Appendix A, paragraph G, the third
16 subparagraph within that, the 'i' on 'infraction' should be
17 capitalized. There is nothing to indicate that is of any
18 less severity or anything else.

19 On the first page of the Details, down where
20 we've defined the following term that's used throughout
21 this report; "Accepted Quality Assurance Program," the word
22 "quality" should only have one 'l' in it.

23 And the only substantive change occurs on page 14
24 of the report. The first sentence on page 14 says,

25 "In paragraph 11.c of this report...."

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1 It should be Paragraph 12.c.

2 There are many other typographical errors, but
3 those are the only ones that I caught.

4 BY MR. ERWIN:

5 Q Mr. Kellogg, on the second page of your profes-
6 sional qualifications, while we're going over typos, in the
7 second line, the word "principle" in that context should be
8 spelled p-a-l, should it not?

9 A (Witness Kellogg) Yes, it should.

10 (Witness Ruhlman) If you're looking for them
11 also in mine, I held "an" operator's license, as opposed
12 to "a" operator's license.

13 Q By the way, I didn't take the sentence in G
14 in the Appendix to signify anything other than what you said
15 it did.

16 To get back to the first question, or one of
17 the first questions I asked, the QA program referred to in
18 No. A of Appendix A was by letter dated September 11th, 1975.
19 And the first -- the paragraph describing the violation
20 reads,

21 "Contrary to the above, as of January 10,
22 1979, measures had not been established to control
23 activities in compliance with the requirements...."

24 A "....in accordance with...."

25 Q I'm sorry; "....in accordance with the require-

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ments of the accepted QA Program," et cetera.

I'm just curious: does that mean that this violation, or this infraction, had gone on from September 11th 1975, or as soon after the operating license was granted, through January 10th, 1979?

A No, sir.

Q When did this infraction begin, to the knowledge of the inspectors?

A We have no way of knowing. It's a condition that existed when we found it. That's why the date is used to document it.

Let me make one point of clarification.

You said the program is described in a letter. If you will look again at the definition on the first page of the Details, we have defined what the accepted quality assurance program for CP&L is. And it contains an initial document that was submitted, as amended by three additional letters. Where a specific commitment is found in an additional letter, that's why we referenced that specific letter. And the reason for the use of the date is to meet the specific requirements of the Code of Federal Regulations which defines that you must define the date, or dates, or period of time covered for the item of non-compliance.

Q That's exactly what I was trying to establish, and I appreciate your amplifying that.

1 This particular item is covered in the supple-
2 mentary letter dated September 11, 1975?

3 A That's correct. It's actually his commitment
4 to that partiucular standard which was referenced, that ad-
5 ditional standard. Previous letters had addressed, in this
6 particular case, a draft of the standard. He upgraded his
7 program to include the issued standard when it was issued.

8 Q And that date-- In other words, you consider
9 that as of September 11th, 1975 the applicant was bound by
10 this -- bound to this standard?

11 A That is not, strictly speaking, correct, sir.
12 It would have been true for his H.B. Robinson plant. At
13 the time neither one of the facilities at Brunswick would
14 have had an operating license and, therefore, they did not
15 come under the aegis of his operational quality assurance
16 program.

17 Q But this was the date of commitment, and the date
18 of commitment preceded the granting of the operating license
19 in the case of Brunswick?

20 A It preceded the date of the issuance of the
21 license, but it was not effective until the issuance of the
22 license.

23 Q Well that's why I said what I said: it didn't
24 come into effect. He made the commitment on September 11th,
25 but it didn't come into effect until the operating license;

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1 correct?

2 A For the plants that were being inspected.

3 Q Okay.

4 Now, have you previously inspected this plant,
5 or these plants, for this item prior to January 10th, 1979?

6 A I had not.

7 Q So, do you have any record that between
8 September 11th, 1975 and January 10th, 1979, or between the
9 operative date of the commitment to this QA item -- I don't
10 have that: you may very well have it and can supply it to
11 us -- and January 10th, 1979, do you have any evidence to the
12 effect that the applicant did conform to this requirement at
13 any time during that period?

14 A I personally do not, but I believe it's a matter
15 of record in Staff Exhibit 11, which contains all the
16 reports that this area has been previously inspected and found
17 to be without items of non-compliance.

18 Q When were those inspections?

19 A I don't know, sir. It's contained in the record,
20 but I didn't undertake to memorize all the dates of the
21 inspection reports in the record.

22 Q Can you-- When you say "it is in the record,"
23 where is it in the record?

24 A Wherever we have copies of all the previous in-
25 spection reports on Brunswick.

wb9.

1 Q Now you're saying that to your knowledge this
2 particular item, that there is a record of the applicant,
3 the licensee, complying with this item at some point between
4 the operative date of the commitment to the item and
5 January 10th, 1979?

6 A No, sir.

7 Q Would you, then, tell me what you did mean to say
8 by your answer?

9 A I said the area had been inspected before and
10 found without items of non-compliance. "Area" is a broader
11 term than specific items that were found here. You can go
12 out and inspect the same area and not look at the same items
13 and come up with a different finding.

14 Q And that's exactly what I'm trying to establish.

15 A You have established it.

16 Q I'm trying to establish whether you have any
17 evidence in the record on the part of any inspector of the
18 NRC as to whether or not the Licensee had, at any time between
19 the operative date of that commitment to this item and
20 January 10th, 1979, complied with the requirements as contained
21 in the letter dated September 11th, 1975.

22 MR. REIS: Mr. Chairman, I think that question
23 was previously asked and answered.

24 MR. ERWIN: I don't believe it was answered at
25 all.

wb10

1 WITNESS RUHLMAN: I personally don't-- If I may
2 answer the question, I personally don't have it. But it is
3 contained in the docket file which contains all the reports
4 that have been issued for Brunswick.

5 BY MR. ERWIN:

6 Q Am I correct: I heard you just a moment ago to
7 say that this area -- this area -- had been inspected. But
8 you said this area was broader than this particular item?

9 A (Witness Ruhlman) No, sir, I didn't indicate it
10 was broader or more narrow. I said the area had been
11 inspected.

12 End 1B
13 End WRBloom
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Q Now, you said that there is evidence -- I just asked you whether you had any evidence, and you answered no, I believe, isn't that correct?

A Correct.

Q Then I asked you again, and you said, yes, it's contained in the record.

Now, which is the correct answer?

A I didn't say yes it's contained in the record, I said I didn't have any personal -- or do not have any personal knowledge, but it is contained in the record, and I have looked in the record.

CHAIRMAN SMITH: I think he's being exactly responsive.

BY MR. ERWIN:

Q You say that you have seen it in the record?

A (Witness Ruhlman) I have seen it in the docket file records, yes, sir. Record means something different to you, evidently, than it means to me.

Record, to me, when I say the record of this utility, is the docket file of the reports. I have not reviewed all of the reports, but as a matter of course before we go out on a quality assurance inspection we normally review the reports that have been previously conducted in the area.

Q Now, you have seen a report in the docket file in

1 this case that indicates that at some point between the
2 operative date of the commitment dated September 11, 1975
3 and January 10, 1979, the Applicant in fact had established
4 measures to control activities in accordance with the
5 requirements of the accepted QA program, in that as examples,
6 not to be considered as all inclusive, the requirements for
7 packaging delineated in Section 3.1, 3.5 and 3.7 were met;
8 the shipping requirements of Section 4.3 were met; the
9 receiving activities were in accordance with the requirements
10 of Section 5.2; storage of material was in accordance with
11 the requirements of Sections 6.1, 6.2, 6.3, 6.4 and 6.6;
12 and the handling activities did comply with the requirements
13 of Section 7.2 and 7.5?

14 A No, sir.

15 Q I'll ask you to turn to number B. Again, this
16 item is contained -- there are two requirements, I believe,
17 under this item, one dated September 11, 1975 and one dated
18 February 27, 1975.

19 Now, is that correct?

20 A Yes, sir.

21 Q Now, am I to understand that those were the
22 operative dates of -- those were the dates of the commitments
23 to these items on the part of the Licensee?

24 A That is correct, sir.

25 Q But they did not go into effect until the

wel 3

1 granting of the operating license?

2 A That is correct, sir.

3 Q Now, I will ask you again:

4 Have you seen a report in the docket -- any
5 previous report in the docket records for this Licensee that
6 states or indicates that between the operative date, namely,
7 the operating license, and January 10, 1979, the Licensee,
8 in this case CP&L, had established a program for activities
9 which were being conducted in the housekeeping and records
10 areas consistent with his accepted quality assurance program
11 submitted to meet the requirements of Appendix B, in that,
12 as examples not to be considered as all inclusive, the ANSI-
13 N45.2.3 requirements were implemented in the housekeeping
14 area as required by Section 1.1; in the control of site areas
15 as required in Section 3.1; in the areas of fire prevention
16 and protection as described in Section 3.2.2; and, the
17 surveillance and inspection requirements of Section 3.5 were
18 being fully met with respect to ANSI-N45.2.9 the index
19 requirements of Section 3.2.2 and the storage requirements
20 of Section 5.2 were implemented.

21 A No, sir.

22 Q I will ask you --

23 DR. LEEDS: Mr. Erwin, are you intending also to
24 ask Mr. Kellogg these same questions?

25 MR. ERWIN: I would like Mr. Kellogg to -- I'm

wel 4

1 asking the questions of the panel, and Mr. Ruhlman had
2 responded initially. I would prefer, if Mr. Kellogg, while
3 we're on the subject, it would be much better if Mr. Kellogg
4 would respond. I'd be more than happy for --

5 DR. LEEDS: I wanted to make sure that Mr. Kellogg
6 understood that whenever a question comes to one or the
7 other, that both -- if you have information on the subject,
8 please give it to us. It'll just save having to go over
9 it again.

10 WITNESS KELLOGG: Yes, sir.

11 BY MR. ERWIN:

12 Q In order to expedite things, let me ask Mr.
13 Kellogg -- I won't repeat the question, I hope, I hope I
14 don't have to and I don't want to, but I will ask Mr. Kellogg
15 if his answer would be any different from Mr. Ruhlman's as
16 to his knowledge of any reports that would indicate
17 compliance under A and B.

18 A (Witness Kellogg) Of the specific paragraphs that
19 have been quoted, my response would be the same as Mr.
20 Ruhlman's.

21 Q Okay. That would be for A and B?

22 A That's correct.

23 Q I would like to be able to short-circuit the
24 process. Simply, what I am trying to establish is whether
25 there are any reports. I'd like to see them. I'm curious.

wel 5

1 I'd like to see any records of inspection reports on previous
2 occasions stemming from the operating license, covering the
3 date of the operating license to the period -- in this case,
4 the period of January 8 through January 16, 1979, that would
5 indicate or establish that an inspector had found the
6 Applicant to be in compliance with these individual items
7 that are mentioned or delineated in this notice of violation.

8 It would simplify things, it would appear to me,
9 if my question is understandable, for them to just go through
10 it. I really don't wish to take the Board's time, the
11 witnesses' time or my time in going through every one of
12 these in the manner that I've gone through two of them.

13 CHAIRMAN SMITH: Would such a report ever exist,
14 would such a record ever exist, such as he is seeking there?

15 MR. REIS: In the nature of inspection reports,
16 as the Board knows, it's the non-compliances that are
17 documented, and not the compliances.

18 We have a record, and it's been physically
19 introduced into evidence, and counsel for the Intervenor
20 certainly had an opportunity to go back and look at the
21 reports mentioned, where there are many quality inspection
22 reports listed with no items of non-compliance -- or quality
23 assurance reports -- with no items of non-compliance found.

24 MR. ERWIN: I'm asking whether there are --
25 whether in the view of the reports there is any evidence --

1 I understand that, I'm not as dumb as, you know, as I look,
2 as Mr. Eddleman said.

3 The question that I'm asking I think is a very
4 simple question. I'm really trying to get at whether or not
5 these individual items had been inspected for before and
6 when they had been inspected for before and, if so, if they'd
7 been passed.

8 I think that's a pretty obvious question and can
9 be easily answered if they have the records.

10 CHAIRMAN SMITH: Why don't you gentlemen just
11 talk about what he wants to know about?

12 MR. ERWIN: I think it's clear what I want to
13 know.

14 WITNESS RUHLMAN: Let me, first of all, as was
15 stated in yesterday's testimony, the inspections that are
16 conducted are conducted in accordance with modules which
17 are supplied to us in each individual inspection area by
18 our headquarters in Washington.

19 BY MR. ERWIN:

20 Q I'm sorry, you said an audit?

21 A (Witness Ruhlman) No, modules, m-o-d-u-l-e-s.
22 It's a terminology which doesn't have any particular
23 dictionary reference to anything. It's just the terminology
24 we use.

25 These modules are submitted to all the regions

1 and are applicable to all the plants.

2 The wording, as you have demonstrated throughout
3 this hearing, leaves something in the English language to
4 be desired as far as clarity as to what is to be inspected.

5 There will be a general requirement to go out and
6 inspect the licensee in a given area and look for housekeeping.
7 It does not tell you you have to inspect the diesel room,
8 that you have to inspect this area, that you have to inspect
9 that area, or the other area.

10 So the area where the inspector chooses to verify
11 that particular aspect might be in compliance.

12 You've mentioned this housekeeping area, which is
13 the item we're dealing with now in item B. Housekeeping
14 could be perfectly adequate in one area of the plant. In
15 the case of Brunswick, the only area we found that was not
16 adequate was out in the diesel room. Other areas that were
17 inspected they had no problem with.

18 So it depends on where the inspector inspected.
19 Even though he's looking at the same requirements and he's
20 looking at identically the same programmatic issues, it
21 depends on where he selects to conduct his inspection, and
22 that's not specified.

23 In addition, while the modules themselves contain
24 ambiguities as to what is to be specifically inspected, as
25 was stated yesterday in the testimony there is imposed upon

wel 8

1 us a module which requires each inspector to spend approxi-
2 mately 20 percent of his time on an average inspecting items
3 which are not specified in the modules.

4 So there is going to be some scatter around an
5 area, if you will, that you don't get the exact inspection
6 even by the same inspector on two inspections. And that's
7 part of the design philosophy. If the licensees knew
8 exactly what we were going to look at, exactly every time
9 every inspector looked at exactly the same thing, obviously
10 those areas would be in compliance.

11 Q Thank you. That's very responsive and helps a
12 great deal.

13 Now, the place that I am headed for I think I
14 can short-circuit the process somewhat.

15 Isn't it true that in the case of these particular
16 items of non-compliance -- well, let me ask you whether it
17 is true that in the case of these items of non-compliance
18 any documentary evidence over the period in question, of
19 the operating license, from January 8 to January 16, 1979,
20 the applicant has been in compliance on these items. If
21 there is, I'd just like to see it produced.

22 I believe you previously testified. --

23 CHAIRMAN SMITH: That's a good question. Let's
24 get an answer to that. And then, also, add to that: Or
25 is there any other evidence which would address that.

1 DR. LEEDS: Let's make sure we understand. When
2 we say evidence, we're not speaking of evidence in the
3 strict legal meaning. We mean any data, information, pieces
4 of paper, terms -- any term you want to use for the word.

5 CHAIRMAN SMITH: Office gossip.

6 (Laughter.)

7 WITNESS KELLOGG: Mr. Erwin, before we answer that
8 question, be aware that we do, in the preoperational phase
9 of the facility -- this is before the operating license is
10 issued -- in the final construction phases we do additional
11 inspections in the area of quality assurance and several
12 other areas to assure ourselves that when the operating
13 license is issued that the licensee has a program developed
14 that will implement his commitments.

15 In other words, we don't wait until the operating
16 license is issued and then go out and perform the inspection
17 to see if it's there. We try preventive inspection, if you
18 will, to ensure the program is there before it actually is
19 required to be inspected.

20 If you look at the past documentation in this
21 area, you will find that each of the general areas that we
22 looked at in this report were covered in previous reports
23 in that time frame and later, and the references that are
24 in there are general references, they do not address the
25 specifics that this report does. And I think that that also

wel 10

1 bears some explanation.

2 BY MR. ERWIN:

3 Q Please explain it.

4 A (Witness Kellogg) Okay.

5 In the last year the Region II staff has increased
6 a little over 100 percent. In the past we did not have the
7 manpower to perform an inspection of this depth in the time
8 frames that we have to cover all the facilities. This is
9 the first time that an inspection has been performed by the
10 same group of individuals at all of the facilities in Region
11 II.

12 We are currently in that process. We haven't
13 finished yet.

14 That is why I made the comment earlier when I
15 was asked how I rated CP&L as average. They are falling
16 into that category in this inspection.

17 Q Again, Mr. Ruhlman and Mr. Kellogg, -- and I'm sure
18 that Mr. Reis and Mr. Trowbridge would categorize the point
19 I'm trying to make as a cheap shot; but just let me make it,
20 if I can.

21 If you just answer -- all I'm trying to get at
22 is whether or not -- I understand your amplification, I
23 appreciate it and I think it is very responsive and directly
24 to my concern. But I would like an answer as to whether
25 or not you can document any specific compliance with these

wel 11

1 items, and again, to pick up on Dr. Leeds, whether there's
2 anything -- gossip or otherwise -- that would lead you to
3 believe, one way or the other -- again, in order to be fair,
4 I'll ask you -- I think you said, I think Mr. Ruhlman has
5 said before, that there doesn't appear to be any evidence
6 to indicate non-compliance in the past, but I'll ask that of
7 you as well.

8 In other words, if there's any evidence of
9 compliance I'd like to hear that too.

10 A In our inspection reports our findings are
11 categorized into three levels.

12 There's acceptable; there are items of non-com-
13 pliance; or they fall into a category which we've termed
14 unresolved, more information is needed to be developed to
15 either make it acceptable or an item of non-compliance.

16 Those are the only three categories of areas
17 you will find in our inspection reports for an operating
18 facility.

19 CHAIRMAN SMITH: Let me see if by perhaps cruder
20 language we can establish it.

21 Take, for example, item C. Do you have any way
22 of knowing if that infraction did not exist from the date
23 that the operating license was issued?

24 WITNESS RUHLMAN: On that particular one, you
25 happen to have chosen one that states there is no program

wel 12

1 in effect.

2 Presumably, if you'll notice on the first one,
3 there had never been a program in effect. So that one, to
4 the best of our knowledge, would have existed since the
5 time the requirement was imposed.

6 CHAIRMAN SMITH: That could have existed?

7 WITNESS RUHLMAN: Yes, sir.

8 CHAIRMAN SMITH: Okay, let's take another one,
9 then. Let's talk about --

10 MR. ERWIN: Mr. Chairman, may I -- I'm sorry to
11 interrupt, but -- I'd love to have him answer as to whether
12 that's true of A and B too, since it appears that again in
13 both of those cases they're talking about measures to
14 establish -- measures established to control activities, and
15 it would appear that the statement as to C would be equally
16 applicable in A and B.

17 I'm sorry. I won't interrupt you again. I just --

18 WITNESS RUHLMAN: It does not apply to items A
19 and B. We're not dealing with programmatic requirements,
20 we're dealing with something specific.

21 MR. ERWIN: I'm sorry, I hope I didn't interrupt
22 your train of thought.

23 CHAIRMAN SMITH: No, that's fine.

24 How do we know, if we do know, that the infraction
25 in item B did not exist from the day of the operating license?

wel 13

1 WITNESS RUHLMAN: We in fact do not know.

2 As Mr. Kellog has indicated, these particular
3 areas -- and here we've combined two, housekeeping and record
4 keeping, housekeeping has been inspected on a periodic
5 basis since the operating license was issued. The reports
6 that I have read and happen to recall -- and I don't claim
7 to have read them all or to recall them all -- did not
8 identify any items of non-compliance in this area.

9 As I have indicated before, it was on the same
10 day when this particular item was found, only one area was
11 found that did not comply.

12 So the program existed for housekeeping. It
13 was carried out in other areas of the plant. In this one
14 particular area that we found, it was not carried out.

15 CHAIRMAN SMITH: Based upon your professional
16 judgment and your experience and what you know about the
17 whole operation, do you think that the infraction in item
18 B existed since the operating license?

19 WITNESS RUHLMAN: No, sir.

20 CHAIRMAN SMITH: I'm done, Mr. Erwin.

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BY MR. ERWIN:

Q Why not?

A (Witness Ruhlman) Because I stated previously other areas--the same areas have been inspected on other occasions when nothing was documented.

CHAIRMAN SMITH: And it is likely in the normal course of events, if it had existed it probably would have been documented.

WITNESS RUHLMAN: Yes, sir, that's the requirement.

CHAIRMAN SMITH: But you can't say that to an absolute sense.

WITNESS RUHLMAN: No, sir.

BY MR. ERWIN:

Q Now B, what we're talking about is referring to -- describe the infraction in B, please.

A (Witness Ruhlman) In this particular case it would probably be helpful to refer to the detailed report which fully describes the item. I have no problem with reading it into the record.

The description would be the same --

Q If you could make it briefer, that would be fine.

A If you will look on page 2 of the inspection report itself, that's the page following where we identify which inspectors were involved, we take each of the areas,

mpb2 1 that's called the inspection summary. We basically summarize
2 the item. It's not in the same order as contained in
3 Appendix A. It's in the order that they appear in the
4 report. Find the one you want, it gives you the detailed
5 paragraph to refer to within the report.

6 Q All right.

7 Well, that would be B.

8 A And B happens to be a detailed 9B and 11B of the
9 report.

10 The item on housekeeping is on 11B and the record-
11 keeping is on -- 9B and 11B of the report happen to be the
12 two that cover this one.

13 Q Well, in order to get -- you say it's 9B and 11B?

14 A Right. That's correct, sir.

15 CHAIRMAN SMITH: I'm sorry, I was distracted
16 for a moment.

17 WITNESS RUHLMAN: 9B and 11B within the detailed
18 paragraphs of the report cover the item that is listed as
19 infraction B of the item of non-compliance.

20 BY MR. ERWIN:

21 Q All right.

22 Now the page number for that is page 18, is that
23 correct?

24 A (Witness Ruhlman) 18 is correct for 9B, 18 and
25 23.

mpb3

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Q 18 and 23?

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A Yes, sir.

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Q Okay.

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So now this is.... You stated in response to the Chairman's question that in your own opinion this infraction -- that you did not think that this infraction had existed since the operating license.

8

A That is correct, sir.

9

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Q Now do you have an opinion -- now basically what we're talking about are the specifics in that infraction, or 1, 2, and 3 on page 19, aren't they, and that's what it boils down to?

13

A That is correct, sir.

14

Q That is what it boils down to, which are:

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"No written procedures existed for the immediate evacuation of the vault in the event of smoke detector actuation. Additionally, the vault custodian stated that, in the event of a small fire, she would disable the Halon System and fight the fire with the available portable fire extinguisher."

22

23

24

Now if no written procedures existed on January 10, what makes you believe that there ever had been any written procedures?

25

A I have no reason to believe that there was.

mpb4

1 Q But you just stated in response to the Chairman's
2 question that you thought that this violation had not
3 occurred since the operating license of the plant.

4 A No, sir, that was not my statement.

5 Q Well, all right.

6 May I ask the Reporter to read back? That's the
7 way I understood it.

8 CHAIRMAN SMITH: Well, wait a minute.

9 Restate it. Wouldn't that be more productive?

10 MR. ERWIN: Fine.

11 WITNESS RUHLMAN: The Chairman's question was
12 do I have reason to believe that this area had existed as
13 an infraction since the beginning of the requirement. My
14 statement was no.

15 CHAIRMAN SMITH: I think the difference in the
16 two answers requires an explanation.

17 WITNESS RUHLMAN: The difference would be that
18 in this particular case the requirement for this particular
19 procedure did not exist until the vault was constructed.
20 The vault construction had not taken place at the time of
21 the inception of the license. It was just recently completed.

22 The program as written allowed them to have
23 temporary storage before the vault was in effect, and it
24 stated that these procedures would not be needed until that
25 time.



mpb5

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MR. ERWIN: All right.

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BY MR. ERWIN:

3

Q Now when was the vault constructed?

4

A (Witness Ruhlman) I don't remember that off the top of my head, sir.

6

Q All right.

7

Mr. Kellogg, do you know?

8

A (Witness Kellogg) No, I do not.

9

Q "The vault was required to be a minimum use area; however, microfilming operations were established inside the vault."

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Then in this particular case do you have any evidence to believe that the -- that either one or two -- well, let's read three too.

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Three:

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"Combustibles were not to be stored in the vault; however there were several empty cardboard boxes stored in the vault. These boxes were removed prior to the conclusion of the inspection; therefore, the licensee need only address actions taken to prevent recurrence in response to this portion of the item."

Do you have any evidence to indicate that these deficiencies -- or that these non-compliances did not exist

mpb6 1 at any time from the construction of the vault until the day
2 of your inspection?

3 A (Witness Ruhlman) Again using the definition
4 of the Board for "evidence", I would say certainly that they
5 did not exist all the time. Your question was "any time".
6 Obviously they existed any time or we wouldn't have been
7 able to document it.

8 That they existed all the time, it is fairly
9 obvious that they did not. Cardboard boxes were from items
10 that they were using in the vault which were relatively new.
11 They had not removed the boxes.

12 The microfilming operation had not been in
13 progress for the entire period. So again, it is obvious
14 that that could not have existed.

15 And to answer your next question as to how long
16 did they, I do not remember when these went into operation.
17 And we didn't check where the cardboard box came from to
18 make sure of its date. So I have no idea how long it was in
19 the vault.

20 MR. ERWIN: Just a moment, Mr. Chairman.

21 (Pause.)

22 BY MR. ERWIN:

23 Q Mr. Ruhlman and Mr. Kellogg, is it true that
24 D, E, F, and G are essentially quality control violations --
25 I mean quality assurance violations?

mpb7 1 A (Witness Ruhlman) They're not violations, sir;
2 they're items of non-compliance.

3 Q I'm sorry, I apologize.

4 Are the infractions documented in D, E, F, and G
5 quality assurance infractions?

6 A By definition they all relate back to Appendix
7 B, which is titled Quality Assurance, yes, sir.

8 Q Do you have any evidence as to how long those
9 infractions have existed?

10 A You were referring to items D, E, F and G?

11 Item D basically dealt with levels of storage
12 and control of shelf-life items. The control of shelf-life
13 items is something that on a routine basis, these items,
14 the shortest that I know of has a deterioration age of
15 about five years, along with ranges up to 20 years. The
16 plant has not been in operation long enough to really
17 create a large problem in that area except for spare parts
18 that were ordered before the plant went operational.

19 So that item would not have created a problem
20 until the shortest-lived item -- we found they have stated
21 in their procedure they were going to have a program, and
22 that's what we cited them against. It's not that any of the
23 items had actually deteriorated.

24 You'll notice that is against, in this particular
25 case, Criterion 5, failure to follow their own procedures.

mpb8 1 They had stated they were going to establish a program; they
2 had not established a program. They did not deal with any
3 deteriorated items.

4 Q So in other words, the failure to establish --
5 you have no evidence to believe that they have ever had a
6 program?

7 A No, sir. And as I stated, the shortest-lived
8 item would not yet have come to the point where it needed
9 to be controlled.

10 Q I understand that.

11 But I'm only asking whether or not you had any
12 evidence as to whether they had ever had a program?

13 A Indeed, the evidence indicated they did not have
14 a program.

15 Q At any time during the period of the operation
16 of the plant to the day of the inspection?

17 A That is correct, sir.

18 Q All right.

19 As for number E --

20 A Item E dealt with failure to calibrate in
21 accordance with Volume 8 of Appeal M. That was a fairly
22 recent commitment. The problem here was that the licensee
23 -- it was not that he is not calibrating it, calibrating
24 his instruments.

25 He had specifically stated he would follow

mpb9

1 Volume 8. Volume 8 did not contain the specific procedures
2 that were required. It was he was not doing it in accord-
3 ance with what he said he was going to do it. It was not
4 that he was not calibrating, it was he was not calibrating
5 it in accordance with what he said he was going to do.

6 The calibration was being conducted. The
7 citation as written was that he was not doing it the way
8 he said he was going to do it, and which we subsequently
9 approved after he submitted it to us.

10 Q All right.

11 But until the time that it was approved upon
12 submission, it existed --

13 A It did not exist in Volume 8. It had never
14 existed in Volume 8, and so he presumably could never have
15 done it in accordance with Volume 8.

16 Q All right.

17 So then, why was he cited?

18 A He was cited for it because he said he was
19 going to do it in accordance with Volume 8.

20 Q All right.

21 In other words, the error was in his undertaking
22 to conduct something that he couldn't commit to.

23 A I cannot state the source of his error, sir.

24 Q Well, I mean, he committed to do something,
25 the licensee -- I'd rather not fall into the habit of

mpb10 1 referring to CP&L as "he" -- but the Applicant or the Licensee
2 to my understanding -- my understanding from you is that
3 number E refers to a commitment to do something on the part
4 of the Licensee, and you have stated to us that it was
5 impossible for him to perform that.

6 Or am I correct in understanding you to say
7 that it was impossible for him to perform his promise?

8 A No.

9 Q All right.

10 Then what is the deficiency, then, again? I'm
11 sorry, I'm not following you, and I'd like to get it clear.

12 A On page 22 of the report you will find that, his
13 March 30, 1977 letter. Again, you will notice it is a
14 rather recent commitment, March 30 of '77. It was the
15 latest of all of his commitments. It specifically stated
16 that he was going to calibrate his instruments in accordance
17 with Volume 8 of the Plant Operation Manual.

18 You will notice, getting down to the next
19 sentence, it says:

20 "His manual did not address instrument
21 calibration."

22 Q I understand that.

23 And so I'm trying to put this in layman's
24 language so that I can understand what the significance of
25 the error is.

mpb11 1 A He was not following his procedures. He said
2 he was going to do it one way; he was doing it a different
3 way. That's an item of non-compliance.

4 To put it in layman's language, if he says he's
5 going to paint all the valves green and we find one that's
6 red, that's a non-compliance.

7 Q All right.

8 Now I believe you said, though, earlier that
9 there was some implication that -- or you believed that
10 what he committed to do was something that he was not in
11 a position to do.

12 A No, sir, that was never my statement.

13 Q All right.

14 Well, I'm just asking --

15 CHAIRMAN SMITH: I don't think that there is
16 any confusion on ideas. I think there's confusion in the
17 language that's being used here.

18 He wasn't in a position to follow the procedures
19 in Volume 8 because there were no procedures in Volume 8.

20 WITNESS RUELMAN: That is correct.

21 CHAIRMAN SMITH: Well, isn't the answer to his
22 question, then, in that respect yes?

23 WITNESS RUELMAN: No, sir. He said it was not
24 possible. Certainly he could have put the procedures in
25 there any time he wanted to and followed them.

mpbl2

1 CHAIRMAN SMITH: At the point in time where no
2 procedures existed it would not have been possible to follow
3 those procedures.

4 BY MR. ERWIN:

5 Q His deficiency was in not coming up with proce-
6 dures.

7 A (Witness Ruhlman) No, sir. It was not coming
8 up with procedures and placing them in Volume 8.

9 He had procedures; they were elsewhere.

10 CHAIRMAN SMITH: There is no idea confusion here.

11 MR. ERWIN: I don't think there is either. I
12 would just like to get it clear.

13 CHAIRMAN SMITH: Well, let's move on.

14 MR. ERWIN: I would like the idea to be clear
15 in the record. Otherwise....

16 CHAIRMAN SMITH: Well, my observation of these
17 witnesses has been that when they understand what you want
18 to know, they not only answer the question, but they supply
19 additional information.

20 So why don't you just simply explain to them
21 what your problem is and see if they can't solve it.

22 MR. ERWIN: Well, I'm trying to do that. That's
23 exactly what I'm trying to do. I'm trying to articulate
24 any problem that I may have with their testimony.

25 BY MR. ERWIN:

mpbl3 1 Q Now under F, this also is essentially a QA
2 problem, is that right?

3 A (Witness Ruhlman) Anything that's cited with
4 a criterion reference to Appendix B is by definition a
5 quality assurance problem, sir.

6 Q I understand that.

7 So the answer is yes.

8 A Yes, sir.

9 CHAIRMAN SMITH: That would be helpful.

10 Where it is possible to begin your answer with
11 a yes or a no, begin it, then follow with your explanation.

12 MR. ERWIN: I'm just trying to lay....

13 BY MR. ERWIN:

14 Q I'm not disputing anything that any of you say.
15 I'm just trying to establish what it is that you are saying
16 so that I can understand it and others can understand it.

17 The problem identified in F is a failure to
18 establish a program, is that not correct?

19 A (Witness Ruhlman) That is correct.

20 Q Now is there any evidence that the Applicant
21 had ever previously during the operation of the plant
22 established such a program?

23 A In the particular case of 7B -- and that's I
24 think discussed in 7D of the report --

25 Q And what page is that?

mpbl4 1

A That's on page 13, sir.

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It deals with two specific items. First of all -- and I don't have the exact numbers -- the number of people involved, the Licensee's staff in this particular area had recently taken a very drastic jump. These were all basically new people. So, again, when the Chairman asked the question rephrasing your question about had this existed for forever or from when the requirements stated, I said no it presumably had not, that would be because the people who were involved in the items of non-compliance had not been employed by CP&L in that particular capacity since the license had issued. They had only recently been employed.

I don't have the exact date. I'm sure CP&L would be glad to supply that for you.

CHAIRMAN SMITH: I think that your question, however, was somewhat different.

MR. ERWIN: I believe it was as well.

BY MR. ERWIN:

Q In order to pinpoint the question to you, it appears to me that the two operative paragraphs obviously under 13 -- now I'm reading on page 13, is that right --

A (Witness Ruhlman) Yes, sir.

Q -- under D?

A Yes, sir.

Q All right.

mpbl5 1

The second and third paragraph:

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"In reviewing activities in the warehouses, the inspector found that personnel performing receipt inspections were certified as required by Section 1.3 of ANSI N45.2.6. The licensee was unable to show the inspector any program which established, verified, or documented the training/certification of receipt inspectors."

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Now I'm just asking you, in this instance, whether the licensee -- whether you have any evidence that the licensee was able to show any inspector at any time in the past any program which established, verified, or documented the training/certification of receipt inspectors.

15

16

A No, sir, of my own knowledge I have no specific recollection of that item ever being inspected before.

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Q All right.

Mr. Kellogg, in your review of previous inspections of this plant, do you have any such evidence?

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A (Witness Kellogg) No, sir.

Q Or have you seen any such evidence?

CHAIRMAN SMITH: Maybe we can make an arrangement so that we can get the answers wholesale.

Wouldn't it generally be true that where the commitments required that a program be established, or that

mpbl6 1 a plan be developed, and if at the time of your inspection
2 there is no program in place and no plan in place, generally
3 wouldn't it be your presumption that that program had never
4 been established, because it's not likely to start a program
5 and stop it?

6 Would it be more likely true than not?

7 WITNESS RUHLMAN: It would be more likely true
8 than not.

9 But I have seen specific cases -- not of this
10 licensee -- where a program was established and was later
11 discontinued.

12 CHAIRMAN SMITH: Okay.

13 Now I don't intend to interfere with the
14 specific questions, but generally in many activities of
15 life there is an assumption that once an activity is begun
16 it continues to go until it stops. That's Smith's Law of
17 Inertia.

18 (Laughter.)

19 MR. ERWIN: Just a moment, please.

20 (Pause.)

21 MR. ERWIN: Mr. Chairman, would you give me just
22 a moment to consult with Mr. Eddleman? He wishes me to
23 make some specific questions to the witnesses on his behalf,
24 and I would be happy to do so. And I have not had the
25 opportunity prior to this time to discuss it with him.

mpb17 1

CHAIRMAN SMITH: Do you want a break?

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MR. ERWIN: That would be fine.

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CHAIRMAN SMITH: " Let's have a ten minute break.

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(Recess.)

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1 CHAIRMAN SMITH: Are you ready, Mr. Erwin? Did
2 you have enough time?

3 MR. ERWIN: Mr. Chairman, Mr. Eddleman, as I
4 stated before the break, has asked me to ask a few questions
5 of the witnesses. I would ask them to turn to page 25 of
6 the Appendix, the third item, C, at the bottom.

7 CHAIRMAN SMITH: No one is objecting to this.

8 MR. O'NEILL: I couldn't hear him, sir.

9 CHAIRMAN SMITH: There are no objections to this
10 procedure. I would think before you could ask questions on
11 behalf of Mr. Eddleman they would have to be questions that
12 your client would adopt, because Mr. Eddleman has no standing
13 as a party here, only as an adviser to you and the Attorney
14 General. You are under no obligation to ask any questions.
15 In fact, you should accept those questions as your own.

16 MR. ERWIN: I'll be more than happy to do so. I
17 just wanted to-- You know, I wanted to give Mr. Eddleman
18 not any blame but any credit for the questions. I think they
19 are intelligent questions. And they were not questions that
20 I had intended to ask, but we will adopt them as our own.

21 CHAIRMAN SMITH: Very good.

22 BY MR. ERWIN:

23 Q Section C, "Repetitive Failures - Evaluation."

24 Could you briefly summarize what the problem is
25 that is identified in this section?

WRBeb2 1

A (Witness Ruhlman) Yes, sir. These two valves that are referred to as valve operator failures for F008 and F009 are valves which are in the shutdown cooling system which is required to operate to place the plant in a shutdown cooling mode as quoted in the first paragraph.

The indicated failures have been when these valves have been either cold or hot, going from cold to hot, and the valve was required to operate to open.

But I should point out that this particular valve is not necessary to operate in the ECCS mode, the emergency core cooling system mode. It's for placing the plant in the shutdown cooling mode which is different from that. It's not one of those valves that's required to operate as part of the engineered safety system.

But at any rate, the valve would start to open and would overload the motor, causing it to fail, and while one of these valves would fail, the other would remain shut.

The requirements in the technical specifications is that they have one of the two valves either shut or operable. So when they open one, if it fails the other being shut meets the technical specifications for isolation purposes.

We found no place where they had violated the limiting condition for operation. The problem that we have identified was, rather, the evaluation of these particular

WRBeb3

1 failures.

2 As we discussed it with the plant, the data which
3 was necessary to be taken to determine if the motor was
4 undersized usually involved taking current readings and things
5 of that nature. If the motor was in fact overloading, they
6 could tell it with a current reading. They had initiated
7 that recently but they had not completed it.

8 Our point here was -- and you'll notice this was
9 not a citation -- was a question of they did not have a
10 structured program for doing this. It was not a case that
11 they weren't doing it, but there was nothing that required
12 the persons to do it automatically, or that would fall into
13 this system.

14 We also referenced that this particular licensee
15 is part of NPRDS, that is, the Nuclear Plant Reliability Data
16 Systems, which is one of those programs which many licensees
17 feed data on failure into. He has the system. It was just
18 not adapted for this particular purpose. There's no require-
19 ment that he adapt it for that purpose.

20 We only noted in the report that it could cer-
21 tainly be adapted to meet that requirement, the requirement
22 being further noticed that if a motor fails more than once
23 that they do something about it as far as, you know, initiat-
24 ing some sort of action to see if the failure is generic or
25 if it is one time or if it is a specific type of failure.

WRBeb4

1 We had no problem with the specific examples we
2 identified in that they were doing something. An engineering
3 study was in fact underway. That was why it was not cited.

4 What we noticed is they had no requirement placed
5 upon themselves programmatically to do what they were doing,
6 and we asked that they document the program. And that's the--
7 This particular one is combined with the item for feedback
8 into procurement. Both of those are requirements that they
9 have a system. It doesn't say it has to be a codified system;
10 it doesn't say it has to be a single system; it doesn't say
11 it has to be part of NPRDS.

12 It says they have to establish measures to
13 evaluate trends, and the specific citations and quotations
14 out of 18.7 are given, specific paragraphs which require
15 that. And the specific paragraphs that require in the pro-
16 curement area are given in Detail 70, and certainly they can
17 use the same system for both, the gist of the matter being
18 that when they have a failure that they feed that back into
19 their Purchasing Department so that they don't buy bad parts
20 repetitively.

21 Q Now you did not personally observe such an event?

22 A No, sir. We reviewed their documentation.

23 Q You reviewed their plant logs?

24 A In this particular case I believe it was main-
25 tenance work requests, sir.

WRBeb5

Q Well, in this case, while reviewing-- It starts:

"While review of plant logs indicated that no (tech spec) limits had been exceeded and that no limiting conditions for operations had been entered, the failures had not received prompt attention for correction."

A Yes, sir. There are two different elements. The first thing is the way we identified the failures, which is what I thought your question referred to, was by reviewing the maintenance work requests.

We then took the next step to make sure that at no time those failures constituted a violation of the technical specifications which would have been citable, which we did by reviewing the plant logs and determining that when one valve failed, the only data that was available from the maintenance work request, that the other valve was shut or operable by the technical specifications, which we did by reviewing the plant logs.

Q How many times did your review of the maintenance-- Was it maintenance work requests?

A Yes.

Q -- reveal that the valves had failed?

A I didn't inspect this particular item. It was inspected by Mr. Ashenden. If it is not in the report, I would not know from my personal knowledge.

WRBeb6

1 Q So you don't know how many times it failed?

2 A No, sir. It says "several," which would be more
3 than two and less than many.

4 Q All right, I'll accept that.

5 Do you know when-- Do you have any knowledge as
6 to the period of time over which these failures occurred?

7 A Since the plant got its operating license until
8 now. It would be-- First of all, the failures would only
9 occur as an indicator when they were going into the shutdown
10 cooling mode. I have not direct knowledge of how many times
11 the plant has shut down and gone into the shutdown cooling
12 mode.

13 But since they operate most of the time, the
14 failures I would say on a probabilistic basis would only
15 occur two or three times, or have a window for occurring
16 two or three times a year when they shut down and they're
17 required to go into shutdown cooling, which is not required
18 at every shutdown. Of those, I don't know how many times it
19 failed, but it is not something that can happen on an every-
20 day basis.

21 Q But the answer is that you don't know the period
22 of time over which these failures occurred?

23 A They can only have occurred from the time that
24 there was fuel in the core, which was after the issuance of
25 the OL until the date on which we conducted the inspection.

WRBab7

Q All right.

But they could have occurred since, from -- over a period of time extending from the operating license -- from the first time that the plant shut down through the date of the inspection or through the date of the last time the plant shut down prior to the inspection? Is that correct? Is that the specific window, as you put it?

A From a general basis, technically that would be slightly incorrect. It would be the first shutdown after they had been hot after they had loaded fuel since it only appeared to happen when there was a difference in temperature.

Q All right. Thank you.

Item J in Appendix A refers to -- on page 5 of Appendix A refers to the design changes and the objection, as I understand it, is not to the design changes but to the fact that they were not accompanied with a written safety evaluation. Is that correct?

A Yes, sir.

If I may explain just slightly --

Q Please do.

A It was not indicative that the safety evaluation was not performed. If that would have been so the item would have been an infraction. Based on discussions with the engineers, the safety evaluation was performed. It was documented in an abbreviated type of form, just, you know, a

WRBeb8

1 couple of quick words as opposed to enough of an explanation
2 in documentary form to prove to somebody reading it later
3 that indeed the evaluation had been done.

4 We did take the trouble to discuss it with the
5 responsible engineer. Their oral statements would have
6 supported it. The specific requirement is that they have a
7 record that is in writing.

8 It was not a case that we found any case that
9 the safety evaluation was inadequate, had not been performed.
10 In fact, the documentation was there to indicate something
11 had been done. It was the documentation in the form of
12 writing, in and of and by itself, would not have met the
13 requirements of 50?59 for a written record.

14 Q But these-- In order to get a proper preface to
15 your elaboration, would you describe the necessity -- the
16 theory behind the requirement for safety analyses to accom-
17 pany design changes?

18 MR. REIS: I object to the question. There is no
19 showing that the witness has competence to do it. As shown
20 in the material, it's a regulatory requirement. I don't think
21 this witness is competent to testify as to the philosophy
22 behind regulatory requirements. They are just binding.

23 And I think the question is immaterial and irrele-
24 vant from that point of view, where there is no showing of
25 competency on the part of the witness.

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WRBeb9

1 CHAIRMAN SMITH: Do you have an answer to the
2 question?

3 WITNESS RUHLMAN: No, sir, I have no reasons,
4 as Counsel has stated, to know why the law was written. I
5 enforce policy; I don't make it.

6 CHAIRMAN SMITH: But the fact is you don't know?

7 WITNESS RUHLMAN: In this particular case, no,
8 sir.

9 CHAIRMAN SMITH: Okay. I don't have to rule, do
10 I?

11 (Laughter.)

12 BY MR. ERWIN:

13 Q But the requirement does read, does it not:

14 "This safety analysis shall provide
15 the technical data, supporting the evaluation, and
16 the safety questions considered and analyzed as
17 safe that form the basis for the determination that
18 the modification does or does not involve an un-
19 reviewed safety question."

20 Let me ask you whether the cursory written nota-
21 tions or whatever your phrase was, on the part of the licensee
22 met any of those standards, whether they contained technical
23 data, supporting the evaluation and/or safety questions
24 considered and analyzed.

25 A (Witness Ruhman) Again I would like to take a

WRBeb10 1

2 chance to refer to the fact I did not inspect this particular
3 item. This was inspected, as I indicated before, by
4 Mr. Jenkins. I believe I indicated that before.

5 It should be covered in Detail 8-B.

6 As stated here, the summary was not always written
7 and when the summary was written, it did not include -- quote:

8 "...the basis for the determination
9 that the change did not involve an unreviewed
10 safety question."

11 In his particular cases, -- and I recall the
12 discussions, I don't recall all of them with Mr. Jenkins on
13 this item -- the examples that he selected would find, as I
14 said, sometimes a cursory statement was written. The
15 summary did not, in our opinion, our professional opinion,
16 provide the bases for making the determination.

17 In each case, as I said, we did discuss it with
18 the engineers in charge of making the design package and in
19 his oral statements he indicated he had gone through the
20 thought process, he just had not documented it.

21 Q Are you competent to discuss what the design
22 change packages -- what in brief they relate to?

23 A No, sir.

24 Q Is Mr. Kellogg?

25 A (Witness Kellogg) No, sir.

Q Is Mr. Jenkins?

WRBeb11

1 A (Witness Ruhlman) Mr. Jenkins would have been.
2 He reviewed the actual packages, and I presume they are
3 available for review still.

4 Q But you can't tell me what RCIC space heater
5 unit 2, the inerting primary containment ISI HPCI test point
6 ADSV 21R614 alarm set point change RWC US flexible coupling
7 means?

8 A I can tell you what the abbreviations stand for.

9 Q Well, I mean do you know what the-- Can you
10 explain the system which were involved in the design changes?

11 A Yes, sir, I can explain the system in general.
12 I can't tell you what the specific change-- Let's take it
13 as an example--

14 Q I'm not looking for the specific design change.
15 I'm simply trying to establish what these design changed in-
16 volved and what part of the plant they were involved in,
17 and what their safety significance is or might be.

18 A Well, in the particular case of the reactor core
19 isolation cooling, the first one, the RCIC space heater,
20 apparently -- and again I did not read the specific design
21 change -- they either added or modified the space heater
22 in the reactor core isolation cooling, either in the turbine
23 or -- I would presume it was probably something in the turbine
24 to keep it warm because of steam emission problems.

25 The safety significance would be that if they had

WRBeb12

1 to make an electrical penetration, for instance through a
2 casing in order to connect the heater, did that penetration
3 in any way significantly reduce the ability of the casing
4 to withstand steam or something of that nature, but I don't
5 know what any of these are.

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Q That's a very responsive answer and I appreciate it. That's the kind of answer I'm looking for in each of these five cases

A De-inerting the primary containment. There are so many things that could possibly be involved with that. It's basically that the containment by itself is required to be in an inert atmosphere during operation. And this is something for removing that inert atmosphere. It could be a valve, it could be a blower, it could be any one of a number of things that were added. I have no way of knowing just from the title of the thing just what it was.

The in-service inspections are a requirement imposed by the Commission. That's what ISI stands for.

The high pressure coolant injection system is one of the systems that's required to undergo in-service inspection. It appears that they've added a particular test point for the in-service inspection, which could be the penetration of a pipe in order to facilitate the installation of some sort of gauge which would be used for the in-service inspection to determine if the thing was operable. And again, in that case, the penetration of the piping: did they in any way violate any of the ASME codes if the piping was an ASME code pipe, or something of that nature.

The ADS is the automatic depressurization system. The alarm set point change, I believe on this one that was on

WRB/wb2

1 the tailpipes, I seem to recall that discussion, where they
2 had steam-- These valves-- Well, first of all, let me ask
3 counsel: Are you familiar with the operation of a boiling
4 water reactor?

5 Q Only vaguely. But Mr. Eddleman says that he is.

6 A Since he is acting with counsel on this one: On
7 the automatic depressurization system, it's a steam release
8 system which is operated at a particular set point. These
9 valves, which are basically steam relief valves, lift; and,
10 of course, if they lift it indicates that you're depressuriz-
11 ing the system.

12 On the alarm set point change, there are thermo-
13 couples installed downstream of the valves to let you know
14 if the valve is leaking. And what they did, they changed
15 the alarm set point, either up or down. I would suspect it
16 probably was increased; which is not unusual. In many cases
17 they find after they've built the plant that the ambient air
18 temperature around the valves is such that you're constantly
19 setting off the alarm and it does not perform its function of
20 alerting the operator that the valve has lifted. In that case
21 they go back and analyze what the ambient temperature in the
22 area is and set the alarm at some point higher than that, so
23 that it will indicate what the -- you know, indicate that the
24 valve was lifted, not just that you had reached that ambient
25 air temperature.

wb3

1 As I recall, that's what that particular change
2 was.

3 The RWCUS, I'm not familiar with that. In the
4 secondary cooling systems they use a number of various things.
5 It is obviously -- I'm assuming it is reactor water cooling
6 of some system. The clean-up system, it's the reactor water
7 clean-up system. They use a number of different-- That's
8 not standardized in our industry. And apparently at some
9 place in that system they installed a flexible coupling
10 because of vibration or something, which is giving a problem
11 with the fixed installation. And, again, the analysis would
12 be that the flexible coupling did not in any way affect the
13 safety related operation of the system.

14 CHAIRMAN SMITH: Mr. Erwin, how much more? Can
15 you give us an estimate of how much more cross-examination you
16 have?

17 MR. ERWIN: Relatively little.

18 CHAIRMAN SMITH: I just wanted to observe that
19 the issues of the proceeding are not a detailed evaluation
20 of the Brunswick operation. It's only as to management
21 capability. And we're getting into great detail; you under-
22 stand, Mr. Eddleman, we're getting into great detail here,
23 and there has to be a point beyond which we've gone too far
24 on the analysis of individual incidents.

25 MR. ERWIN: Again, I'm not-- I was asking for the

wb4

1 safety significance of these items. I can try to establish
2 that very briefly.

3 I appreciate the amplitude with which the wit-
4 nesses have answered the questions. They have been more
5 than, as you say, they've been more than responsive.

6 I'm trying to make a very simple point at a much
7 lower threshold than their answers. And I'm sorry if I'm--
8 I don't mean to be wasting time.

9 CHAIRMAN SMITH: No; I just wanted to point out--
10 We will err on the margin of getting too much information.

11 MR. ERWIN: I don't mean to be wasting your
12 time or the witness' time or my time.

13 BY MR. ERWIN:

14 Q Now isn't it true that the CP&L management has
15 been -- has tried to get that de-inerting primary containment
16 requirement changed for this plant?

17 MR. REIS: Mr. Chairman, I'd like to ask the
18 examiner, the attorney, to establish a connection with that
19 to the issues in this case, as a preface to the question.

20 CHAIRMAN SMITH: What do you intend to show?

21 MR. ERWIN: Mr. Chairman, I think the significance,
22 as explained to me by Mr. Eddleman, is that the commitment
23 was made to the requirement in the initial -- in the license,
24 and that since that time management has attempted to change
25 the requirement. And Mr. Eddleman informs me that it has not

wb5

1 usually been met, and that this would be -- and that since
2 this is one of the places in which there was a failure to
3 document a design -- the safety significance of a design
4 change, it would be apparent to me that it might -- you know,
5 that there might very well be a rational connection between
6 the position of management opposing the requirement.

7 CHAIRMAN SMITH: Okay. But it would seem to me
8 that the worst conceivable answer to your question is not
9 going to support any proposed findings.

10 But, go ahead.

11 MR. ERWIN: Perhaps not. Again, as I say, I'm
12 adopting these questions as my own.

13 CHAIRMAN SMITH: All right.

14 BY MR. ERWIN:

15 Q Do you know whether the--

16 A (Witness Ruhlman) I do not know.

17 A (Witness Kellogg) I don't know either.

18 Q Now as to the fourth of the changes, can you tell
19 me whether the steam that is released at this point is radio-
20 active, or contains radioactive material?

21 A (Witness Ruhlman) I have no direct knowledge
22 that it does. But the system it is tied to does contain
23 radioactive steam.

24 Q All right.

25 Then is it possible this steam released at this

WRB/wb-6

1 point would contain radioactive material?

2 MR. REIS: Your Honor, Mr. Chairman, I have to
3 again object to the form of the question, "Is it possible."
4 It is not a proper question in examination. It doesn't
5 establish anything. I presume anything is possible in this
6 world.

7 CHAIRMAN SMITH: Well, you can answer that. And
8 then if he wants to establish the probability, he can.

9 This is a very difficult area to rule upon
10 because there are no guidelines as to when operating experience
11 rises to the magnitude of management capability. But I'm
12 pretty sure that we're below that level, safely below that
13 level in these questions and answers.

14 But because of the possibility that you can
15 establish it, we're going to let you go. Just proceed.

16 WITNESS RUHLMAN: I would like clarification of
17 the question.

18 When you say: is it possible that radioactive
19 steam can be released-- Released to what?

20 BY MR. ERWIN:

21 Q Released to the outside atmosphere.

22 A (Witness Ruhlman) By the design of the system,
23 not directly.

24 Q How, then, if not directly?

25 A This system discharges to the torus, which is in

wb. 7

1 itself vented and controlled, so it discharges underwater to
2 the torus.

3 Q Is that put through an offgas system?

4 A Under normal operations. The system is part of
5 the containment system which is controlled through the standby
6 gas treatment system, the offgas system, however they happen
7 to vent it. They have a number of options.

8 Q Mr. Ruhlman, did you answer the questionnaire
9 circulated by Mr. Long in Region 2? Did you submit an
10 answer to a memorandum from F. J. Long, the subject: Inspection
11 Findings at Shearon Harris Nuclear Plant and other CP&L
12 Facilities, which is Appendix A -- which is Appendix A to
13 the Panel III testimony?

14 A What was the date of that memorandum?

15 Q The date-- I don't know that it's dated. It
16 doesn't appear to be dated.

17 CHAIRMAN SMITH: I've just gone through it and I--

18 MR. ERWIN: It's October or thereabouts, I think.

19 CHAIRMAN SMITH: I've just gone through the
20 responses and I couldn't identify the signatures on any of
21 them.

22 Why don't you hand him the package?

23 (Document handed to the panel.)

24 CHAIRMAN SMITH: See if you recognize the memorandum.
25 See if you can find your response.

wb8

1 WITNESS RUHLMAN: I don't recall seeing the
2 particular document you reference. It would have been
3 illogical, since I had not inspected any CP&L plant at that
4 point in time, and had only been with the region for a month,
5 for me to be included in the questionnaire.

6 BY MR. ERWIN:

7 Q You transferred to Region 2 in September? When
8 were you transferred to Region 2?

9 A (Witness Ruhlman) I'm not trying to be evasive.
10 That is a difficult question.

11 I was transferred to Region 2 on a guaranteed
12 loan-back to Region 1. My physical body arrived here on
13 August 15th. I didn't take up duties in this region until
14 around the mid-part of September. I was loaned back to
15 Region 1.

16 Q Now you've stated that you consider, in light of
17 your inspections at Brunswick, that Brunswick is an average
18 plant in Region 2; is that correct?

19 A I believe I stated with respect to the quality
20 assurance elements that I audited I find their program about
21 average.

22 Q How many inspections have you done? --or, rather,
23 how many other plants have you inspected in Region 2 since
24 your employment in Region 2?

25 A To the best of my knowledge I think it's seven.

wb9

1 Q Now, do you have available to you, or does
2 Mr. Kellogg have available to him, the inspection reports of
3 those other inspections, when they have been compiled and
4 submitted to the--

5 A They're all in the public document rooms and
6 they're all in our docket file.

7 Q Q Do you remember the numbers of items of non-
8 compliance contained in the seven other inspections which you
9 performed in Region 2?

10 A I would not care to state for the record exactly
11 the number of items of non-compliance on each and every one
12 of the ones I inspected. The most recent one, I have not
13 yet got the report through typing, so I happen to recall
14 that one. It contained eleven items of non-compliance.

15 There was one other which I recall that seemed to
16 contain thirteen.

17 Those are the only two I recall.

18 As Mr. Kellogg pointed out, one of those inspec-
19 tions was conducted prior to issuance of the operating
20 license. Prior to issuance of operating licenses, as I have
21 stated, items which are with respect to the operational
22 quality assurance program would not be cited as items of non-
23 compliance, because there is no requirement for compliance.
24 So those plants where we did pre-operational QA inspections
25 would not have resulted in items of non-compliance.

2WEL/wel 1

Q I appreciate your response, but the answer is that you do remember two, and one was 11 and one was 13?

A To the best of my recollection.

Q Does Mr. Kellogg remember the items of non-compliance in these seven inspections?

A (Witness Kellogg) As Mr. Ruhlman has indicated, of these inspections there have been three inspections at pre-operational plants.

Q Let's just rule those out.

A All right. Those would be --

Q They are not analogous, according to you.

A Well, they are somewhat, not non-compliance numbers, but they are in just items identified, total items.

Q I'm perfectly willing for you, if you choose them, then there would be four operational inspections, is that right?

A That's correct.

Q Now, in the four operational inspections, what are the numbers that you remember? Of the number of items of non-compliance?

A (Witness Ruhlman) Well, within those four--this hearing has heard a number of people point out the difficulty in comparing the plants. One of the difficulties is, as I have referenced earlier, that we inspect modules. How many modules we inspect is dictated by how many have been previously inspected. In other words, how many we put

1 together for a given inspection.

2 One of the four operational inspections we did
3 did not inspect as many modules as we inspected here, so that
4 one would have to be ruled out, since there is no basis
5 for comparison.

6 And of the three that have been inspected that
7 would be similar, we can give you two numbers, which are
8 11 and 13. I don't recall the third one.

9 May we confer? Maybe we can come up with
10 something for you.

11 (The panel conferring.)

12 The other operational plant also have fewer
13 modules inspected, so it reduces down to the three I gave
14 you, 11, 13 and 11 here at CP&L. So, of the three operation-
15 al plants that we've inspected with the same number of
16 modules I guess you'd have to say they are the lowest, or
17 tied for the lowest, since they were 11, 13 and 11.

18 Q You say there were 11 items?

19 A A through K, if that's 11.

20 Q But there were 14 new items which -- these were
21 items of non-compliance?

22 A That's what you asked for as the basis of
23 comparison.

24 Q There were three other items requiring management
25 attention for correction, isn't that right?

wel 3

1 A Fourteen, I believe.

2 Q All right, 14. But 3 other items. Are there
3 14 new items other than the items of non-compliance?

4 A That is correct.

5 Q Oh. I'm sorry.

6 A (Witness Kellogg) There are a total of 26 items
7 in this report that either require action on the licensee's
8 part or followup on our part for resolution.

9 Q So your categorization of average is based on
10 three plants?

11 A (Witness Ruhlman) No, because you see, in our
12 case we look at all the items. In other words, the fact
13 that it doesn't turn into an item of non-compliance which
14 was the basis you asked for comparison on, is something
15 that's artificial in our mind. The fact that we --

16 Q I didn't ask for the basis of comparison, I just
17 asked the number.

18 A Well, that's what I'm saying. That's why we
19 had to sort out, because you had asked for those specific
20 numbers. From our basis as forming an average we look at
21 the fact if we inspect a program before it's operational,
22 it generates no items of non-compliance, but it generates
23 a number of items. And we're basing it on that total
24 comparison, because those are things which had the plant
25 had an operating license could have been items of

wel 4 1 non-compliance.

2 So our average is based on the entire number of
3 inspections that have been performed, and, as opposed to
4 taking in this case 11, our number would have been 27 for
5 this report. 11 items of non-compliance, 14 items requiring
6 management followup, 1 inspector follow item. Well, I
7 believe that adds up to 26 items.

8 And that's what would be average among all plants.

9 Q But the plants you're considering in determining
10 whether it's average or not, are three?

11 A No, sir. As I said, only on the basis of items
12 of non-compliance. We also take in those preoperational
13 plants that we did in our average, and we look on it as --
14 we break it down on an average in its yield per module,
15 which allows us to take in all inspections.

16 A (Witness Kellogg) I think also, as a matter of
17 clarification, in looking at a plant that has an operating
18 license that has not had this in-depth inspection before,
19 that to make an accurate comparison, which is what I tried
20 to do, that you need to look at those plants which do not
21 have an operating license and thereby have not been penalized
22 by items of non-compliance.

23 If those plants were allowed to be licensed with
24 the program that they had written in these other cases, they
25 would have the same numbers of items of non-compliance if

wei 5

1 not more.

2 Total items, we have had in the area of 50 items
3 in one inspection report in a pre-operational plant, and it
4 ranges from there down to 20.

5 Q You're saying that a pre-operational inspection
6 would tend to reveal more items -- would tend, as a rule, to
7 reveal more items -- not of non-compliance, but more items
8 requiring management attention, than operational?

9 A What we're saying, sir, is that the same inspection
10 will probably, as we have said, average the same number of
11 items.

12 Now, the division between items of non-compliance
13 and unresolved items or other items is only a factor of
14 whether they have an operating license or not, and, therefore,
15 the requirements have become law.

16 A (Witness Ruhlman) And that's not necessarily true,
17 because it makes a difference if the plant has another
18 operating utility -- or whether the utility has another
19 operating plant, rather, and they're applying the same
20 program to another plant. Then that would not necessarily
21 be true.

22 Q Okay. So you don't believe that there is any --
23 that pre-operational inspections tend to reveal more items,
24 or tend to produce more items requiring management attention
25 than an operational?

wel 6

1 A You can't say categorically. The first plant,
2 if it's under different management, if it's a different
3 program, yes.

4 Q I'm not asking you in any individual case. I'm
5 just asking for a tendency or trend. If you can't spot one,
6 that's fine.

7 Both of you came from the Navy, is that correct?

8 A (Witness Kellogg) Yes, sir.

9 A (Witness Ruhlman) Yes.

10 Q How would you compare the Navy QA program to the
11 NRC's?

12 CHAIRMAN SMITH: Sustained.

13 (Laughter.)

14 MR. ERWIN: On behalf of Mr. Eddleman and my
15 client, I would like to enter an objection -- exception,
16 rather.

17 CHAIRMAN SMITH: Under the Rules of Practice it's
18 not necessary to note exceptions.

19 MR. ERWIN: I understand. Thank you.

20 I have no further questions.

21 CHAIRMAN SMITH: State?

22 Oh, I want to remind you that there's an
23 unanswered question remaining with respect to the responses
24 to Mr. Long's memorandum. Did you abandon that line? Mr.
25 Kellogg was looking through the responses to Mr. Long's

wel 7

1 memorandum and --

2 MR. ERWIN: Yes. Thank you.

3 BY MR. ERWIN:

4 Q Do either of your names appear in this compilation
5 of responses?

6 A (Witness Kellogg) They do not.

7 A (Witness Ruhlman) Mine does not.

8 Q Does yours, Mr. Ruhlman?

9 A No, sir: As previously stated, mine does not.

10 MR. ERWIN: Thank you very much.

11 EXAMINATION BY THE BOARD

12 BY CHAIRMAN SMITH:

13 Q Well, let's just find out about that, before we
14 leave the subject.

15 Did you receive the memorandum from Mr. Long?

16 A (Witness Kellogg) Yes, sir, I did.

17 Q But you just didn't return it?

18 A In my function as section chief, I do not on a
19 routine basis perform inspections. I perform appraisals
20 of the inspections, inspectors performing an inspection,
21 and at the time of that memorandum I had, I believe, only
22 at one time been to a CP&L facility, and that had been to
23 appraise an inspector. Therefore, the answers would have
24 been no, and I so indicated that orally to Mr. Long.

25 Q That is because you were a branch chief?

1 A Section chief.

2 Q Did you have information as to the office practice
3 along the line of returning those memoranda? Did other
4 section chiefs also respond as you did, or don't you know?

5 A I have no knowledge of that, sir.

6 Q As a section chief, if you had continued to
7 answer the questions could you have answered any of those
8 questions, notwithstanding the fact that you did not
9 respond as a section chief?

10 For example, -- do you have a copy of the
11 questionnaire there?

12 A No, sir. I handed it back to you.

13 (Document handed to Witness Kellogg.)

14 Q You're already familiar with the memorandum?

15 A Yes, sir. I have seen the memorandum before.

16 Q In response to question number 2, were you
17 familiar with inspection reports prepared under your
18 supervision?

19 A Yes, sir, I was.

20 Q All right. Then modify that question and give
21 an answer to it:

22 Do the reports prepared under your supervision
23 adequately and accurately reflect the inspections?

24 A Yes, sir, they do.

25 Q All right. Number 3: Do you have any evidence,

1 including your professional judgement, that would reflect
2 favorably or adversely on the capability of CP&L management
3 to construct or in the future operate Harris?

4 A With respect to question 3, sir--I would say that
5 my answer to question 1 would have been no.

6 My answer to question 3, based on the time --

7 Q Well, I didn't say --

8 A I realize that, sir. I just wanted to elaborate.

9 My answer, based on question 3 as you have
10 rephrased it, would have been no opinion, based on only,
11 to my knowledge at that time, one visit to the plant site,
12 for which the items that have been identified we had not
13 reinspected the area, and therefore I had no basis for
14 making an opinion as to whether they were good, bad or
15 indifferent.

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Q And there was no basis for you to make an opinion based upon the inspection reports prepared under your supervision?

I wasn't asking you to limit your judgment to what you -- your eyeball exposure, but you have exposure to the records too, don't you?

A Yes, sir, I do.

I would say that in the area of the inspections that had been conducted under my supervision, that there was not enough data to formulate an opinion at that point.

Q Well, then, number four, then, the answer sort of suggests itself, but I'll ask you about it.

"Please discuss any matters relating to the CP&L management of facilities not encompassed by the above questions that might be beneficial to the Board in arriving at its decision."

A Again, I would not have an input either favorably or adversely that would affect the decision.

Q And the final one:

"Have you formed an opinion concerning CP&L's capability to construct and operate Harris."

A No, sir, I have not.

CHAIRMAN SMITH: I guess we're ready for the

mpb2 1 State now.

2

CROSS-EXAMINATION (Resumed)

3

BY MR. GORDON:

4

Q Were you answering the Chairman's question based

5

on at the time the questionnaire was submitted to you?

6

A (Witness Kellogg) That's correct, sir, yes.

7

Q Okay.

8

At this time -- this is to both of you:

9

Based on your experience and professional judgment, do you have an opinion on the capability of CP&L to operate Shearon Harris, and if so, what is that opinion?

12

A (Witness Ruhlman) Let me say that the only

13

inspection I performed, any CP&L inspection, is the one

14

in front of you. I have not yet seen their answers to our

15

items of non-compliance. I have not yet reinspected to

16

determine what they are.

17

I have no basis for an opinion.

18

Q On your experience?

19

A (Witness Kellogg) As Mr. Ruhlman has indicated,

20

we have not reinspected the area subject to that report. In

21

the past, for those items that have been identified to CP&L

22

in the areas under my responsibility, they have been respon-

23

sible in taking action to correct them.

24

I would have to say at this point that I cannot

25

give you an opinion, or my opinion would not be adverse or

mpb3 1 for for the reason that really this is a management controlled
2 inspection. It is the only one that my team has performed
3 there. And I would give you a basis of opinion on the
4 results of the action taken with respect to this inspection.

5 A (Witness Ruhlman) May I amplify on my response?

6 The only thing that I would note is that as
7 indicated in the letter, they did fix one item before we
8 left, which is again statistically unusual. They did have
9 one item of non-compliance that we required no response to
10 because they fixed it before we left the site.

11 Now not every licensee has something he can
12 fix that rapidly, and those that have them don't always do
13 it. But that is something that is out of the normal which
14 requires us to write a special paragraph to put that in.

15 CHAIRMAN SMITH: One doesn't make much of a
16 statistical basis.

17 WITNESS RUHLMAN: That's what I was going to say.

18 But to make the answer fully responsive, the
19 only indication I would have would have been positive. But
20 it's not much of an indication.

21 BY MR. GORDON:

22 Q Well, based on your experience and professional
23 judgment, were any of the infractions or deficiencies un-
24 usual compared to other facilities, of an unusual nature?
25 Have you come across any of these before?

mpb4

1 A (Witness Ruhlman) The last answer to the second
2 question is a lot easier: Yes, I have come across these
3 before. As to whether or not they're unusual, that would
4 call for a conclusion.

5 Q Were any of the infractions or deficiencies
6 hazardous to the health and safety of the citizens of this
7 state?

8 A Not as we found them.

9 MR. GORDON: That's all the questions I have.

10 CHAIRMAN SMITH: Applicant?

11 MR. O'NEILL: Mr. Chairman, I appreciate the
12 fact that we had requested that these witnesses be available
13 to support the document that Staff desires to introduce into
14 evidence. However, the cross-examination and their responses
15 have, I think, accomplished most of what I desired to do, and
16 that is to place this document into perspective.

17 I will, then, ask only a very few of the questions
18 I had originally intended.

19 BY MR. O'NEILL:

20 Q Gentlemen, as I understand Mr. Kellogg, you
21 indicated this is a new team for Region II and a new
22 emphasis on quality assurance, isn't that correct?

23 A (Witness Kellogg) That's correct, sir.

24 Q I take it by that answer, then, that this new
25 team is going into this area of quality assurance and their

mpb5 1 inspection program in much greater depth and intensity than
2 has been accomplished previously?

3 A The answer would be yes, with some amplification:

4 This inspection has been conducted as a team,
5 as you can see from the front page of the report, with a
6 number of inspectors for a period of time. I believe that
7 this is the first time that this inspection has been done
8 with this many people in this period of time to this depth
9 at CP&L.

10 Q A QA inspection is primarily a review of documen-
11 tation, if my understanding is correct.

12 A Documentation and the procedures that require
13 that documentation, yes.

14 Q Although there is some actual -- as I believe
15 the term is used -- eyeball inspection with respect to
16 housekeeping items, for example.

17 A That's correct.

18 Q Again to place it in perspective, let's pick
19 the housekeeping type inspection.

20 You may have reviewed in that module ten, 20,
21 100 items. What number would you suggest would be most
22 likely, on the order of 20 or 100 or....

23 A (Witness Ruhlman) In this particular case, as
24 far as the procedures, the module requires you to review
25 the program, which we did. Then it requires you to go out

mpb6

1 and actually look at something in the field. We only go
2 out and look at one area. It so happens that the individual
3 that was selected, was assigned this particular module,
4 selected the diesel room.

5 As was indicated in the testimony yesterday, we
6 don't do a random sample. We do not put all of the areas
7 that the licensee maintains, like housekeeping, into a bag,
8 shake them up and pick one out.

9 It was selected because of its susceptibility
10 to exactly what we found, which is why he selected that
11 to go look at.

12 Q I take it from your experience, it is not unusual
13 to find a little bit of oil under a diesel, whether in the
14 bilges or whether in the room.

15 A A little bit of oil, no. And that's -- the
16 citation was not because there was a little bit of oil. It
17 was because of the amount, not the fact that there was oil
18 there.

19 In fact, I remember trying to get Mr. Ashenden
20 to quantify it. He originally put "large". I required him
21 to quantify it, and I believe he ended up putting some value
22 number in, and I can't find that detail right now. I guess
23 it would be 11B.

24 I did require him to go back and quantify it.
25 We recognized the problem of trying to deal with, you know,

mpb7

1 how much is "large", how much is "small". We do recognize
2 the semantics problems.

3 And he said in this case ten gallons, and that
4 was what was unusual. It was not all obviously concentrated
5 in one area. It was in a pipe trench, as indicated in the
6 report. So it was not the fact that oil existed. I believe
7 that's probably a requirement of having a diesel. It was the
8 fact that it had not been cleaned up. It was the fact that
9 it had not been inspected on a regular basis. That was the
10 basis for the citation.

11 Q Mr. Ruhlman, in inspecting QA programs, when
12 you find that you have no evidence and documentation that
13 a program has been established, for example in the calibra-
14 tion area, that does not necessarily indicate that the
15 licensee is not calibrating his equipment, is that correct?

16 A That is correct.

17 Q It just indicates that there's a failure to have
18 a documentation of some particular items being included in
19 that calibration program such that there is a record that
20 you can look at to indicate that the calibration has been
21 performed.

22 A That is correct.

23 Q To place, again, this overall inspection in some
24 perspective, the results of your inspection would not -- you
25 would not characterize your findings as indicative of a

mpb8

1 programmatic failure of Brunswick's QA program, would you?

2 A We did not so characterize it.

3 Q Rather, perhaps would you characterize it that
4 there are indications that Brunswick requires some upgrading
5 of certain details of that QA program?

6 A We did in fact so characterize it.

7 MR. O'NEILL: I have no further questions.

8 REDIRECT EXAMINATION

9 BY MR. REIS:

10 Q Gentlemen, I believe you testified that there
11 were previous quality assurance inspections at Brunswick,
12 weren't there?

13 A (Witness Kellogg) Yes, sir.

14 A (Witness Ruhlman) Yes, sir.

15 Q And in those quality assurance inspections were
16 non-conformities found?

17 A (Witness Ruhlman) I don't recall off the top of
18 my head.

19 If you read through a report -- I remember look-
20 ing through a couple of areas that I was going to look at
21 to give a basis. The other inspectors did the same thing in
22 theirs.

23 I don't recall any items of non-compliance
24 immediately coming to mind.

25 Q In the nature of inspection reports, are

mpb9

1 compliances documented as contrasted with non-compliances?

2 A No, sir.

3 Q Okay.

4 Have both of you conducted general inspections
5 of plants as a generalized inspector for something other
6 than quality assurance in the past?

7 A Yes, sir.

8 A (Witness Kellogg) Yes, sir.

9 Q And is it a practice when you see -- if you
10 happen to see poor housekeeping in such inspections, what do
11 you do?

12 A (Witness Ruhlman) Bring it to the licensee's
13 attention and have them correct it.

14 Q Would citations be appropriate in some instances
15 in most cases?

16 A Yes, sir.

17 A (Witness Kellogg) Yes, in some instances.

18 Q Mr. Ruhlman, you testified as to matters listed
19 on page 16.

20 In your testimony were you speculating as to the
21 items and what was involved in those design packages, or did
22 you know?

23 A (Witness Ruhlman) With the exception of the
24 80S package, it was speculation.

25 Q You've testified, gentlemen, that there are

mpb10 1 three other operating plants where you conducted similar
2 types of quality assurance inspections to the ones here.
3 And you testified here that there were other matters that
4 you asked for management follow-up.

5 And on those other plants were there also
6 matters that you asked for management follow-up in addition
7 to items of noncompliance documented?

8 A Yes, sir.

9 A (Witness Kellogg) Yes, sir.

10 Q And how did those items of management follow-up
11 in numeric terms compare with the number of items of manage-
12 ment follow-up here?

13 A (Witness Ruhlman) About the same.

14 A (Witness Kellogg) About the same.

15 MR. REIS: That's all I have.

16 FURTHER EXAMINATION BY THE BOARD

17 BY MR. BRIGHT:

18 Q I just have one thing I'd like to explore very
19 briefly, and this may involve some of the gossip around the
20 shop, or whatever.

21 You indicated, Mr. Ruhlman, that the Staff has
22 been increased, that there are many more people available
23 now, and I think it also came out that this probably was
24 the first really in-depth examination of Brunswick.

25 I guess I'm just looking for your opinion of the

mpb11 1 staffing levels now. Does this appear to be adequate for
2 the work load that presently exists?

3 A (Witness Ruhlman) Let me first off state without
4 being argumentative that it was not myself but Mr. Kellogg
5 who made the assessment. I agree with it and it is true.

6 At the current time with the inspection work load
7 that we have, we have one additional man who is being
8 loaned to us from Construction. As a matter of fact, the
9 staffing with the loaner that we have from Construction --
10 he's not permanently assigned to us -- but it would appear
11 to be adequate to accomplish the job.

12 A (Witness Kellogg) Excuse me, sir.

13 You were referring to the NRC QA Staffing or the
14 CP&L staffing?

15 Q No, NRC.

16 Do you hear from the drums along the line any-
17 where that the staffing will continue to increase to some
18 level which will be adequate to take care of the duties that
19 you undoubtedly will have and will increase?

20 A (Witness Ruhlman) Let me first of all, for the
21 sake of the Board and perhaps those that don't know, I
22 had the same identical position in Region I. We had in
23 Region I myself and two or three other people to do this
24 type of inspection for all of the licensees in Region I.
25 There were 20 operating licensees there.

mpbl2 1

2 I consider myself most fortunate now to have
3 three other individuals and Mr. Brownlee, who is also here
4 on loan to us from Construction. And as a result we have
5 a larger staff and fewer plants to inspect, identically the
6 same requirements.

7 What this has done for us is not really change
8 the man-days of inspection. It used to require me to take
9 a team out for two weeks. We had two people for two weeks
10 to do what four people can do in one week. So it allows
11 me to -- that's the only difference. I wouldn't expect
12 that we would have to be relying upon either an increase or
13 decrease in staff to perform the same job.

14 The directive that we currently have in this
15 region requires that the job get done. It may require we
16 spend more time on the road than in the office. That would
17 be the only change.

18 So I would imagine that the requirements of the
19 modules to be done, unless we change directors or direction,
20 would be done.

21 Q Then it would be fair to say that you feel that
22 you're adequately staffed to perform the duties?

23 A The only one that would be at variance with that
24 would be my wife.

25 (Laughter.)

MR. BRIGHT: Thank you.

mpb13 1

BY DR. LEEDS:

2 Q Mr. Ruhlman and Mr. Kellogg, was this an announced
3 inspection?

4 A (Witness Kellogg) Our inspections have been
5 announced, sir, about one week prior to the time that we
6 perform the inspection.

7 Q Okay.

8 I think, Mr. Ruhlman, correct me if I'm wrong,
9 you stated that you were looking at housekeeping, and one
10 of the things you would do, you would go to the diesel
11 generator room and check it out. That's an obvious place,
12 is that correct?

13 A (Witness Ruhlman) No, sir. I indicated that
14 that was for Mr. Ashenden. You would have to know Mr.
15 Ashenden and his background. He came from an operating
16 facility and they had a particular problem with their
17 diesels, and he was deeply involved in trying to correct it.
18 And that was the person we assigned.

19 Each one of us sort of has -- my particular
20 area happens to be the cable spreading room. I guess all of
21 us have little pet areas that we inspect. Mr. Ashenden's
22 happens to be the diesels. In fact, he has inspected two
23 plants in housekeeping and in both of them he looked at the
24 diesels.

25 I'll make sure he looks at something else next

mpbl4 1 year, but for now that's good.

2 Q In light of that answer, if you have a group of
3 inspectors that are going to come to a plant, would you not
4 -- could you categorize that there would be certain selected
5 areas that they would be inclined to go look for because
6 either problems have been there before or it's just well
7 known that they're areas that have difficulties in some areas.

8 I mean, for example, the diesel room I would
9 expect there would always be leaky diesel problems there
10 and some management would be concerned about it and others
11 would not, and if you were worried about fires you might go
12 check that area.

13 Is that a reasonable assumption?

14 A Yes, sir.

15 Let me amplify, if I may, that the purpose of
16 having the team -- and of course you can't know this -- but
17 of the members of the team, if I may for a moment, myself,
18 you have my credentials in front of you and I came from an
19 operations background. I've operated and I have inspected
20 these plants in all stages.

21 And Mr. Ashenden comes from a Construction
22 background. We have retreaded him for operations. He did
23 have some operational type experience. He is also ex-Navy.

24 Mr. Jenkins is ex-Navy and Mr. McDonald is
25 ex-Navy, and they really just started getting into the

mpb15 1 operations phase.

2 And the way this is done is we have a rotation.
3 We rotate the assignments of reporting inspectors. Even
4 though I maintain the responsibility as the lead inspector,
5 the reporting inspector is the one who -- quote -- "runs"
6 the inspection, makes the travel arrangements, and gets the
7 car, and things of that nature. And he is responsible for
8 going through and putting the semicolons in, the commas, and
9 correcting the spelling errors in the report.

10 And so as we cite this, as we rotate these
11 things around, we get the mix of the people who go out
12 and look at the various areas. So we never allow the same
13 guy to inspect the same area at the same plant two years in
14 a row.

15 We have never inspected two years in a row, so
16 I can obviously make that statement. But that is our policy,
17 that we're not going to do that. And we try not to let
18 the same guy inspect the same area two inspections in a row.
19 We try to cycle them through the areas to keep them balanced.

20 But, yes, to get back to your basic question.
21 We do go out and look at problem areas. We didn't bring it
22 out in the direct, again, but as part of amplification, the
23 question did come from, I believe Mr. Reis, on the house-
24 keeping area, the housekeeping module that we inspected
25 covers the development of a program that meets the

mpb16 1 requirements of Standard 4523. That is a unique require-
2 ment to the QA group of modules.

3 The actual tour of the plant, as Mr. Reis
4 indicated, is something that is performed on a quarterly
5 basis by all the project inspectors as one of their modules.
6 Fire protection modules are inspected elsewhere in the
7 actual development of the fire standards, so that there's
8 a great deal of overlap in this particular citation.

9 You know, it's inspected on a number of
10 occasions by a number of different people looking at the
11 same type of thing. They don't rely on our inspection to
12 take up all fire hazards or all housekeeping problems.

13 Q Is it generally true that whenever an announced
14 inspection is coming that perhaps the plant would be sort of
15 spiffed up, or do you expect to find it in its original
16 condition?

17 A Let me point out that based on the -- well,
18 again going back to my resume, if you will notice I was in
19 an operating power plant for five years, and I endured
20 these inspections.

21 Q Yes, sir, that's one of the reasons I asked.

22 A And I state to you categorically knowing two or
23 three months in advance that the NRC was coming does not
24 affect this. If you knew two or three months, two or three
25 days, or two or three hours, the only thing was that the

mpb17 1

aread didn't build up quite as long if you didn't know about
it quite as long.

mpb3 flws 3

(Laughter.)

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1 The policy of unannounced inspections doesn't
2 really affect what you find. There are so many areas to be
3 looked at, there are so many different things that are
4 looked at, that if, indeed, a licensee could quote -- spiff
5 up his plant -- unquote, with two days notice, he didn't
6 have a problem in the first place.

7 Q Would you expect a licensee to try to continuously
8 keep his plant in, say, a spiffy condition? I started with
9 the word, and I probably shouldn't have started with it.

10 A Without arguing with the quality of the word,
11 the licensee, first of all, is subject to routine, unannounced
12 inspections. He can't get ready for ours, as I just pointed
13 out I believe. And so it would be to his advantage to try
14 to keep the plant in reasonable condition at all times.

15 Q Do you think it unusual, say, to find this amount
16 of diesel fuel, or whatever it was, oil or fuel, in that
17 room?

18 A Yes, sir, and that's why we cited it. In this
19 particular case it appears that we also cited the problem.
20 We pointed out that that particular area was not on his
21 inspection list. And, again, spiking the sample, if you
22 will, if we go back and look at his housekeeping procedures
23 we know what the plant contains. If we find an area that
24 is not on the inspection list for him to check, that's the
25 area we go look at.

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DR. LEEDS: I have no more questions.

CHAIRMAN SMITH: Are there any further questions?

(No response.)

You are excused, gentlemen.

(Witness panel excused.)

THE Board, I might say, has been favorably
impressed with the precision of the testimony and the obvious
willingness and desire to make a full record, and that you
have answered the questions fully, and we appreciate it.

We will break now for lunch, and return at one
o'clock.

(Whereupon, at 11:40 a.m., the hearing in the
above-entitled matter was recessed to reconvene at
1:00 p.m. the same day.)

WRBeb1 1

AFTERNOON SESSION

(1:00 p.m.)

2
3 CHAIRMAN SMITH: Are there any preliminary matters
4 before we continue?

5 MR. TROWBRIDGE: I believe Mr. Eddleman is pre-
6 pared to identify the documents I had requested.

7 7.030 MR. EDDLEMAN: I should say that some of these I
8 don't have copies of. In fact, I believe the Honicker versus
9 Handrie is the only one that I have a copy of here, and I'm
10 going to make that available to Mr. Reis to make copies as
11 he suggested.

12 Let's see. Transcript 2382, the radiation release
13 rates. Now that is in the Appendices to -- I believe it is
14 Wilber's --

15 MR. TROWBRIDGE: I can't quite hear you,
16 Mr. Eddleman.

17 MR. EDDLEMAN: What I'm doing is looking for the
18 actual document. I'll come back to that one.

19 The 5 April 1975, that is in the docket file at
20 the NRC Public Document Room. I don't have a copy but, as
21 far as I know, it is the only communication on that date and
22 it is from the Nuclear Regulatory Commission to --

23 MR. TROWBRIDGE: I didn't get the first item.
24 Would you mind starting over?

25 CHAIRMAN SMITH: I can hear him fine.

WRBeb2

1 I think speed is also a problem. Will you slow
2 down a bit?

3 MR. EDDLEMAN: All right. Let me try to take
4 this slower.

5 Now 5 April 19 --

6 MR. TROWBRIDGE: The first item, the radioactive
7 release rate.

8 MR. EDDLEMAN: I haven't found that yet.

9 CHAIRMAN SMITH: He's going to go back to that
10 one.

11 MR. EDDLEMAN: I'll come back to that one.

12 MR. TROWBRIDGE: Okay.

13 MR. EDDLEMAN: Let me take them in the order.
14 I'll come back to the radioactive release rate.

15 Now the study on cable fires, I don't have the
16 documentation on this myself. This was told to me by Bob
17 Pollard, who works for the Union of Concerned Scientists and
18 his story is that somebody at the NRC stuffed these two
19 studies, one from the spring of '78 of a test -- the first
20 test of the cable separation standard for fire safety, and
21 the second one from I believe October '78 by Sandia Labora-
22 tories -- that was a test of fire safety under the conditions
23 of having smoke detectors and sprinklers and mineral wool
24 blankets on the cables where they still burned out. You
25 should have both of those and you can get in touch with him

WRBeb3 1 from the Union of Concerned Scientists' office in Washington.
2 He says that he has them. I'm relying on him that those
3 things actually exist. I have not seen them.

4 MR. TROWBRIDGE: Are you relying on him for the
5 fact that they were suppressed?

6 MR. EDDLEMAN: Well, since I haven't seen any
7 reports of them in the press, I'm relying on that plus him,
8 that they were suppressed.

9 CHAIRMAN SMITH: There is a fundamental logic
10 to that, isn't there?

11 MR. TROWBRIDGE: These ring a bell, and we will
12 be able to obtain the Sandia and the other with a little work,
13 but if there are some more that are being suppressed, then
14 I'm at a loss.

15 MR. EDDLEMAN: Well, so far as I know, these are
16 the two that he received in the mail that had not been made
17 public at that time, and those are the two that I'm referring
18 to. That is as specific as I can be.

19 MR. TROWBRIDGE: Fair enough.

20 MR. EDDLEMAN: Okay.

21 The next one is 5 April 1975. This is a letter I
22 believe from somebody in Region II from NRC to Carolina Power
23 and Light, and it discusses the setting of trip set points
24 for their instrumentation outside the approved operating
25 ranges. That, like I said, is from the Public Document file

WRBeb4 1 of that docket, Brunswick.

2 And I believe-- You know, I'm relying on my
3 memory. On Monday I sat down and went through about 1,000
4 pages of this thing, but I believe that's the only thing in
5 that file that's dated 5 April 1975.

6 MR. TROWBRIDGE: If it's a communication from
7 Region II to CP&L we'll have it.

8 MR. EDDLEMAN: Okay.

9 MR. REIS: Excuse me. Was that date '75 or '72?

10 MR. EDDLEMAN: '75.

11 The operation of a plant with safety system out.
12 If you will look in Staff Exhibit 2, NRC Staff Exhibit 2,
13 this big, thick thing, I believe this is under Brunswick 2,
14 which is about a third of the way through where it starts up.

15 MR. TROWBRIDGE: Can you give us a page number?

16 MR. EDDLEMAN: I'm sorry, on my copy it is stapled
17 over the page numbers and I can't see them.

18 MR. TROWBRIDGE: In the upper right-hand corner?

19 MR. EDDLEMAN: The staple is in the upper right-
20 hand corner directly over the page numbers on my copy.

21 MR. TROWBRIDGE: Can you give us the IER control
22 number?

23 Maybe we could see the document for a moment.

24 MR. EDDLEMAN: I'm trying to give you the specific
25 thing, and I'm still looking for it.

WRBeb5

1 DR. LEEDS: Wouldn't it be better if you went
2 over there anyway? I don't think there is any problem with
3 that, is there?

4 MR. TROWBRIDGE: He hasn't located it yet.

5 CHAIRMAN SMITH: Maybe you weren't as ready as
6 we thought to give us this information.

7 MR. EDDLEMAN: I think the problem was that
8 Mr. Erwin asked me if I had the information and he inter-
9 preted that to mean that I had it ready to give the page
10 numbers.

11 There is one other thing I would like to ask at
12 this time. I've looked over the transcript of yesterday and
13 I was speaking too rapidly then, too, apparently. One of
14 the Court Reporters mentioned that they could not draw a
15 breath. And I've looked at it and there are some omissions
16 of things that I said, and a couple of misstatements. And I
17 would like to get those corrected, either that I submit them
18 in writing to the Court Reporter or read them into the record
19 now.

20 CHAIRMAN SMITH: How long is it going to take?

21 MR. EDDLEMAN: There are only about 17. None
22 of them is longer than a sentence.

23 CHAIRMAN SMITH: Okay. Well, you had better
24 correct them.

25 You have my transcript?

WRBab6

1 MR. EDDLEMAN: Yes, sir, I do.

2 CHAIRMAN SMITH: Can I borrow it back for that
3 purpose?

4 MR. EDDLEMAN: Do I have your transcript?

5 (Document handed to the Board.)

6 Unfortunately, if I don't have that in front of
7 me, I can't read the wording where I'd have to --

8 CHAIRMAN SMITH: I see your problem. Okay. How
9 about making the corrections for me? I release you from your
10 commitment not to mark my transcript.

11 MR. EDDLEMAN: So I will mark the corrections
12 only; correct?

13 CHAIRMAN SMITH: Right.

14 MR. EDDLEMAN: Okay. I've got it.

15 Okay, at transcript page 2398, line 15, it says:

16 "...whether the inspector catches it
17 or not is not something that they can ensure."

18 I'm sorry, that was correct. But down on line 23:

19 "...would be statistically reliable."

20 "...would show any improvement...."

21 is the correct wording. Insert the words "...that would
22 show any improvement...." after "reliable."

23 Transcript 2399 --

24 MR. TROWBRIDGE: Just a minute until we make that
25 correction.

WRBeb7

1 MR. EDDLEMAN: Do you want me to repeat it?

2 MR. TROWBRIDGE: No, just long enough for us to
3 copy it down.

4 MR. EDDLEMAN: I'm sorry, I didn't realize you
5 were copying it, also. The Chair has so often urged people
6 to try to proceed rapidly, and I'm afraid I'm having diffi-
7 culty proceeding slowly. I'll try.

8 Page 2399, line 22:

9 "....this seems to be, you know, a stan-
10 dard MRC (procedure) where you've got a
11 safety system...."

12 In other words, the word "out" should be struck
13 and the word "procedura" inserted.

14 Page 2403. This is the important one. Line 14:

15 "I'm sure he does not know."

16 It otherwise would look like I was accusing
17 Mr. Reis of lying to me which I absolutely did not do. I'm
18 sure that he does not know why the Callaway Plant was left
19 out of the list of Daniels' jobs.

20 Page 2406, line 23. It says:

21 "I'll act nice."

22 The actual statement is:

23 "If you just want me to act nice."

24 Page 2407. The statement reads on line 3 and 4:

25 "It wasn't the attorneys I was

WRBeb8

referring to."

What I actually said was:

"I never said I was a lawyer."

This was a very rapid exchange here and I can see how it would be very difficult, but my memory is real clear on this.

Transcript 2396 again. This is something I caught later I think. It's where I indicate the size of this report. It says:

"(Indicating approximately one inch)"

I may have moved my fingers erroneously. I thought I was trying to indicate about a third of an inch thick.

Transcript 2532. This is in the second part, on line 4:

"....this person complete a reading course in this stuff also,...."

And I can find no follow-up documented follow-up that he actually had -- Then I guess you have to insert a dash because I'm pretty sure it does take up accurately on line 5, that that's what I said.

MR. TROWBRIDGE: Will you read it again, slowly, the addition which comes after it?

MR. EDDLEMAN: Certainly.

MR. TROWBRIDGE: "....also,...." Is that where I insert?

WRBeb9

1 MR. EDDLEMAN: "...also, and I could find
2 no documented follow-up that he actually had...."

3 And then put a dash.

4 The last correction is in line 15 here. It
5 states Volume 4 and to be correct it should be 14.

6 That's all of it.

7 Whereupon,

8 CHARLES E. MURPHY,

9 VIRGIL L. BROWNLEE,

10 CHARLES MC FARLAND,

11 ALLAN HERDT,

12 and

13 JACK BRYANT

14 resumed the stand on behalf of the NRC Regulatory Staff and,
15 having been previously duly sworn, were examined and testified
16 further as follows:

17 CHAIRMAN SMITH: I see Panel 2 has changed their
18 seating order in an effort to confuse the Board here. I have
19 your identities marked according to your seating order.

20 WITNESS MURPHY: We changed the seating order,
21 sir, so that I would be able to have better benefit of the
22 other members of the panel in those cases where I was respond-
23 ing for the total panel.

24 CHAIRMAN SMITH: Are we ready for Applicant's
25 cross-examination?

WRBab10

CROSS-EXAMINATION (Resumed)

BY MR. O'NEILL:

Q Mr. Hardt, you may be in the best position to respond to this question.

Earlier in this hearing there was a discussion of the percent completion at the Harris facility. Will you please state your understanding of what percent completion there is of the total facility?

A (Witness Hardt) The way I understand the percent completion, the Unit 1 alone, and that's also that unit plus all its common facilities, is somewhere in the neighborhood of 13 or 14 percent complete.

The other three units, Units 2, 3, and 4, are about one or less than one percent.

I think the thing that said three percent there is most likely an over-all for the entire project.

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1 Q Gentlemen, I will refrain from asking each of
2 you to give your definitions and nuances of the word
3 "positive," but I would like to ask if you would turn to page
4 6 in your testimony, the first complete answer, where you
5 state that, in response to the question that we spent some
6 time on yesterday concerned with the positive and negative
7 factors, you state,

8 "CP&L has consistently accepted the
9 role of the NRC inspection and enforcement program."

10 Could you please give me some examples of how
11 CP&L has accepted that role that would be positive in your
12 mind, that led you to draft this response?

13 A (Witness McFarland) I was the principal inspec-
14 tor of both Brunswick and Harris for a number of years, as
15 the record indicates. And I authored this statement.

16 The role of the-- They have accepted the role of
17 the inspection and enforcement program in that they have made
18 their facilities and their personnel, their records, avail-
19 able to all of us at all times. All of our -- certainly the
20 majority of our inspections were unannounced. --for construction
21 this was.

22 The personnel records and procedures were available
23 both at the site as well as at the corporate offices.

24 It is such things as that which lead me to
25 positively state that they have accepted the role of the NRC

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1 inspection and enforcement program.

2 Q Do any of the other members of the panel have
3 anything to add to Mr. McFarland's statement?

4 A (Witness Murphy) I would add also that the --
5 that CP&L has, to the best of my knowledge, been reporting
6 those deficiencies that they would be required to report under
7 50.55(e), that they have been responding to our letters of
8 non-compliance where such existed, and that they have taken
9 corrective actions in regard to these non-compliances.

10 Q That same answer on page 6 further states that
11 CP&L has kept the principal inspectors informed of management
12 concerns.

13 Again, could you please give us some examples of
14 how -- or instances of when CP&L has done this, and why this
15 is a positive factor in your mind?

16 A (Witness McFarland) I consider management concerns
17 to be matters over and above that which would be required to
18 inform us of the QA program, or bordering on being outside
19 of that scope. They did inform us routinely of their schedule
20 of work and the status of work, both of the constructor as
21 well as their own corporate work and, in a number of cases,
22 the work of the architect-engineer and the NSSS.

23 We questioned, and they gave us information about
24 their personnel planning and current staffing, their procure-
25 ment arrangements, such things as training and education,
certification. On one occasion, on the corporate research

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1 center which is located on what was to be the shoreline of
2 the 10,000-acre lake, which was one of the earlier concepts
3 before they had the 4000-acre lake.

4 It was such things as these which I considered to
5 be management concerns which made us aware of the total
6 program, and we were better able to plan our inspection and
7 our enforcement program from Region 2.

8 CHAIRMAN SMITH: Would you state what NSSS is,
9 please?

10 WITNESS MCFARLAND: Nuclear steam system supplier.
11 Sometimes there gets to be an extra 's' in there.

12 BY MR. O'NEILL:

13 Q Do any other members of the panel have anything
14 to add to Mr. McFarland's answer?

15 A (Witness Murphy) I would only concur with
16 Mr. McFarland's answer.

17 Q Turning to page 13 of your prefiled testimony,
18 in response to the second question on that page you noted that
19 CP&L has been consistently responsive to the findings of
20 Region 2 and I&E inspections and to enforcement actions.

21 Could you give us any examples of times when CP&L
22 has been particularly responsive that would have led you to
23 look at this as a positive factor?

24 A (Witness McFarland) During the period of work '72
25 to '75 in Brunswick, and '77 in Harris, they increased their

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1 role, the role of management, management participation, as
2 visible at the site. We've commented on occasion, and there
3 was the appearance that they're being more responsive to the
4 inspection and enforcement action. They definitely improved
5 their QA procedures over this time period. They improved and
6 maintained a welding training program. They responded to such
7 items as indicated in the testimony on page 40 about voids
8 in concrete in the torus area, or such things as the E
9 program on page 45, and a few other things, such as piping
10 restraints, and snubbers, the valve program, the valve wall
11 thickness program, cable separation:-- all of these items
12 would be specifics that would indicate that they were respon-
13 sive to our findings.

14 Q Again, do any other members of the panel have
15 anything to add to Mr. McFarland's statement?

16 A (Witness Brownlee) During the period of time I
17 was assigned principal responsibility for the Shearon Harris
18 project, it has been my experience that even areas of concern,
19 not necessarily items of non-compliance and such, that were
20 identified at exit interviews, and when management needed to
21 bring, I'm going to say pressures to bear to enhance their
22 site programs and the efficiency of the activities on-site, I
23 saw those responsive actions by those members. And I not only
24 saw it once, there were numerous occasions.

25 Q I have one more question, gentlemen, one that

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1 perhaps has confused people of CP&L more than any other
2 statement.

3 The people in this area are understandably proud
4 of the Raleigh area, and I believe you are aware the the
5 Harris plant site is 20 miles from downtown Raleigh.

6 On page 16, however, the statement is made that:

7 "....plant location....may make it
8 difficult for CP&L to obtain and retain experienced,
9 competent, technical people."

10 First, in comparison with the site of the
11 Brunswick plant which is I believe near Southport, is it
12 fair to say that the Harris location is considerably more
13 favorable a plant location than, for example, the Brunswick
14 facility or the Robinson facility in this regard?

15 I may caution you that the members of the public
16 are generally from the Raleigh area.

17 (Laughter.)

18 A (Witness McFarland) The remoteness of the site
19 and the size of towns near the site I believe is what we had
20 reference to as far as plant location. Getting the numbers
21 of personnel such as 2,000, 3,000 personnel, this would be
22 quite a transition for that area around Merry Oaks and other
23 such villages.

24 Q Well, Mr. McFarland, let me ask you to answer my
25 first question, which was: Compared to the Brunswick facility,

WRBeb2

1 would the location of the Harris facility in orders of magni-
2 tude be more favorable for recruiting technically qualified
3 people?

4 I see some nods of assent from other members of
5 the panel.

6 A (Witness Herdt) I guess you could say that from the
7 standpoint of Raleigh being a big city as compared with
8 Southport, near Wilmington or where the Robinson is, near
9 Darlington and Florence.

10 A (Witness Murphy) I would not say this was an
11 attempt at comparison with other sites. Raleigh, of course,
12 in itself in the Research Triangle and so on has the facili-
13 ties to attract the people to those facilities that are
14 what would be to me more attractive than the 20-mile drive,
15 say, to the Harris site from Raleigh.

16 In other words, you have competition from your
own metropolitan area.

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1 Q Mr. Murphy, you are not familiar, then, with how
2 far it is from Raleigh to the Research Triangle, I take it?

3 A I have been both directions several times.

4 Q And it's about 20 miles, I believe?

5 A I would say that would be a ball park guess as
6 to where it is, yes.

7 MR. O'NEILL: I have no further questions.

8 EXAMINATION BY THE BOARD

9 BY CHAIRMAN SMITH:

10 Q Mr. Herdt, oh, never mind, you didn't have an
11 interview in the I&A, but Mr. Bryant and Mr. McFarland did.

12 Mr. Bryant, the report of the interview with you
13 by the Office of Inspector and Auditor appeared beginning
14 at page 111 of Volume III, which is Board Exhibit 11.

15 You've read this haven't you, sir?

16 A (Witness Bryant) Yes, sir.

17 Q Do you adopt that as a portion of your testimony?

18 A Mr. Chairman, I read this the other night. I
19 have no specific disagreement, but I feel that probably
20 something was lost in paraphrasing, or else there was
21 something there that I didn't remember.

22 If I may read:

23 "He did remember noting 'two or three problems'
24 with respect to CP&L's operation of H. B. Robinson..."

25 I feel it unlikely that I referred to operating

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1 problems. Probably that referred to construction problems,
2 during when the plant was built.

3 Q In any event, what is the correct statement?

4 A Making it now, I would say "construction problems."

5 Q Where does that line appear?

6 A That is the fourth paragraph, fourth line, and
7 then the fifth line.

8 Q So the probability is that you would have said,
9 "fully capable to construct," is that it?

10 A Yes, sir. And I would have referred more to
11 construction than to operation, though I have no concerns
12 about their ability to operate, either. I feel they are
13 qualified to do that, also.

14 Q Do you have anything else?

15 A No, sir.

16 Q Mr. McFarland, you're on page 110 of Board Exhibit
17 11.

18 A (Witness McFarland) Excuse me. Would you repeat
19 the question you want answered, the basic question on our
20 interview? What did you --

21 Q The question is: Do you have any corrections
22 to make of that report of interview? Is it accurate and
23 can you adopt it as your testimony?

24 A I can adopt it as my testimony. The accuracy is
25 correct for the statements made. It does not include all

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1 the items discussed. No item was omitted which would have
2 any significant bearing on the completeness of the interview.

3 Q I take it, then, there's nothing you think is
4 necessary to add to this report of interview?

5 A Correct.

6 Well, one correction there might be -- excuse me.

7 In the third paragraph, I would like to have the
8 word "understanding" deleted. It says, "It was McFarland's
9 understanding that Brownlee in turn supplied this support..."
10 "et cetera, and "McFarland stated it was his understanding
11 that Dance was..."

12 These were very firm facts. There was no
13 understanding about that.

14 And the fifth line from the top in the same
15 paragraph, he uses the word, "informally." I don't regard
16 anything in our office as informal, such as assigning tasks.

17 Q All right. So you would strike the word
18 "informally."

19 And "understanding" we can't strike, so we have
20 to rephrase it.

21 DR. LEEDS: We could drop the "It was McFarland's
22 understanding," and say that "Brownlee in turn supplied..."

23 WITNESS MC FARLAND: Yes, make it as a statement,
24 right.

25 CHAIRMAN SMITH: All right.

wel 4

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DR. LEEDS: That also goes for the last sentence in that paragraph?

3

4

5

WITNESS MC FARLAND: Yes, changing the understanding in the second line from the bottom as well as the fifth line from the bottom.

6

BY CHAIRMAN SMITH:

7

8

9

10

Q I take it, gentlemen, all four of you who have reports in here, that ISA did not then come back to you with your reports of interview in draft form? The first you saw them was when they were published in the report?

11

A (Witness Murphy) That is correct, sir.

12

13

14

I might observe that there was no attempt by the auditors to take complete notes, verbatim statements, signed statements, or anything of that nature.

15

16

A (Witness McFarland) Nor for us to take notes while we were talking with them.

17

BY DR. LEEDS:

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Q Let me ask you a general question about the differences between operating inspections and construction inspections, and I'm going to ask this general question by making a statement, and then asking whether or not you agree with my statement or disagree with. And I'm not making the statement to say that's what I believe, but this is the only way I know how to get into this question.

So this is not a Board ruling when I make this

1 statement in any sense, or a Board finding of fact, or
2 anything like that.

3 I'll just make the statement:

4 Assuming for discussion purposes that a licensee
5 under construction would have more urgency to solve his
6 problems than he would under operating conditions, is that --

7 A (Witness Murphy) I should say that you should
8 reverse your statement.

9 Q All right, that's what I want to know. Does
10 everybody agree to that?

11 A (Witness Bryant) Yes, sir. With urgency meaning
12 time.

13 Q To get quick resolution?

14 A Yes. If resolution is urgent as a time factor.

15 Q So the licensee would be more interested in
16 getting it resolved in an operating condition quicker than
17 he would be in a --

18 A Yes, sir.

19 A (Witness Murphy) Yes. And I would also qualify
20 this to be as far as public health and safety is concerned.
21 He may have an extreme urgency in a construction area
22 because of scheduling problems, this type of thing. We're
23 speaking only of the public health and safety.

24 Q Next I'd like to refer you to page 25 and then
25 back to page 4 of your testimony. At the bottom of page 25

1 the answer is that a construction permit was issued to
2 Robinson on the 13th of April of '67, and on page 4 it says,
3 How long has NRC been inspecting CP&L facilities under
4 construction, and the answer is 10 years.

5 And I count more than 10 years between '67 and
6 when this testimony was prepared. Is there something I
7 don't understand about that?

8 A (Witness Bryant) I believe that the first
9 construction inspection of Robinson was in about January or
10 February of 1968. This is a reflection of our changing
11 program. I believe plants were not inspected in early
12 construction back then.

13 Q Okay. So if it was January . . . all right, so
14 it's about 10 years.

15 A This testimony was prepared last year.

16 A (Witness Herdt) More specifically, in Appendix
17 D of the first panel, our first construction inspection was
18 on March 5 of 1968. And, as Mr. Bryant just explained, we
19 prepared this testimony last year.

20 BY CHAIRMAN SMITH:

21 Q Just as a matter of my own interest, would this
22 mean that with respect to H. B. Robinson that no member of
23 ISA has actually seen the bedrock on which the containment
24 is built?

25 A (Witness Murphy) Sir, I can't speak with certainty

1 to that, but that is possibly the case.

2 Now, NRR could have had geologists down looking
3 at that area, but we would not have knowledge of that. Our
4 own office would not have inspected that to my knowledge.

5 My review of the records did not indicate any
6 inspections ahead of the ones that Mr. Herdt referred to.

7 Q That, of course, would not happen today.

8 A That could not happen today. We have a staff
9 geologist, and we can go in ahead of time. I can give you
10 an example ---

11 Q Yes, we know of examples.

12 A Okay.

13 Q Well, we have an example right in this very case.

14 A Yes.

15 BY DR. LEEDS:

16 Q Page 9, so the record is complete, would you
17 define what NDE is?

18 A (Witness Bryant) Non-destructive examination.

19 Q Do you all have access to Appendix C that's going
20 to go with Panel III's testimony, along with Mr. Dance's?

21 Mr. Reis, could you provide them with a copy of
22 that, please, sir?

23 A (Witness Murphy) We did not provide ourselves with
24 individual copies of those appendices, because of their bulk.

25 CHAIRMAN SMITH: Excuse me. Mr. Reis, while

1 you're at it, I also have a question about the testimony of
2 Panel IV. If you could dig up a copy of that for us.

3 WITNESS MURPHY: We have the text of Panel IV,
4 I believe, if you're referring to Mr. Cantrell --

5 DR. LEEDS: It's a one-sheet appendix.

6 WITNESS MURPHY: Oh, I'm sorry.

7 (Document handed to the witness panel.)

8 BY DR. LEEDS:

9 Q This is not in your testimony. I guess I can't
10 ask you where it came from, or anything like that. But I
11 want to ask you if you'll take a moment to look at it,
12 because on page 11 you discuss CP&L's QA program on the
13 corporate level, and I would think that this chart would be
14 pertinent to that, since it contains blocks entitled
15 "Management," "Corporate Quality Assurance Audit," and so
16 forth.

17 MR. O'NEILL: Dr. Leeds, just to clarify, I have
18 three pages to my Appendix C. Do I take it you are looking
19 at one which says Appendix C, a handwritten CP&L Organization
20 at the top?

21 DR. LEEDS: Yes. I'm sorry. That's correct.
22 There are three pages, and I'm looking at the last page.
23 Thank you very much for clearing that up for me. I had
24 missed that point.

25 WITNESS BROWNLEE: Dr. Leeds, would you state now

wel 9

1 what particular area out of Panel II are we referring to?

2 BY DR. LEEDS:

3 Q Okay. It's page 11. You're saying this is the
4 QA/QC program at the corporate level, and --

5 A (Witness Brownlee) Okay, I believe I can address
6 this. If it needs to be corrected, I would like to hear
7 about it, but I was disassociated with the project a couple
8 or three months ago, but when this was written there was a
9 difference in the way they were organized with the corporate
10 audit function.

11 The corporate audit group was performing certain
12 functions that have since then been transferred to -- I
13 want to say the Engineering and Construction Audit Group,
14 under Mr. Chiangi. Am I not correct?

15 And that has been a subsequent change from the
16 time that we completed 11 until I think -- we were given
17 a letter in our region, information relative to this, when
18 it did happen. We just didn't change our statements here.

19 This was correct at the date that I wrote it.

20 Q Okay. Do you want to change this answer, then,
21 to reflect the current status?

22 A Can I do that my referencing . . . can we come
23 back to that later?

24 Q I don't care how you do it. I just want to
25 reflect your present understanding of -- what I want the

wel 10

1 record to reflect is what your understanding is now of
2 answers to these questions. If there's been any change in
3 anything else in this testimony I want to know those things
4 also.

5 A No, sir, that's the only one I'm aware of.
6 And I'm sorry that I did not make that change.

7 Q Okay. Now, back to Appendix C, Figure 6.2.1-1,
8 is this your understanding of their corporate quality
9 assurance structure at the top level?

10 A (Witness Murphy) Sir, this document is labeled,
11 "Brunswick-2" at the bottom, not Harris.

12 Q Yes, but at the top of the page it's marked
13 "Chief Operating Officer," and I don't think I can go much
14 higher. And then it's marked "Vice President, System
15 Planning," "Power Supply Senior Vice-President," and then
16 "Manager, Corporate Quality Assurance Audit, Nuc. Manager,
17 Corporate Nuclear Safety Section . . .

18 It sounds like to me that it's all corporate.

19 A Yes, sir. This is an operations-oriented chart,
20 and much of it that is shown here would not apply to the
21 construction plant activities.

22 Q But wouldn't the manager of corporate quality
23 assurance audit apply?

24 A Yes, sir.

25 A (Witness McFarland) Yes, that we can assure you.



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wel 11

1 He always did report to a Vice President, at a Vice President
2 level. I believe our only hesitancy is whether it was the
3 Executive Vice President and labeled Chief Operating Officer.
4 He did report to one level of vice president, which was not
5 the vice president in charge of engineering and construction
6 group. That's what we always seek, and they do comply with
7 that.

8 Q I'm sorry, I didn't hear you. Would you --

9 A The Manager of Corporate QA Audit reports to a
10 vice president, which is not responsible for engineering
11 design and construction. He has an independent vice
12 president. They have maintained that throughout all their
13 projects.

14 Q And that's what you look for?

15 A Right.
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MR. JONES: Mr. Chairman, just to clarify things, I think that it might be appropriate to point out, if you're through with that question, basically that if you're through inquiring from the panel on that question, that the functions of the manager of corporate nuclear safety and manager or corporate quality assurance audit have been combined in one manager now. And I think that the charts that appear in CP&L's testimony reflect that.

I wasn't sure whether Dr. Leeds had picked that up or was curious about that or not. That is a later revision of this table.

DR. LEEDS: Okay. I was going to come back to that one.

Let's see, is that HH or GG?

MR. JONES: I believe it would be in GG. And in the direct testimony there's probably a figure that reflects that, and also some text.

DR. LEEDS: I have a couple of questions about that one anyway, so I'll catch that. Thank you very much. Would you remind me if I forget to bring that up?

BY DR. LEEDS:

Q On page 52, you talk about, in an answer to a question about employment:

"CP&L has been able to supplement its staff with qualified contractor personnel."

mpb2

1 How does that work in practice when you've got
2 two bosses, when the people have two bosses?

3 A (Witness Murphy) If you're asking for practical
4 experience, I have worked under that situation myself. It
5 requires some doing.

6 A (Witness McFarland) The other way they handle
7 that is to assign specific tasks to such companies as
8 Daniel or Brown and Root, the constructors of Brunswick.

9 Q And do you still have independence? Do you
10 have any problem with independence of the QA people?

11 A (Witness Murphy) Sir, I have discussed this
12 matter with the corporate executives at CP&L. They are aware
13 of our concerns, and the fact that we will be watching in
14 this area to discern if there is any conflict of interest
15 from this.

16 Q Have you found any?

17 A I have not found any to date, sir.

18 Q And it functions properly?

19 A To date it has.

20 Q Have you got any qualms about it in the future?

21 A I would not be looking in the future if I did
22 not have those qualms.

23 Q Okay.

24 Were the qualms big qualms or little qualms?

25 A They are little qualms.

mpb3

1 (Laughter.)

2 DR. LEEDS: Okay. I'm finished.

3 BY CHAIRMAN SMITH:

4 Q Gentlemen, if you have available the testimony
5 of panel 4 --

6 A (Witness Murphy) In that our panels are not
7 numbered beyond three, could you --

8 Q That would be Minor, Haass, and Schwencer.
9 And on page 6 and 7 of their testimony, beginning
10 with Question 12 and ending with the answer to Question 13.

11 A Yes, sir.

12 Q And I'm going to read just so that the record
13 at this point will contain the information I'm concerned
14 about. I'm particularly interested in the partial answer
15 to Question 13, which is:

16 "Accordingly, the Staff must evaluate
17 each utility individually and make a deter-
18 mination regarding the technical qualifica-
19 tions of that utility to undertake the
20 activities to be authorized by a construc-
21 tion permit. A finding by the Staff on
22 this subject is suggestive and judgmental
23 in nature and no specific quantitative
24 guidelines are available for making this
25 determination. However the staff has

mpb 4 1

identified and defined the factors listed
below that define the basis for making over-
all judgment regarding the applicant's
technical qualifications."

Well, my specific concern is the portion about
no specific quantitative guidelines and the finding is
subjective and judgmental in nature..

Now from your perspective, from your assignments,
how do you view this statement? Do you agree with it, dis-
agree with it, or is it not applicable?

A (Witness Bryant) Of course, this is referring
to NRR stuff, not to us.

Q Yes, sir. I understand that.

A (Witness Murphy) I would say in this broad
context that I find no problem with the statement.

Q As it affects your responsibilities?

A As it affects my responsibilities also.

Q Now does anybody else on the panel have a
comment on that?

A (Witness McFarland) It reflects the current
practice, and I have no problem with it. I have no problem.

Q I'm sorry?

A It reflects the current practice and I have no
problem with it. NRR does this function and it is not
inconsistent with our responsibilities.

mpb5

1 Q No, that's not quite exactly what I mean, if
2 their viewpoint is inconsistent.

3 I'm just saying do you in the discharge of your
4 responsibilities agree with that statement?

5 A Yes.

6 Q Does anybody else have any comment on that?

7 (No response.)

8 Well, apparently no one else -- everyone seems
9 to agree with it, is that right?

10 A (Witness Herdt) That's correct, sir.

11 Q Would this be more or less true with respect
12 to I&E construction compared to I&E operations?

13 A (Witness Murphy) I think that the judgment,
14 that the evaluation of management is a judgmental type of
15 evaluation, particularly -- and here I am referring to
16 initial contact.

17 In the early stages you must keep the performance
18 of management in mind, and using the progress of the
19 construction job, if you will, not in the sense of how fast
20 they do it, but how well they do it, as one of the keys to
21 the judgment of the effectiveness of the management.

22 Q That reminds me of another question I might
23 have.

24 Do construction inspectors ever look at the plant,
25 the ultimate operation of a plant to see how well they

mpb6

1 inspected it during construction?

2 A (Witness Herdt) I guess this is done all the
3 time through the in-service inspection program. But we do
4 have the specialists within the construction branch that at
5 times have to go to the operations plant based on maybe
6 areas that have occurred during the operation and maybe
7 for some reason from a construction point of view, maybe
8 hangers and supports have not been installed exactly correct.

9 A (Witness Bryant) I have been to an operating
10 plant this week looking at it.

11 Q I suppose the test of an inspector in an auto-
12 mobile factory on how well he inspected would be how well
13 the car runs.

14 A (Witness Murphy) That would be correct.

15 Q Is it the same in your business?

16 A How well the plant runs I think has a very
17 significant indication of how well the construction has been,
18 which, of course, is also tied to what the requirements are.

19 Q On page 11 of your testimony, which I seem to have
20 lost for the moment -- oh, here it is.

21 A Sir, is this page 11 --

22 Q Of Panel 2.

23 A Panel 2.

24 Q In the second to the bottom line, you have
25 "...upper level management reviews these reports..."

mpb7

1 Would you be more specific about how upper
2 level management is, which you refer to there?

3 A (Witness McFarland) Yes.

4 The corporate QA audit group that we spoke of
5 earlier writes these reports and they do circulate them.
6 I personally have seen the distribution of these reports.
7 They do go to the vice president level, both their direct
8 responsible vice president as well as the one for engineering
9 design and construction.

10 And in the QA files that I have observed there
11 are comments that do come back from the executive vice president
12 and the other vice president.

13 So I do have evidence -- I have visually seen
14 evidence, I do not have it in my file, I have visually seen
15 and observed the evidence in the corporate office of comments
16 made by upper level management. So I do know upper level
17 management reviews these reports and has -- and timely
18 action has been taken.

19 Q Thank you.

20 On page 12, does any other unit of the NRC
21 review overall QA/QC programs referred to in your answer
22 to the second question?

23 A (Witness Murphy) Both our office of standards
24 development and the office of nuclear reactor regulation
25 have a voice in the quality assurance programs of the licensees.

mpb8

1 Q On page 13 -- don't be alarmed, I don't have a
2 question for each page; it just seems that way at the moment.

3 On page 13, on the answer to the second question,
4 you say:

5 "CP&L has hired qualified and experienced
6 management personnel."

7 Are there any objective standards that are used
8 in making that evaluation, and did you use those standards
9 in arriving at that statement in your testimony?

10 A (Witness McFarland) This refers -- we do not
11 have an administrative responsibility to approve review
12 capability of any of their personnel. We are made aware
13 of the experience of their personnel and we can take
14 objection to something of that sort.

15 But we were really referring here to the corps
16 personnel that we referred to. In other words, that they
17 have maintained. For example, Mr. McDuffy was an employee
18 of the Basco Corporation during the construction of
19 Robinson Plant. Now he works for CP&L. There are a number
20 of other personnel who have gone in that way from one project
21 to another.

22 Q So this would be an example of where your
23 assessment again is judgmental and subjective in nature?

24 A Right.

25 A (Witness Murphy) That is correct, sir.

mpb9

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A (Witness Bryant) Mr. Smith, I feel that there

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is some little confusion about this in the inspection

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program.

4

As he said, we do not evaluate management, per se.

5

We look at the results of management in I&E, that is, what

6

is produced. And the people, the only people whose real

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qualifications we inspect are the technician types who have

8

some assignment such as radiography, or something like that.

9

Q So in evaluating management it is more the

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empirical results?

11

A (Witness Bryant) Yes.

12

Q And there is little analytical evaluation of the

13

management structure and individual qualifications?

14

A (Witness Murphy) That's correct, sir.

15

Q By anyone in the NRC?

16

A The licensee is required to submit to NRR the

17

essentially resumes of those persons in the corporation in

18

key positions. I think the NRR people might be in a better

19

position to speak to this specifically than we are.

20

A (Witness McFarland) In the training program,

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though, we do see the job requirements for a number of

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these positions, groups of advisors, and in some cases even

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the manager of QA and QC activities. And in these they have

24

adopted common language with other utilities and other areas,

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so that one person would have to be a high school graduate,

mpbl0 1 one with two years of college and one with four years of
2 college; so in that case we are aware that metallurgists
3 would have to be a graduate in metallurgy, something such as
4 that.

5 Q Would it be fair to state that in a licensing
6 process that the only fixed place where that responsibility
7 exists would be hearing boards, or a fixed place where the
8 specific responsibility to look analytically at management
9 and qualification as managers to determine whether it is
10 adequate, would that be in the hearing boards?

11 A (Witness Murphy) That could be a place, sir.
12 I can see that there would be other places for it.

13 I would also raise -- have some question about
14 them, the ability of the corporation to change people within
15 management if, for example, a board is no longer constituted
16 relative to that project.

17 Q So what you're pointing at is not that the
18 Nuclear Regulatory Commission doesn't want to analyze
19 management, but that the best test of management is the
20 performance?

21 A That is correct, sir.

3.228 22 Q Going to page 16, you already were asked about
23 CP&L's ability to obtain or retain experienced personnel.
24 But the next sentence, you state that:

25 "We are not cognizant of CP&L's salary

mpb11 1

schedule nor recruiting program, but they
are committed to an adequate program."

3

Now there we're talking motivation.

4

A Both the motivation and the commitments made in
their SAR, sir.

6

Q On that same page, the answer to the question:

7

"Do you have any facts indicating any
present need for CP&L to improve its manager-
ial capability in order to construct Shearon
Harris?"

10

11

Your answer is:

12

"No, the Region II of I&E construction
inspection and enforcement history do not
indicate a lack of CP&L managerial capa-
bility to construct the facilities."

14

15

16

Now did you intend that to be a qualified answer,
or an explanatory answer? I mean, could it as well have
been stated "No." It could have?

18

19

A Yes, sir, it could have been so stated.

20

Q We have the same type of question and answer

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on page 18, except in this instance you do say, in the last
answer on the page:

22

23

"Yes. CP&L has developed, implemented
and manned a construction QA/QC program..."

24

25

That is an explanatory --

mpbl2 1

A It's an explanatory type note.

2

Q Looking back to 17, the question about motiva-

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tion, I suppose motivation is about as subjective as it can get.

4

5

Could you give me the basis for this? Is it based upon your individual years of experience in the business?

6

7

8

A To where are you --

9

Q Well, On page 17, I asked you does "commitment"

10

refer to motivation, and you said, Well, it refers to

11

motivation and to the PSAR.

12

A Yes, sir. I am both aware of, from my own

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experience, the pressures that managers are under to do

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their jobs well, both in the sense of their own future,

15

but also in their corporate pride, if you will, particularly

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in a utility where they have the public pressures to either

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perform or be before a Public Service Commission or a board

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such as this.

19

Q So the answer is -- is the answer this is predi-

20

cated upon perhaps even feelings.

21

I see a nod of assent there.

22

A Yes, I think I would agree with that, sir.

23

Q I'm saying it doesn't depend upon it.

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A It does not depend upon it. There are many

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things that go into it: management and good management and

mpbl3 1

why they strive to be good managers.

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Q On page 19, we come to a question of motivation again. In this instance we're speaking of NDE personnel and of more technical level personnel, is that right?

A Yes, and the answer to that question there, of course, is level of motivation.

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1 Q But elsewhere in your testimony and in the testi-
2 mony of other panels we have observed that in this particular
3 area there has been a relatively high level of turnover. Or
4 am I wrong about that?

5 A Sir, I can't recall a specific right now. I do
6 believe that I can recall reading in the testimony, in some
7 part of the testimony, of some high turnover rates. I do not
8 know that that continues to exist.

9 Q I want to be corrected if I am misreading the
10 testimony and if I have arrived at some wrong impression.

11 A Sir, could I ask for some clarification? I was
12 taking this in the sense of the craft technician level, not
13 management level.

14 Q That's correct. That is the level which-- If I
15 had to search the testimony I'm rather confident that I could
16 find testimony that there was, at one time, a rather high turn-
17 over. As a matter of fact this is one of the concerns that
18 the operating people have.

19 A (Witness Herdt) Yes. In our testimony, I think
20 at roughly pages 39 or 40, somewhere after or around there,
21 we talked of some welder turnover rates that were quite high
22 at the Brunswick site. And I don't know if I'm at the right
23 pages, but it's somewhere in the neighborhood anyway.

24 But we have not experienced this turnover rate at
25 the Harris facility at this time. And I'm talking from the

WRBeb2 1 technician or from that level.

2 Q So this is a problem which was recognized by the
3 operating people and I believe even recognized and dealt
4 with with respect to the operations at Brunswick by the
5 Applicant's testimony.

6 But this is not a problem that you have seen?

7 A We've not seen this at Harris; that's correct,
8 at this time.

9 Q Even during the period of time --

10 A (Witness Murphy) Sir, I think I'm anticipating
11 your question somewhat. Undoubtedly there was a high turn-
12 over at Harris when they reduced their construction activities
13 for the period during which there was practically no activity
14 on-going.

15 Q Yes. I'm not really referring to that. I'm re-
16 ferring to the situation which prevailed in the period of time
17 following the startup of Brunswick 1 when problems there did
18 appear to cause a rather fast turnover.

19 Now the thing I'm trying to determine, is this a
20 corporate-wide problem or was it perhaps explainable by
21 unusual problems of the startup of Brunswick 1?

22 A Sir, I don't believe that we can address that. I
23 do not recall it being a problem to us at the time of them
24 accomplishing the construction activities. I am sure that
25 Brunswick is typical of most plants, that when it gets close

WRBab3

1 to the end of construction, people start looking for other
2 jobs elsewhere to, you might say, get on first so you would
3 have a secure future at another place.

4 A (Witness McFarland) We do refer to a 1972 time
5 period, I believe it was, when we had 197 percent turnover
6 of welders. Perhaps that's the one you have in mind?

7 Q No, I don't.

8 A Okay.

6.040 9 Q I really think you've answered the question.

10 As a matter of fact, one of the reasons why we're
11 back here is because there was information asserted that at
12 one time during the operational startup at Brunswick there
13 was a very high rate of turnover of some of the higher level
14 operating personnel.

15 A (Witness Murphy) This would be on the operation
16 side, sir.

17 Q Yes, I understand.

18 Now what I'm trying to establish, when this testi-
19 mony is all in, will we have learned that this was a problem
20 unique to those times at Brunswick, or did it pervade the
21 CP&L organization? And I think your answer is that you haven't
22 seen it.

23 A That's correct, sir.

24 (The panel conferring.)

25 Sir, in the conference here, Mr. Brownlee was

WRBeb4 1 reminding me of several people that had retained positions,
2 this type of thing, people in what we would consider
3 as key positions so far as the construction activities are
4 concerned.

5 So our recollection would be toward the stability
6 of the organization rather than toward the turnover rate.

7 Now I'm quite certain that CP&L might have some
8 better information as to how the turnover rate affected them,
9 but as to our inspection effort and what we were seeing in
10 the quality of construction, this type of thing, I do not
11 recall any adverse impacts.

12 MR. REIS: Mr. Chairman, a short time ago I was
13 handed a note that there's some emergency at the office that
14 I ought to call for. Can we have a five-minute recess?

15 CHAIRMAN SMITH: Yes. We'll take ten minutes.

16 (REcess.)

17 CHAIRMAN SMITH: Are we ready, gentlemen?

18 BY CHAIRMAN SMITH:

19 Q Do you have a change?

20 A (Witness Brownlee) Yes. The change is on page 11.
21 The question is at the middle of the page. The answer to
22 that is changed. The question is:

23 "What is CP&L's QA/QC program on a
24 corporate level to assure the proper construction
25 at Shearson Harris?"



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The answer is:

"The manager, Corporate QA Audit Group, who reports to the vice president of System Planning and Coordinating Department, who in turn reports to the Executive Vice President and Chief Operating Officer, is responsible for auditing of all QA program activities within CP&L, to include Engineering, Construction, and Quality Assurance.

"The manager, Engineering and Construction QA will perform audit functions of the site, the architect-engineer, the Nuclear Steam System Supplier, vendors and suppliers.

"Upper level management reviews these reports and has obtained timely actions where required."

Q Any other changes?

A No, sir.

Q On page 16, the last answer on the page, referring to the qualifications of the discipline oriented inspectors, engineers, and QA audit and survey personnel, against what standards do you measure their qualifications?

This is page 23. What did I say? 16? It's page 23. It's the last answer on the page.

A (Witness McFarland) ANSN 45.2, which is the standards of a number of QA programs subscribed to by the

WRBeb6

1 American Nuclear Society. There is one of the daughter
2 standards there which has the requirements for QA personnel.

3 Q Are those part of the tech specs?

4 A (Witness Murphy) You do not have the tech specs
5 for the plant under construction. The commitments of the
6 licensee relative to the quality assurance people will be as
7 a part of their commitments in their SAR.

8 A (Witness McFarland) The SAR, as Mr. Murphy
9 stated, plus the corporate QA manual procedures and instruc-
10 tions. These are sublevels of implementing procedures and
11 in these they refer to such things as the American Society
12 of Mechanical Engineers or the American Nuclear Society or
13 other standards which are adopted industry-wide.

14 Q You mean these standards are incorporated in
15 their commitments?

16 A In their corporate documents.

17 Q And these are universally recognized as adequate
18 standards in the industry?

19 A (Witness Murphy) Yes, sir, and by the NRC. The
20 NRC and our standards people, the Office of Standards Develop-
21 ment are deeply involved in the development of these standards,
22 sir, and standards can be adopted both as a part of the
23 regulations; 50.55A would be one reference.

24 They are also referenced in Regulatory Guides as
25 being acceptable levels to which the licensee's performance --

WFFeb7

1 acceptable levels that licensee's performance can be judged
2 by.

3 Q On page 24, the answer to the first question:

4 "Do the CP&L people who handle these
5 problems have the authority and ability to cor-
6 rect the problems?"

7 I don't think that that's a responsive answer.
8 Can you work on that a little bit? The answer is:

9 "Procedures are provided for corrective
10 action to be initiated and resolved by personnel
11 and/or groups that had the initial responsibility.
12 QA routinely verifies the corrective action
13 program."

14 A Sir, I think we can simplify that answer somewhat
15 by substituting the one word, "Yes."

16 Q Do you want to substitute or add?

17 A Well, we can add the word "Yes" and have the other
18 as an explanation.

19 Q On page 35, in the last answer, the third sentence
20 beginning:

21 "The solution of this problem more
22 reflects on the ability and willingness of the
23 licensee's engineering, supervisory and manage-
24 ment staff to appreciate and solve the inherent
25 technical problems that arise during an undertaking

NRBab8

1 like the construction of a nuclear power plant."

2 Now you use the word "reflects." Does it have any
3 connotation of favorable or unfavorable, or just a neutral
4 term?

5 A (Witness Bryant) The connotation was favorable,
6 sir, "positively reflects," deleting the "on."

7 Q At the top of page 47, I've seen this term used
8 before where you say:

9 "These non-compliances were random
10 in nature and were not indicative of failures
11 in CP&L's management."

12 Does that just mean that the absence of a pattern
13 itself is a favorable indication of management capacity?

14 A (Witness Murphy) The lack of a pattern can be
15 one measure of management's ability. That would not be the
16 only one, sir.

17 Q Well, how about a large volume of random non-
18 compliances?

19 A A large volume of random non-compliances would
20 give us very great concern. To us that would be indicative
21 that the QA program itself was not functioning properly.

1g

1 Q So we can say the number and the random nature
2 of non-compliances were not indicative of failures in manage-
3 ment?

4 A That is a true statement.

5 Q And on page 48 you state that CP&L is implement-
6 ing a new site QA/QC program and procedures. And the
7 procedures -- you use the present tense -- are being written
8 and reviewed by QA personnel who have Brunswick or other
9 nuclear plant construction experience.

10 My question is, Is this timely? In the meantime
11 construction is proceeding.

12 A Sir, we do not require that a utility have a
13 procedure until a short period of time ahead of the actual
14 need for that procedure.

15 Q So the answer is it is timely?

16 A It is timely, yes, sir.

17 A (Witness McFarland) I believe the third sen-
18 tence in the answer also helps to explain some of the timeli-
19 ness. It says-- Procedures are somewhat similar to what was
20 used in other projects and are available to the CP&L library.

21 Q I'm sorry; that's the third sentence in the
22 answer?

23 A Yes. "Procedures are written to implement
24 and verify Ebasco specifications and SAR commitments."

25 Q I see.

wb2

1 A So that's for the Harris project. It takes some
2 past history or similar procedures from their own or other
3 projects, and they pull that together for the Harris project
4 using the Ebasco specifications and their own SAR commitments.

5 Q Okay.

6 On page 49, in the first answer, the limited work
7 authorization -- the exemptions were authorized on January 14,
8 1974. What did you inspect beginning February 11th, 1972?

9 A The earliest inspections were with regard to core
10 borings, slit trenches, and so on.

11 Q So these were site suitability inspections more
12 than construction inspections?

13 A (Witness Murphy) They would include site
14 suitability types of activities.

15 We also began our inspections of the QA program
16 at that point in time.

17 Q Along that line, perhaps you noticed in our
18 initial decision a footnote. We expressed some concern that
19 the exemption granted in January '74 anticipated a total
20 amount of work of 4.5 million, anticipating maximum redress
21 of 1.5 million dollars.

22 We stated in that footnote that it was our
23 impression that work had far exceeded that amount. Of course
24 we had no way of measuring it, but just looking at that big
25 hole in the ground we just thought there was more than that

wb3

1 invested.

2 What was your impression of that, Mr. Murphy?

3 A Sir, at that point in time I don't believe that
4 I was a member of the branch, and would have no direct know-
5 ledge of it. But it would not be the type of activity that
6 the members of the branch would be examining in any case, I
7 don't believe.

8 Others on the panel may have some comment.

9 A (Witness McFarland) We very rarely, I can just
10 about say never, make any evaluation on dollar amounts,
11 especially on a thing like this.

12 I remember inspecting to see that they did not
13 exceed the authority and make dams or buildings or do some-
14 thing which was outside the exemption. But we made no attempt
15 to make any evaluation of the dollar value of the work con-
16 ducted.

17 Q You just simply weren't concerned about it?

18 A Right.

19 Q So when CP&L came in with a commitment that they
20 would limit their work under the exemption to 4.5, that was
21 not a commitment that was put on. As far as you know, there
22 was no unit of the NRC which followed that through to see
23 that that commitment was adhered to?

24 A (Witness Murp To my knowledge, there is no
25 unit that would have followed that through. Again, NRR may

wb4

1 be able to offer some enlightenment.

2 MR. TROWBRIDGE: Mr. Chairman, if I may: My
3 memory may be poor, but to my recollection -- which may be
4 wrong -- there certainly was a physical limitation on the
5 amount of work that could be done. I don't recall there was
6 a dollar limit associated with that. There were certainly
7 assurances that if we didn't get a permit that the site would
8 be redressed. The figure, I believe, was about 4.5 million.

9 CHAIRMAN SMITH: The redress was 4.5.

10 In the initial decision it was copied directly
11 from the application. I'll bet you Mr. Erwin might have
12 memory of this, too, because he caused the hearing to come
13 about. This was before I was on this Board. And that was
14 one of his concerns. Maybe his memory might be helpful.

15 My memory is that in the application for the
16 exemption there was a statement that the work anticipated--
17 Let's get the exact amount.

18 MR. TROWBRIDGE: Maybe we can come back to this.
19 My memory is, the Board's footnote, as I read it, was
20 correct. I think we have that decision somewhere here.
21 Why don't we come back to this?

22 CHAIRMAN SMITH: I think this is a good time for
23 it.

24 The initial decision is bound in Volume 2 of
25 Board Exhibit 10, and there's a footnote.

wb5

1 MR. REIS: On page 196.

2 CHAIRMAN SMITH: On page 196, Volume 2, Exhibit 10.

3 And we stated "Applicant estimated the cost of exemption
4 activities to be about 4.5 million (then 1/3 of 1 percent of
5 total plant cost) with redress possible at about 1.5 million."

6 Now you're correct, Mr. Trowbridge, there's nothing
7 I could find in the exemption granted which would require
8 the applicant to stay within that expenditure.

9 But my question is, the one I'm leading up to is,
10 What happens to a commitment that has not been included in a
11 mandatory requirement?

12 MR. ERWIN: If I may comment, Mr. Chairman:--

13 My memory is there was testimony in October of
14 1977 to the effect that as of October of 1977 -- again, this
15 figure was more than the construction activities. But the
16 figure was something in the neighborhood of, if I remember
17 right, \$377 million.

18 CHAIRMAN SMITH: Exactly right.

19 In the prospectus, in the CP&L prospectus there
20 was a large amount of money demonstrated being spent.

21 MR. ERWIN: We have a submission by Mr. McDuffie
22 at this point that 540 million dollars have been expended, and
23 about 240, I believe -- these are rough approximations --
24 240 million dollars have been, in contractual obligations have
25 been undertaken to this date. But, again, the figure that I

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1 remembered in testimony in October of 1977 was 377 million.

2 Now I am roughly familiar with the land acquisi-
3 tion cost of the project and I don't think-- I think your
4 observation --- that your impression as you put it in Footnote
5 5 corresponds exactly with my impression.

6 CHAIRMAN SMITH: Now in fairness, the amount of
7 money spent at that time included the reactor vessel and
8 everything sitting out there at the site. There was nothing
9 in the evidence I could find, and I looked for it, which
10 would actually measure the amount of construction activity.

11 Well, we'll have opportunities to inquire about
12 that of CP&L management, I would suppose.

13 MR. TROWBRIDGE: I think the estimate was for
14 construction work, not the equipment purchases.

15 CHAIRMAN SMITH: Yes, that's right.

16 MR. TROWBRIDGE: Also, when the Board observed
17 the site, I think the Board will recognize there was a
18 considerable hiatus in the construction of the Harris Units
19 and a very large amount of equipment arrived on site during
20 that period.

21 CHAIRMAN SMITH: I'm not talking about equipment.

22 MR. ERWIN: And in all fairness, Mr. Chairman,
23 I believe that the applicant had requested that it receive
24 permission to do certain activities beyond the scope of the
25 original exemption prior to the time in order to preserve --



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1 CHAIRMAN SMITH: That was a very limited amount
2 that was to-- That's not what I'm talking about. I'm talking
3 about the hole.

4 MR. ERWIN: That would have been an expense which
5 would have been in addition to--

6 CHAIRMAN SMITH: I think that was an observation
7 to be made, in fairness.

8 Well, we'll ask about that. Mr. Jones, I had that
9 down for your third set of witnesses, to inquire about that.

10 MR. JONES: Mr. McDuffie will be prepared to
11 address that.

12 CHAIRMAN SMITH: I would appreciate it.

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1 BY CHAIRMAN SMITH:

2 Q On page 53, the first question there is:

3 "Do you believe that CP&L and its constructor
4 will continue to have sufficient, properly trained
5 management and QA/QC people in the construction of
6 Shearon Harris?"

7 Now, your answer isn't responsive here. You say
8 they have the resources to do it and you'll watch them, which
9 I understand, but --

10 A (Witness Murphy) We should precede that by the
11 word, "Yes."

12 Q At page 54, again, in the first answer, the first
13 sentence, the word "subjective" comes up again. This is
14 specifically your earlier observations about making subjective
15 professional judgments -- this is on page 54, the first
16 sentence of the first answer.

17 A Yes, sir. That's correct, sir.

18 Q Okay. On page 55, this is another qualified
19 answer, which is hauntingly familiar with the problem that
20 has brought us back. The answer to that question is not
21 responsive.

22 "Do you have any remaining concerns on the ability
23 of CP&L to construct Shearon Harris properly?"

24 Oh, we got that. I'm sorry. We got that yesterday.
25 Very well.

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2 Gentlemen, have you had an opportunity to read
3 the Applicant's testimony, particularly the testimony of
4 Mr. McDuffie?

5 A I have read it, sir, very rapidly. I did not
6 spot anything that would hit me in the face from a rapid
7 reading as being something that I would disagree with.

8 I have not had the opportunity to really study
9 it.

10 Q Does anything occur to you that you might
11 recommend to the Board from your reading of that?

12 A I think, sir, that going back to my comments
13 regarding the qualms about the staffing of Shearon Harris,
14 that there are people in temporary slots, and I recognize
15 the need for the immediate filling of some of these slots
16 with contractor personnel, and so on and so forth.

17 But I do believe that CP&L should be taking such
18 actions, and they're indicating they are by their recruitment
19 program, to get these positions filled such that there is
20 not even the appearance of a conflict of interest.

21 We will be pursuing the matter in our day-to-day
22 inspections, but it would be well to know that CP&L has
23 made some real commitment to put their permanent personnel
24 into these positions.

25 Q Okay. You recognize that you probably have a
rather unusual opportunity here. You have a direct pipeline

1 to the top management of CP&L, and I think that they will
2 pay attention.

3 A Yes, sir. I think in my earlier testimony I had
4 said that I had talked to top CP&L corporate executives on
5 this. I should modify that to say managers, I believe,
6 because I don't recall a specific executive. But I do
7 appreciate the opportunity to bring it to their attention
8 now, that we will be reviewing these areas, we will be
9 looking at those people that are wearing more than one hat,
10 to see that they are properly and adequately covering the
11 positions that they are occupying.

12 Q Will you be reviewing the testimony of the
13 Applicant's witnesses?

14 A I intend to be here for that part of the hearing,
15 yes, sir.

16 BY DR. LEEDS:

17 Q Should we consider making that a condition?

18 A (Witness Murphy) No, sir. Because if we see any
19 problem in this area, I can assure you that we will take the
20 enforcement action that would be necessary to get the
21 corrective action.

22 Q What would you do?

23 A We have several recourses to do this.

24 If there is a conflict of interests where the
25 person actually is not performing the work, then we can

1 identify a non-compliance, and the severity of the non-
2 compliance, of course, would determine the extent of our
3 enforcement actions.

4 These could be from the management discussions
5 with them, as at the lower levels; it could be reaching
6 understandings, confirmed by immediate action letters, that
7 certain actions would be completed or taken; and then if we
8 still had further problems with staffing, then I would
9 recommend to my management that we get an order from our
10 top management such that activities could not be carried out
11 where the activities were not being controlled as they should
12 be controlled.

13 BY MR. BRIGHT:

14 Q Gentlemen, I think my concern is in a little
15 different area.

16 How many reactors under construction are there
17 in Region. II?

18 A (Witness Murphy) I believe, sir, that there are
19 34 reactors under active construction.

20 Q 34?

21 A Yes, sir. That's not different facilities. Those
22 are reactor units.

23 Q 34 reactor units?

24 A Yes, sir.

25 Q So actually the addition of a 4-unit -- to what it

1 was previously -- a 4-unit Harris, is not, percentagewise,
2 such a big jump?

3 A No, sir. And the 34 does include Harris, of
4 course.

5 Q Yes.

6 A And I think I discussed earlier, briefly, with
7 the Board that I had increased the number of my staff this
8 year. I have discussed with my director further increasing
9 the staff to meet the requirements as we anticipate them,
10 and I have my director's approval to pursue getting the
11 positions that we need.

12 Q That's what I really wanted to address, about
13 whether this is going to cause a strain on you. I like
14 statements such as, "We will do this," or "We will do that,"
15 but it becomes very difficult if you don't have the horses
16 to pull the load. And I was just curious as to whether this
17 is being adequately taken care of, in your opinion.

18 I certainly don't want to pin you to the wall,
19 or put you in an awkward spot with the management. I've
20 been there, and it's hard.

21 A I can give you a specific, in that if my remaining
22 supervisor back at Atlanta were not in the hospital this
23 week, he would be preparing a position description for a
24 new person in his section.

25 CHAIRMAN SMITH: So if you come here and you tell

1 us that you have a lot of people, the Office of Management
2 and Budget takes them away from you. So you have to have
3 exactly the right amount to do it.

4 (Laughter)

5 WITNESS MURPHY: Sir, I have never seen the day
6 when I considered that we were overstaffed.

7 MR. BRIGHT: That's a common feeling.

8 CHAIRMAN SMITH: Are there any further questions
9 of this panel?

10 (No response.)

11 Gentlemen, thank you very much. You are excused.

12 (Witnesses excused.)

13 Mr. Brownlee, I'll ask if you'll remain and
14 become a part of Panel III.

15 MR. REIS: I take it that Mr. Bryant, Mr. Herdt,
16 and Mr. McFarland may leave?

17 CHAIRMAN SMITH: I see no reason why they
18 shouldn't. They're excused.

19 MR. REIS: Mr. Chairman, at the beginning of this
20 hearing you did make some remarks about the order of
21 appearance.

22 I don't know whether it was a feeling of the
23 Board that it be done, or a suggestion, or, but I would
24 sort of like to call Mr. Wessman now, so we can move him
25 through at this point, if it's all the same with the Board.

1 CHAIRMAN SMITH: Yes. We don't have very much
2 for him, so we can take him and get him on his way, if you
3 wish.

4 MR. REIS: That's what I hope we can accomplish.
5 Whereupon,

6 RICHARD WESSMAN
7 was called as a witness by the Board and, having been first
8 duly sworn, was examined and testified as follows:

9 CHAIRMAN SMITH: Since you didn't offer him, do
10 you want to make him a Board witness?

11 MR. REIS: Yes. I have no questions of him, and
12 I was just going to ask him his name and turn him over.

13 EXAMINATION BY THE BOARD

14 BY CHAIRMAN SMITH:

15 Q What is your name, sir?

16 A My name is Richard Wessman.

17 Q And what do you do?

18 A I'm a reactor inspector in the Region II office
19 of the Nuclear Regulatory Commission, in the Operations
20 Branch.

21 Q Mr. Wessman, the Office of Inspection and Enforce-
22 ment in their report, Volume III, which is Board Exhibit 11,
23 has a report of an interview with you, beginning at page 113.

24 I'm sorry. That's the Office of Inspector and
25 Auditor, Board Exhibit 11.

1 The report of your interview begins at page 112.
2 Have you read that?

3 A Yes, sir, I have. I believe the one correction
4 was already identified, that the spelling of my name is
5 W-e-s-s-m-a-n, throughout that page.

6 Q Then, beginning at page 113 is your memorandum to
7 Mr. Dance dated February 14, 1977.

8 A Yes, sir.

9 Q Let me ask you about the report of interview.
10 You made one correction, but other than that, can
11 you adopt it as your testimony? Other witnesses had trouble
12 adopting it as testimony. Do you see anything incorrect
13 about it?

14 A No, sir, I do not.

15 Q Is there anything you'd like to add?

16 A I have nothing to add to that page.

17 Q Or comment upon in any way? You just want to
18 state that the report of the interview -- that you've had
19 an opportunity to comment on it.

20 A Understood, sir. I have no comment on that page.

21 In preparing for this session, I did read other
22 documents, and have two corrections I would like to identify.
23 Is it appropriate to bring them to you at this time?

24 Q Yes, I think this would be the best time for that.

25 A In Board Exhibit Number 9, which is Volume I of

wel . 9

1 the summary report of the OIA inquiry, I direct you to page
2 number 7. In the last paragraph of that page there are
3 several items that are attributed to my inspection.

4 Item number 3, which states:

5 "plant management was arranging BWR Senior
6 Reactor Operator's (SRO) training,"

7 There is no evidence of this item number 3 in my inspection
8 report, and I would recommend that that sentence which is
9 attributed to me be deleted.

10 Q As a matter of fact, in your inspection report
11 there was an observation to the contrary?

12 A Yes, I believe that's correct.

13 Q This observation has popped up elsewhere, and I've
14 not been able to really identify the source of it, unless
15 it's something that started after your inspection. Do you
16 know?

17 A No, sir, I do not.

18 One other correction which I would offer to you
19 relates to this memorandum of mine dated February 14, 1977.

20 Q All right. This appears in the record several
21 places. Let's make one official place for it, and that's
22 on page 113 of Board Exhibit 11.

23 A Yes, sir. On page 114 of Board Exhibit 11, item
24 2.g., the statement appears:

25 "Nine of the senior supervisory positions are

wel 10

1 identified as SRO License desirable."

2 That was an error on my part when I wrote this
3 document.

4 There are only eight positions identified as
5 SRO license desirable, and one position identified as RO
6 license desirable, for a total of nine license desirable
7 positions.

8 Q The qualifying language there being senior
9 supervisory positions?

10 A That's right.

11 Q Because in Figure 6.2-3 there are more than a
12 total of nine RO positions desired.

13 A In actuality, in Figure 6.2-3 there are eight
14 positions identified as SRO license desirable, one position
15 identified as RO license desirable, and I believe one other
16 position identified as RO or SRO license required.

17 It also identifies shift personnel who have SRO
18 or RO license required:

19 Q Do you have the testimony of Panel III available?

20 A No, sir, not in front of me.

21 (Document handed to the witness.)

22 Q As an attachment, Appendix C to that testimony,
23 there's a table entitled Brunswick Organization, Figure
24 6.2.2-1. Does that contain the same information as Figure
25 6.2.3?

wel 11

1 A No, sir, it does not.

2 Q What's the difference?

3 A Figure 6.2-3 is an organization chart showing
4 site-specific information for the Brunswick plant. This
5 Appendix C that you've referred to I believe is also
6 extracted from the technical specifications for the Brunswick
7 plant, and shows the corporate organization that is behind
8 the plant organization.

9 Q Okay. But on the number of senior supervisory
10 positions would the information be the same as to the
11 requirements or desirability of SRO and RO? I'm working from
12 this one, because this happens to be one that I have, and
13 I don't know where 6.2.3 is.

14 MR. O'NEILL: Excuse me, Mr. Chairman. I think
15 we have a problem with Appendix C again. He said that was
16 the corporate organization, which would be the third page
17 of Appendix C, which is also Figure 6.2.1-1.

18 But the first page of Appendix C, I believe, is
19 what you're attempting to ask the question about.

20 CHAIRMAN SMITH: Yes, right. The figure that
21 I'm talking to is the first page attached to the testimony
22 of Panel III, the first page of Appendix C, and it is clearly
23 site specific.

24 THE WITNESS: Yes. And I believe that is the
25 same organization chart to which I was referring in my memo

wel 12

1 of February 14, 1977.

2 BY CHAIRMAN SMITH:

3 Q Okay. Well, let's make sure that we understand
4 which persons -- or where SROs are desirable. Let's just
5 name them.

6 A Yes, sir.

7 Referring again to this first page of Appendix C,
8 the positions that have SRO license desirable are the QA
9 Supervisor, the Operations Maintenance Superintendent, the
10 Maintenance Supervisor, the Environmental and Radiation
11 Control Supervisor, the Technical and Administrative
12 Superintendent, the Engineering Supervisor, the Administrative
13 Supervisor, and the Training Coordinator.

14 Q Where is the Training Coordinator?

15 A He reports to the Administrative Supervisor.

16 Q Then the operating SRO supervisor is required?

17 A That is correct.

18 Q There's no asterisk appearing there.

19 A That's correct.

20 Q And then the Shift Foreman is required SRO?

21 A That is correct.

22 Q But you didn't include him because that is not
23 the senior --

24 A I did not consider him one of the members of the
25 senior management personnel of the site organization.

wel 13

1 Q This is also true of the control operators and
2 the operators?

3 A That is correct.

4 Q Where is the RO that you referred to, engineering
5 technician over there?

6 A Yes, sir.

7 Q And that is the difference in your testimony?

8 A That is the item that I'm correcting from my
9 February 14, 1977 memo.

10 Q On that page in the margin at the left are some
11 handwritten notes. I can't read them, but --

12 A I'm sorry, which page are you referring to?

13 Q Page 114, where you corrected your testimony.

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A I do not know what those hand-written writings are myself. That is not my writing.

Q Did you keep any drafts or notes or anything, any other records that might be helpful to the Board in respect to this inspection?

A No, sir, I did not.

Q On page 4 of your memorandum of February 14, 1977, you made an evaluation and you said it's your opinion that staff training could be increased and a deeper involvement in day to day activities are merited, although you recognized they meet ANSI N18.1 - 1971.

WThe training that you're talking about was achieving more operating licenses?

A That was a portion of the training to which I refer to -- this was itemized there in section six, that to obtain more of this SRO level training to correspond to the SRO license desired assertion provided in this figure of Appendix C that we have previously discussed --

Q In fact you say specifically recommended was that they obtain SRO level training for a greater percentage of the supervisors of the staff.

A Yes, sir.

Q What authority did you have to make that recommendation to CP&L?

A I had no authority. It was not a regulatory

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1 requirement. I merely was pointing out to them that it
2 appeared that it was identified as desirable in their own
3 technical specifications which they have submitted to NRR,
4 and NRR had subsequently approved and issued as a plant
5 technical specification.

6 Q Do you feel that you were acting within the
7 scope of your employment to make that recommendation?

8 A Yes, I think I was.

9 Q The same would also be true with the other
10 specific recommendations you made?

11 Now you weren't just making friendly advice to
12 the guys down at Brunswick?

13 A No, sir.

14 Q You were performing your duties as you saw?

15 A Yes, sir.

16 Q And I didn't give you a chance to answer that
17 question:

18 The same would be true with respect to the
19 other recommendations that you made:

20 "increase level of BWR technical training."

21 I'm still reading from page 4.

22 A Yes, sir.

23 BY DR. LEEDS:

24 Q Mr. Wessman, let me ask you, what have you been
25 doing lately since February -- since Valentine's Day, 1977?

mpb3

1 A For the past three years I have been the lead
2 reactor operations inspector in charge of inspecting pre-
3 operational test activities at the Sequoia Nuclear Plant,
4 which is a TVA facility. Also during that period for one
5 year between September '77 and August '78, I was the project
6 inspector responsible for all inspection activities being
7 conducted at the Crystal River Nuclear Facility.

8 Q Could you give me a little bit of your background?
9 We don't have a resume on you, just a little brief....

10 I don't think we do, do we? It looked like we
11 should have had one.

12 A I do.

13 Very briefly let me summarize, then, if I may.

14 Q Please.

15 A I am a product of the nuclear Navy, having
16 five and a half years aboard nuclear submarines. Subsequent
17 to the nuclear Navy, I received a masters degree in nuclear
18 engineering from the University of Washington. I worked for
19 Babcock and Wilcox in the test and start-up activities at
20 B&W Nuclear Supply Systems for about four years.

21 And then in 1974 I joined the NRC at the Atlanta
22 regional office, subsequently receiving a masters degree in
23 business at Georgia State. I'm also a licensed professional
24 engineer.

25 Q All right.

mpb4

1

So you have a masters degree in business?

2

A

Yes, sir, a masters degree in business administra-

3

tion.

4

Q

All right, MBA.

5

So you have, then, technical training to evaluate

6

the management, is that correct?

7

A

To some degree, I would say yes.

8

Q

Is this your one and only experience with

9

evaluating the management at CP&L?

10

A

Yes, sir.

11

Q

Have you -- strike that, please.

12

Having had a variety of experience and academic

13

training in a variety of areas also, do you feel it's

14

possible to compare the performance of two companies or

15

each one has to be done individually, as they've told me

16

so many times?

17

A

Yes, I think it's possible. But let me amplify,
if I may.

18

19

I think I agree with some of the previous testi-

20

mony in this area that it is very difficult to compare

21

management between different organizations in that they may

22

be done differently. The size of the organizations may be

23

different, the conduct of their affairs may be different.

24

The requirements imposed upon them at the maturity of the

25

organization all contribute to differences in the management

mpb5

1 of the organization that you may be looking at.

2 This makes it very difficult to render a direct
3 comparison between two organizations.

4 Q Okay.

5 The Chairman reminded me that my question was
6 not precise. He said any two companies--I was thinking of
7 companies--which had -- who were either applicants or licensees
8 for nuclear power plants, commercial nuclear power plants.

9 And I assume your answer was directed towards
10 that, is that correct?

11 A Yes, sir.

12 Q Do you have any recommendation to the Board
13 insofar as items that we should pursue either with the
14 company or with witnesses from the Commission to determine
15 the adequacy of the management capability of the Carolina
16 Power & Light?

17 A No, sir, I do not.

18 Q Do you have anything else to recommend to us?

19 A No, sir.

20 BY CHAIRMAN SMITH:

21 Q On page 2 of the memorandum, under G, that last
22 final sentence there:

23 "Only one of these supervisors has a
24 SRO licensee..."

25 I think it's a typo there. You mean:

mpb6

1

"Only one of these supervisors has an

2

SRO license...."

3

Not licensee?

4

A That's correct.

5

Q "...and the licensee stated that there

6

were no immediate plans for others to obtain

7

an SRO license."

8

That is the aspect of the I&A summary report that
you have corrected. This is your memory of the inspection?

10

A That's correct.

11

Q And then that is still your memory of it?

12

A Yes, sir.

13

Q Was there anything about the qualifying word

14

"immediate" in that sentence that we should know about?

15

Were there long range plans that you were aware of?

16

A I am not aware of any long range plans.

17

Q Were you is what I'm asking.

18

A Sir?

19

Q Were you aware of any long range plans.

20

A No, sir. I said I am not aware of any long

21

range plans for obtaining SRO licenses for the desirable

22

positions.

23

Q Well, I guess, then, that necessarily means

24

that at that time also you were not aware of any long range

25

plans.

mpb7

1 A I'm sorry, I misunderstood you. I thought you
2 were referring to that time.

3 Q You're using it in the present tense, and that's
4 what's confusing me.

5 A My apologies.

6 At the time of that inspection I was not aware
7 of any long range plans being made by CP&L to fill those
8 positions with SRO licenses.

9 Q Okay.

10 So in your view, considering the circumstances
11 of that interview, you learned at least that there were no
12 immediate plans. But you think that the circumstances
13 were such that if they had longer range plans they would
14 have brought them to your attention?

15 A Yes, I think they would have.

16 Q And you walked in there and you said, Hey, look,
17 you don't have any immediate plans, and you think they would
18 have said, Well, wait a minute, we have some after a while.
19 That would have been a natural circumstance in that situation.

20 You've already answered that question. My
21 second comment was unnecessary.

22 Do you feel comfortable in appearing before the
23 Board; have any events transpired which make you apprehensive
24 about testifying in this proceeding?

25 A No, sir.

mpb8

1

Q Do you have anything else you'd like to tell us?

2

A No, sir.

3

CHAIRMAN SMITH: Mr. Erwin?

4

CROSS-EXAMINATION

5

BY MR. ERWIN:

.141

6

Q Mr. Wessman, were you here earlier in the day

7

when Mr. Ruhlman and Mr. Kellogg testified?

8

A I was.

9

Q And you heard them characterize CP&L management

10

in their opinion in light of their inspections of CP&L and

11

other plants as average?

12

A I did.

13

Q Would you share that characterization on the

14

basis of your experience within the region in light of this

15

memorandum?

16

A I'm reluctant to characterize them because I've

17

had very little direct contact with CP&L facilities or

18

direct inspection of their facilities.

19

This inspection was a four day inspection conducted

20

two years ago, and I'm not sure that that qualifies me to

21

characterize the CP&L management in any manner.

22

Q I very much appreciate that statement.

23

But you heard Mr. Ruhlman state that he was

24

new to the region as well, but he felt confident to make

25

this characterization. You just don't feel competent to

mpb9

1 characterize CP&L, is that right?

2 A That's correct.

3 Q Okay.

4 And the primary reason is you have only inspected
5 them once, and that was two years ago.

6 A I have inspected them more than once. The last
7 time I inspected at CP&L was this inspection two years ago.
8 I believe I have conducted four or five other inspections of
9 CP&L facilities previous to that time.

10 Q Oh, I'm sorry.

11 If you had been asked the question on February 14,
12 1977, do you have any idea what your answer would have been
13 then?

14 Again, that's purely speculative, obviously.
15 I can respect the fact that in 1979 you may very well feel
16 that you have no present knowledge that would allow you to
17 make such a comparison, but I'm asking on the basis of your
18 four or five inspections in the past whether two years ago
19 at the time you wrote this memorandum you were in a position
20 or felt in a position to make a comparison, and if so, what
21 that comparison might have been.

22 A It's difficult to know what might have been
23 in my mind two years ago, and again I qualify it as specula-
24 tion, to use your words. I think I would characterize them
25 at that point in time, and based upon those four days of

mpb10 1

inspection activity as below average.

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Q I'd ask you to refer to number 5A of your memorandum, item 5A of your memorandum on page three of the memorandum, page 115 of the exhibit.

This is the second full paragraph.

"It is the inspector's opinion that the licensee failed to take adequate corrective action in that no steps were taken to instruct craft personnel concerning changes to a modification procedure."

This is really just more of a question out of curiosity.

When you use the word "licensee" in this memorandum, as you do on occasion, what level of management are you referring to, or does it differ? I mean, you use it a number of times, referring to a manager in one case and a higher-up in another case, or a lower-echelon person.

Again, if you can just -- and this is the one that struck me. There's another one on the next page. But if you would, amplify who you're talking about when you say that.

A In general, throughout this four page memorandum when I refer to the "licensee" I am referring to senior supervisory personnel of the Brunswick facility organization.

Q So that that would also on page 4 at the last

mpb11 1 paragraph of 5B, when you say:

2 "It is the inspector's opinion that
3 the licensee failed to fully analyze the
4 event's cause."

5 You're again referring to the senior supervisory
6 personnel at Brunswick?

7 A That is correct.

8 Q All right.

9 Do you have any -- I thank you very much.

10 MR. ERWIN: I have no further questions.

11 CHAIRMAN SMITH: Applicant -- oh, excuse me.
12 Attorney General?

13 BY MR. GORDON:

14 Q You speak of personnel turnover at the plant in
15 the upper-middle level management.

16 What is the reason for this turnover, do you know?
17 Or were you aware of that at the time you made the inspec-
18 tion?

19 A At the time at which I made the inspection I
20 believe there were several reasons that contributed to this
21 turnover. They were involved in the testing and start-up
22 activities of the Unit 1 facility. There had been many,
23 many weeks, I think, of very long and demanding hours.

24 These long hours perhaps contributed to dis-
25 enchantment by some personnel. Additionally, I believe that

mpb12 1 I have been told that salaries for some of these people
2 did not appear commensurate with the demands placed upon them.
3 Consequently I think there has been some attrition of
4 personnel.

5 The combination of some attrition, the demands,
6 and perhaps some change in organization contributed to this
7 personnel turnover at that point in time.

8 MR. GORDON: No further questions.

9 CHAIRMAN SMITH: Mr. Jones?

10 BY MR. JONES:

11 Q Mr. Wessman, if I may call your attention to the
12 report of the Office of Inspection and Auditor, the report
13 of your interview on page 112 of Board Exhibit 11, which
14 I understand you've adopted as your testimony, the statement
15 is made that:

16 "Wessman advised his input concluded
17 there were "difficulties with CP&L manage-
18 ment" but he did not conclude they should
19 be shut down."

20 You're not intending to adopt this as your
21 testimony to imply here that you gave serious consideration
22 to shutting the plant down as a result of what you found
23 during this inspection in January of 1977?

24 A No, sir, that was not my intent. I had been
25 asked that specific question by one of the OIA representatives,



mpb13 1 that is did I feel that they should be shut down, and I
2 responded negatively. And that's how that sentence appeared
3 in their summary.

4 Q You didn't find concerns that rose to that
5 level, did you?

6 A No, sir, I did not.

7 Q And it's true, is it not, that the report, the
8 initial report of that inspection found no items of non-
9 compliance regarding CP&L's management?

10 A That is correct.

11 Q For the sake of identifying the inspection report,
12 it was, was it not, contained in a letter addressed to
13 Carolina Power and Light dated February 17, 1977, and the
14 inspection report is number 7703?

15 A That is correct.

16 Q It appears several places in the record. One
17 of them that I'm looking at right now is Attachment 7 to
18 Mr. Wilber's prefiled testimony. It has not been received
19 in evidence yet, I suppose, but for identification it can
20 be found at that place.

21 Now it's also true, isn't it, Mr. Wessman, that
22 your memorandum to Mr. Dance dated February 14, 1977, went
23 to Mr. Dance but not to the licensee?

24 A That is correct.

25 Q And the inspection that you conducted in January

mpbl4 1 of 1977 was under somewhat special circumstances, wasn't it?
2 It was specifically to examine CP&L's management capability
3 in response to concerns apparently that Mr. Cantrell had
4 been relaying to his supervisor, Mr. Dance?

5 A That is correct.

6 Q And is it also true that it is the policy of
7 Region II of the Office of Inspection and Enforcement that--
8 I think it's stated by the witnesses on Panel 1 when they
9 were describing the work of this group that they stated in
10 their sworn testimony on page 26 that all problems which
11 an inspector identified during the inspection must be
12 reflected in the report. So any problems that you found
13 during that inspection regarding CP&L's management would
14 be reflected in the inspection report, wouldn't they?

15 A Yes, sir.

16 CHAIRMAN SMITH: Is that the basis of your answer,
17 or is the basis of your answer your memory?

18 THE WITNESS: I'm not sure that I understand
19 the question.

20 Maybe we'd better do this again.

21 MR. JONES: Very well.

22 CHAIRMAN SMITH: I'm only trying to establish --
23 the question put to you is the policy is that all items of
24 non-compliance are put in the report; therefore it would
25 have been put in the report.

mpbl5 1

2 But is there a better basis for you to arrive
at that conclusion, and that is that you remember?

3 THE WITNESS: I have no recollection of problems
4 with CP&L management that were not identified in that report.

5 If I may elaborate here for a minute, Mr. Chairman,
6 because we have both an inspection report which was sent to
7 the licensee, and we have this memorandum of mine entitled
8 The Inspector Evaluation of Brunswick Plant Supervisory
9 Activities, which are two very different documents --

10 CHAIRMAN SMITH: I don't want to get too far
11 ahead of the record because I think I want the question read
12 back.

13 THE WITNESS: Yes, sir.

14 CHAIRMAN SMITH: Would you read back Mr. Jones's
15 question, please?

16 (Whereupon, the Reporter read from the record
17 as requested.)

18 CHAIRMAN SMITH: The response to the question
19 seems to be depending upon you giving assurance that all
20 problems would be in your report because that's the policy,
21 and my question is merely this:

22 Do you also recall that all problems would be
23 reflected in the report, which I would regard as a more
24 reliable basis?

25 THE WITNESS: I do not recall any problems

mpbl6 1

relating to management that were not identified in that report.

2

3

BY MR. JONES:

4

5

6

Q And you basically understand and subscribe to the policy that all problems are to be identified in the report, do you not?

7

A Yes, sir.

8

9

10

Q But in the actual reflection of the report itself there were no violations, no infractions, no deficiencies relating to CP&L management capabilities.

11

A That is correct.

12

13

14

Q And in fact, there were no unresolved items carried in that inspection report regarding CP&L's management capabilities, were there?

15

16

17

18

A There was one unresolved item related to management that was identified in that inspection report. It was unresolved item number 7703/3, which relates to PNSC review of non-compliances.

19

Q All right.

20

Other than that, were there any that you found?

21

A No, sir.

22

23

24

25

Q Regarding the question in your memorandum to Mr. Dance concerning in-plant time on the part of management personnel, was there any mention of that in the inspection report?

mpb17 1

A No, sir, there was not.

2

Q In fact, that observation in the memorandum

3

to Mr. Dance was based on nearly a two week observation,

4

wasn't it?

5

A That's correct.

6

Q And you didn't check at any other time, or for

7

a longer period or on an annual basis or some other period

8

of time?

9

A No, sir, I did not. We do not have an inspection

10

requirement in this area.

11

Q Do you have a Regulatory requirement in this

12

area?

13

A No, sir, not to the best of my knowledge.

14

Q Do you have a rule of thumb that you use in

15

trying to ascertain whether or not particular supervisory

16

personnel are spending enough time in the plant?

17

A No, sir, I do not.

18

Q Now on the issue of the SRO desirable, you did

19

say that this really wasn't a requirement of the applicant,

20

didn't you?

21

A Yes, I did.

22

Q In fact, are you aware of any other licenses or

23

sets of technical specifications which have a similar state-

24

ment in them?

25

A No, I am not.

mpb18 1

2 Q So there are a number of nuclear plants operat-
3 ing without this sort of a statement appearing anywhere in
4 the administrative procedures.

5 Doesn't that logically have to follow?

6 A To the best of my knowledge, that would be
7 correct. However, I do not -- cannot claim familiarity
8 with a number of nuclear plants administrative procedures.

9 Q By that I meant tec specs, excuse me. I'm sorry.
10 I probably misled you with that.

11 A To the best of my recollection, that is correct.

12 CHAIRMAN SMITH: I've lost the trail there.

13 When you said the tech specs of other plants
14 may not contain that statement, what statement?

15 MR. JONES: The statement SRO desirable with
16 respect to plant supervisory personnel.

17 CHAIRMAN SMITH: There may be tech specs -- the
18 import of the question and answer is there may be tech specs
19 at other plants where there are no SROs referred to?

20 MR. JONES: I didn't ask that question. I could,
21 but I think I know the answer, and it would be that all
22 tech specs refer to some SROs because the regulations require
23 that the operating supervisor have a senior reactor operator
24 license. That's my understanding.

25 BY MR. JONES:

 Q Do you agree with that, Mr. Wessman, that

mpb19

1 characterization of the regulations?

2 A Yes, I think that is correct. All licensed
3 plants have the requirement for SROs as part of their shift
4 personnel and generally require the operations supervisor to
5 hold an SRO license.

6 To the best of my knowledge, again, I am not
7 aware of plants that use this term "SRO license desirable",
8 which does not mean that it's required for various other
9 supervisory personnel.

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Q This is unique to the Brunswick plant?

A To the best of my knowledge, it is.

Q To the best of your knowledge.

And, in fact, the Carolina Power and Light Company could amend the technical specifications and remove this language from the technical specifications if they went through the proper procedure?

A They could submit an amendment of this nature. It would be incumbent upon NRR to make the approval and issue the revision to the technical specifications.

MR. JONES: I have no further questions.

FURTHER EXAMINATION BY THE BOARD

BY DR. LEEDS:

Q It occurs to me, Mr. Wessmen, after listening to Mr. Jones, possibly there's a place in the record that's not complete now.

If I look at other plants are there some of the slots which are on the Brunswick chart saying SRO-desirable, do they have SRO without the asterisk, just by themselves, required in that sense?

A To the best of my knowledge, no, they do not.

Q Thank you.

BY CHAIRMAN SMITH:

Q So, on a comparable slot where the tech specs for Brunswick show SRO-asterisk, it just would name the job

wb2

1 and say nothing about SRO?

2 A That is correct.

3 Q Well do you have any information on how it came
4 about that of all these plants that we're contemplating that
5 Brunswick happened to have eight spots where somebody said,
6 Well it's desirable to have SROs on that?

7 A I have no idea.

8 CHAIRMAN SMITH: Well, now, gentlemen, the issue
9 of the SROs required and desired had obvious importance and
10 relevance to this proceeding from the onset. Can anybody tell
11 me where in the prepared written direct testimony this is
12 discussed?

13 MR. JONES: May I confer?

14 (Pause)

15 MR. DANCE: It's in Panel III.

16 CHAIRMAN SMITH: Where in Panel III? I mean the
17 point that was just established here, about the uniqueness
18 of Brunswick.

19 MR. JONES: Mr. Chairman, it does appear in one
20 panels' testimony. It is not in the Robinson tech specs:
21 that's the closest I can remember. It's not in them. And
22 it's stated-- One of the panels stated that.

23 DR. LEEDS: It seems like to me we have a point
24 we ought to chase down. We only have one person from I&E's
25 office, and he stated that the particular chart would have

wb3

1 come from the applicant as proposed tech specs. So that leads
2 me down the path that says maybe the answer resides with the
3 applicant.

4 Would you all chase it down and find it?

5 MR. JONES: We anticipated that we may have to
6 address that question, and we will.

7 CHAIRMAN SMITH: Quite clearly it should have been
8 anticipated, and quite clearly it should have been, in my
9 view, in the written direct testimony. However we'll take it
10 when we get it.

11 MR. JONES: Mr. Chairman, we were wanting to
12 establish here, and I think it has been established in several
13 places, that it has not been a regulatory requirement.

14 CHAIRMAN SMITH: I understand the regulatory require-
15 ment. But what I don't understand is just how it came to
16 pass that we have arrived at this point in the hearing without
17 some explanation of why Brunswick, among all plants, happens
18 to have eight SRO-desirable spots.

19 MR. JONES: I think your point is well taken, and
20 our witnesses will be prepared to address what their intention
21 was when they put that in the technical specifications which
22 the company did in fact write.

23 DR. LEEDS: It sort of surprises me, too, that
24 gotten this far in the Staff's testimony and we haven't-- I've
25 read all that they sent us, and I don't remember this point of

wb4

1 view being discussed. Maybe we wouldn't have gotten to it
2 at all if the Board hadn't asked Mr. Wessmen to appear and
3 if you hadn't gotten into cross-examination thereof of him.

4 MR. JONES: Sooner or later it would have come
5 up in somebody's cross-examination.

6 DR. LEEDS: Okay.

7 CHAIRMAN SMITH: That's an exciting, sort of
8 chancy way to develop a record on an important issue such as
9 this.

10 MR. JONES: Well, we apologize for failing to
11 see the significance that you point out of it, and not having
12 realized earlier that it was more apparent to those other
13 than the applicant. But we will address it.

14 DR. LEEDS: Well his letter certainly emphasized
15 that point, Mr. Cantrell's letter.

16 CHAIRMAN SMITH: Are there any further questions
17 for Mr. Wessmen?

18 MR. REIS: I have a couple of questions, if I may.

XZXZXZ

19 CROSS-EXAMINATION (Resumed)

20 BY MR. REIS:

21 Q Mr. Wessmen, is this a copy of your professional
22 qualifications?

23 (Handing document to the witness)

24 A Yes, it is.

25 Q It's not very long. Can you read it into the

WRB ebl
ls wb4

1 record? I think it's the shortest way to proceed.

2 MR. TROWBRIDGE: Can't it just be copied into the
3 record?

4 MR. REIS: Can we ask that it be copied into the
5 record at this point?

6 CHAIRMAN SMITH: All right. The professional
7 qualifications of Mr. Wessman will be received into the
8 transcript and bound therein.

9 (The document follows:)

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QUALIFICATIONS OF RICHARD H. WESSMAN

U. S. NUCLEAR REGULATORY COMMISSION

REGION II

My name is Richard H. Wessman. My business address is 101 Marietta Street, Suite 3100, Atlanta, Georgia 30303. I am employed by the United States Nuclear Regulatory Commission, Office of Inspection and Enforcement, as a Reactor Inspector.

I joined the Nuclear Regulatory Commission in July 1974. I have participated in approximately 50 reactor inspections, primarily in the areas of preoperational testing and reactor operations.

My present assignment is Operations Branch Project Inspector at the TVA Sequoyah facility (which is in the latter stages of preoperational testing). I have had this assignment for nearly three years. During the period between September 1977 and August 1978, I was the Project Inspector for the Crystal River Unit 3 nuclear facility. My principal duties as Project Inspector are to inspect and evaluate the licensee's performance against the requirements of their license and applicable NRC regulations.

Additionally, I coordinate the inspection effort of other reactor inspectors at my assigned facilities.

I have made approximately 25 inspections as a support inspector at both BWR and PWR facilities. About half

eb2

1 of these inspections focused on quality assurance and licensee
2 administrative controls.

3 I also inspect the two research reactors at the
4 Georgia Institute of Technology.

5 Prior to my employment with the Nuclear Regulatory
6 Commission, I was employed as a senior engineer with the
7 Babcock and Wilcox Company (1970-'74). I was assigned as a Test
8 Program Supervisor for two years and was responsible for test
9 program liaison between Babcock and Wilcox and utilities
10 undergoing preoperational testing of their nuclear facilities.
11 I supervised other test engineers, provided onsite consulta-
12 tion to the client, and wrote facility test/operating pro-
13 cedures. For two years I developed standardized test and
14 operating procedures for use by Babcock and Wilcox nuclear
15 facilities.

16 Prior to my employment with Babcock and Wilcox, I
17 was a U. S. Naval Officer on nuclear powered submarines
18 (1963-69).

19 I received a Master of Science Degree in Nuclear
20 Engineering from the University of Washington in 1970 and a
21 Master of Business Administration Degree from Georgia State
22 University in 1976. I am a Licensed Professional Engineer.
23 I was licensed as a reactor operator on the University of
24 Washington Research Reactor in 1969.

25 I have completed the BWR and PWR classroom and

WRB eb3 1 simulator training during my employment with the NRC.

2 - - -

3 CHAIRMAN SMITH: Mr. Reis I think has some ques-
4 tions.

5 MR. REIS: Yes.

6 BY MR. REIS:

7 Q Mr. Wassman, did the memorandum of February 14th
8 and the inspection report that you previously testified to,
9 identified as 77-03, did they have different purposes?

10 A Yes, they did.

11 Q Can you detail what those purposes were?

12 A The inspection report, I think as previously
13 testified, is the document by which we transmit the findings
14 of an inspection to both the public and to the licensee.

15 The memorandum of February 14th, '77, was an
16 internal NRC document where I sought to transmit my opinions
17 to my supervision.

18 Q In your memorandum of February 14th, the first
19 item you discuss is your survey of guardhouse computer records
20 of the supervisory staff of CP&L and their time in the plant.
21 Is that correct?

22 A That's correct.

23 Q Didn't CP&L ever give a reply or address that in
24 any communication to the NRC?

25 A Not to my knowledge.

eb4

1 MR. REIS: That's all I have.

2 CHAIRMAN SMITH: Do you have any additional ques-
3 tions, Mr. Erwin?

4 MR. ERWIN: Just one brief question, out of
5 curiosity. Again I don't have any idea what the answer is
6 but I'd be very curious to know what it is.

7 BY MR. ERWIN:

8 Q Whether or not the tech specs of other plants
9 call for SROs in the eight positions that they were called
10 for in Brunswick? Are there in fact other plants where the
11 functional equivalents of those jobs are filled by SROs?

12 AGAIN I would understand that Brunswick and CP&L
13 would more than likely have a different organizational struc-
14 ture than another company or another plant, but I'm just
15 curious as to whether in practice, on an average or in a
16 number of plants within this region, for instance with which
17 you might be familiar, if those positions or positions of like
18 responsibility would be filled with SROs.

19 A Each facility's organization is different, and I
20 think in practice there may be two or three of those ten
21 positions that may, by virtue of promotion through the ranks,
22 have a position -- have an individual filling that position
23 who does hold an active SRO license.

24 Q Then it is your testimony that it would be uncommon
25 for eight of them to be filled with SROs?

WRB eb5 1

A Yes, I think it is uncommon.

2 Q So that the reason-- Again, the reason that you
3 put this in your memorandum was simply that it was contra-
4 dicted -- the actuality contradicted the tech specs and not
5 that you considered that there was anything untoward about
6 the fact that the positions were not filled by SROs?

7 A There was not a contradiction to the tech specs
8 from the standpoint of failure to comply with the tech specs.
9 The only contradiction, if you will, is here are eight posi-
10 tions identified as desirable and only one of them filled.

11 Q You said also-- You stated I believe in your
12 memorandum as a recommendation, encourage more in-plant time,
13 and you stated in response to cross-examination that there
14 was no rule of thumb-- You stated on page 113 of your -- of
15 the exhibit, page 1 of your memorandum, that of the four most
16 senior supervisory personnel, two had not been in the plant
17 during this two-week period. The other senior supervisors
18 had been in the plant once, and one had been in the plant
19 twice during this period.

20 Do you consider that that is adequate?

21 A My personal opinion is No, that is not adequate.

22 MR. ERWIN: No further questions.

23 BY MR. GORDON:

24 Q I don't know whether it was cleared up or not on
25 the eight desirables on the tech specs.

WRB eb6 1

2 If you would delete the word "desirable" and you
3 just had the eight positions, do you consider it necessary
4 to fill those positions with an SRO?

5 A You're asking for a personal judgment, and I don't
6 know that I'm entitled to make it.

7 My personal opinion of those eight positions is
8 probably not.

8.160

9 CHAIRMAN SMITH: Anything further?

10 (No response.)

11 Well, Mr. Wessman, thank you for appearing. We
12 appreciate the precision of your answers.

13 (Witness excused.)

14 Do you want to try your luck with Mr. Wilber?

15 MR. REIS: Yes, I would.

16 CHAIRMAN SMITH: Because I know we would not be
17 able to complete Panel 3, but there's a good chance that
18 Mr. Wilber could be finished, but we want to take a short
19 break before that, a five-minute break, please.

20 (Recess.)

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CHAIRMAN SMITH: During the recess Counsel for Intervenor advised me that he has a commitment for tomorrow that he is willing to cancel if necessary, but he asked if the cross-examination of Panel 3 could be arranged for him to go out of order. He's willing to take his chances on cross-examining Panel 3 on reading the transcript. And I told him that would be satisfactory.

That assumes of course that the testimony of Panel 3 will be completed -- will not be completed by Saturday morning -- I mean by Friday morning. And it is my impression that it probably won't be.

You will have to take your chances on that, too.

MR. ERWIN: I understand.

CHAIRMAN SMITH: If we should get done we're not going to bring them back.

MR. ERWIN: I understand. As I say, there won't be a hiatus in representation. Mr. Kirkman, who has previously entered an appearance in this, will be here and if necessary will conduct cross-examination upon Mr. Eddleman's advice, and we will have questions prepared, all ready for Mr. Kirkman.

But I was hoping that I would be able to be here. I thought that they would be here and expected to come to that this afternoon. But we'll take our chances, and I appreciate the indulgence of the Board.

eb2

1 CHAIRMAN SMITH: Are you ready with Mr. Wilber?

2 MR. REIS: Yes.

3 Whereupon,

4 HOWARD WILBER

5 was called as a witness on behalf of the NRC Regulatory
6 Staff and, having been first duly sworn, was examined and
7 testified as follows:

8 DIRECT EXAMINATION

9 BY MR. REIS:

10 Q Mr. Wilber, I show you a copy of your statement
11 of professional qualifications. Have you prepared this?

12 (Handing document to the witness.)

13 A Yes, I have.

14 MR. REIS: I will ask that it be typed into the
15 record as if read.

16 CHAIRMAN SMITH: It is so received.

17 (The document follows:)

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WRB ebl

STATEMENT OF QUALIFICATIONS OF HOWARD A. WILBER
DIVISION OF OPERATIONS INSPECTION
OFFICE OF INSPECTION AND ENFORCEMENT
NUCLEAR REGULATORY COMMISSION

My name is Howard A. Wilber. My business address is Washington, D. C. 20555. I am employed by the United States Nuclear Regulatory Commission, Office of Inspection and Enforcement, as a Senior Reactor Inspection Specialist in the Division of Reactor Operations Inspection.

I was graduated from Ohio State University in Columbus, Ohio, in 1950, with degrees of Bachelor of Electrical Engineering and Master of Science. I am a registered Professional Engineer in the State of Ohio.

In 1950, I was employed by The Detroit Edison Company as an engineer in the electrical system relay performance group.

In 1955, I was sent to the first session of the International School of Nuclear Science and Engineering at Argonne National Laboratory in Illinois.

At the conclusion of the school program, I was placed on leave of absence from The Detroit Edison Company to Atomic Power Development Associates Inc. to work on the development of instrument and controls for the Enrico Fermi Fast Breeder Reactor.

In 1960, I was appointed as head of a task force

WRB eb2 1

that was created to resolve control and instrumentation problems.

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In 1961, I was assigned to the Nuclear Startup Team for the Enrico Fermi Atomic Power Plant to develop test procedures for system and transient tests and then to direct the performance of these tests.

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In 1964, I was appointed temporary head of the Startup Team.

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I joined Power Reactor Development Corporation, owner-operator of the Fermi reactor, in 1965, as Assistant Reactor Engineer with continuing responsibility for the start-up testing and the added responsibility to review fuel programming and perform safety reviews of reactor operation.

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In 1967, I was assigned to the position of Assistant Operations Engineer over the operating staff of the Fermi No. 1 reactor and fossil fuel units on the same site. I obtained a Senior Reactor Operator's license on Unit No. 1 reactor.

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In 1971, I was appointed Operations Engineer for Enrico Fermi Reactor No. 2, an 1150 Mwe Boiling Water Reactor, with responsibility for selecting and training the operating staff. I received certification from General Electric for a Senior Reactor Operator's license on a boiling water reactor after 16 weeks of specialized training.

25

In 1974, I joined the Atomic Energy Commission in

WRB eb3 1 Region II, Atlanta, as a Reactor Inspector in the Facilities
2 Test and Startup Branch.

3 In June 1975, I was appointed the Principal Reactor
4 Inspector for the Brunswick Steam Electric Plant Unit 1 from
5 the Facilities Test and Startup Branch. My duties included
6 verification of the preoperational test program prior to the
7 issuance of an operating license and verification of the fuel
8 loading and power ascension program after licensing.

9 In late 1976, I started inspection of the E. I.
10 Hatch Unit No. 2 preoperational test program while retaining
11 responsibility for the inspection of startup testing at the
12 Brunswick Steam Electric Plant No. 1.

13 In July 1977, I was appointed Principal Reactor
14 Inspector for the Browns Ferry Nuclear Plant and my respon-
15 sibilities for both the Brunswick and Hatch units were assigned
16 to other inspectors.

17 From February 1978 to the present I have held the
18 position of Senior Reactor Inspection Specialist in the
19 Division of Reactor Operations Inspection of the Office of
20 Inspection and Enforcement.

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BY MR. REIS:

2 Q Mr. Wilber, did you prepare testimony for this
3 proceeding?

4 A Yes, I did.

5 Q Do you have a copy of that?

6 A Yes.

7 Q Do you have any additions or corrections you wish
8 to make to that testimony?

9 A Yes, I do.

10 The first correction on the first page, my name
11 is misspelled. It should be W-i-l-b-e-r.

12 On page 5, the first line, the number 4 should be
13 changed to 5, and the word "technical" should be changed to
14 "engineering" so that would then read "5 engineering super-
15 visors."

16 The number 3 should be changed to 2, and it would
17 read "2 maintenance supervisors."

18 Q Do you have any further corrections?

19 A None that I know of.

20 MR. REIS: I ask that the testimony of Mr. Wilber
21 be received into the record as if read in this proceeding,
22 and the attachments to the testimony accompany the record
23 as the Staff exhibit next in line, which I believe is Number
24 18.

25 CHAIRMAN SMITH: We're going to physically

WRB eb2 1

separate them from the testimony?

2

MR. REIS: Yes.

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(Whereupon, the document

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referred to was marked

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as Staff Exhibit 18

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for identification.)

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CHAIRMAN SMITH: The testimony is received.

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(The document follows:)

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ebl 1

Howard Wilber

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Question 1: What do you do and how long have you been in that position?

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Answer: I have been a Senior Reactor Inspection Specialist since February, 1978. My duties include evaluation of problems associated with reactor systems and participation in special review programs.

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Question 2: What did you do before then?

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Answer: In 1974, I joined the Atomic Energy Commission in Region II, Atlanta, as a Reactor Inspector in the Facilities Test and Startup Branch. In June 1975, I was appointed the Principal Reactor Inspector for the Brunswick Steam Electric Plant Unit 1 from the Facilities Test and Startup Branch. My duties included verification of the pre-operational test program prior to the issuance of an operating license and verification of the fuel loading and power ascension program after licensing.

In late 1976, I started inspection of the E. I. Hatch Unit No. 2 preoperational test program while retaining responsibility for the inspection of startup testing at the Brunswick Steam Electric Plant No. 1.

In July 1977, I was appointed Principal Reactor Inspector for the Browns Ferry Nuclear Plant and my responsibilities for both the Brunswick and Hatch units were assigned to other inspectors.

WRB eb2

1 Question 3: What connections have you had in the
2 course of your work with CP&L?

3 Answer: As a Senior Reactor Inspection Specialist,
4 I participated in a September, 1978, review of the equip-
5 ment and procedures required for safe shutdown of the plant.
6 I recently acted as liaison between NRR and LI&E on the
7 evaluation of the Brunswick Units' conformance to the General
8 Design Criteria in the area of containment isolation valves.

9 As a Reactor Inspector, I was assigned the posi-
10 tion of Principal Inspector for preoperational and startup
11 testing of Unit No. 1 at Brunswick Steam Electric Plant. As
12 Principal Inspector, I was responsible for the verification
13 of the preoperation test program prior to the issuance of an
14 operating license and verification of the fuel loading and
15 power ascension program after licensing.

16 I, also, assisted other Principal Inspectors on
17 inspections of Unit No. 2 at Brunswick Steam Electric Plant
18 and Unit No. 2 at the H. B. Robinson Plant.

19 Question 4: Did you ever encounter any concerns
20 with CP&L in the area of Quality Assurance or management
21 capability?

22 Answer: Yes.

23 Question 5: What were they as to H. B. Robinson?

24 Answer: None were identified during my inspections
25 at H. B. Robinson.

WRB eb3

Question 6: What were these concerns to Brunswick?

Answer: As a result of an inspection following an explosion in the off-gas system, it appeared that there were weaknesses in the QA program for Brunswick. These weaknesses were identified in two items of noncompliance to Appendix B of 10 CFR 50. The licensee committed to increasing the plant QA staff so increased QA surveillance could be conducted during the preoperational phase of Unit No. 1 and operational phases of both Units 1 and 2.

See Inspection Report IE 50-324/76-3 Attachment No. 1 and licensee's response of March 17, 1976 (Attachment 2) and May 3, 1976 (Attachment 3).

On a subsequent inspection, I found that documentation supported the fact that performance of only two pre-operational tests had been observed by site QA at the time of the inspection. This inspection occurred towards the end of the preoperational test program of safety-related equipment; the inspection dates were August 30 - September 9, 1976, and the operating license was issued on September 8, 1976. This was discussed with the licensee and noted in an inspection report IE 50-324/76-14 (Attachment 4).

During an inspection on February 15, 1977, I could find no documentation to support the fact that site QA personnel had observed any startup tests during test condition III on Unit No. 1 at the time of the inspection. At that

WRB eb4

1 time the unit was in test condition III which would permit
2 operation up to 75 percent power. This was discussed with
3 the licensee and noted in an inspection report IE 50-325/
4 77-4 (Attachment 5).

5 I was, also, concerned about the turnover of
6 personnel on the plant staff (e.g., 3 Plant Managers, 3
7 Operation Supervisors, 4 Technical Supervisors, 3 Maintenance
8 Supervisors) from the first inspection of personnel quali-
9 fications in July, 1975, to December, 1976. There appeared
10 to be little operating experience in BWR's, other than the
11 Operation Supervisor, among the senior supervisors on the
12 plant staff.

13 Question 7: Did you ever meet with your Super-
14 visor on these concerns involving CP&L's management capa-
15 bility?

16 Answer: Yes -- early in 1977.

17 Question 8: What were your concerns at that
18 meeting?

19 Answer: While I recognized that the personnel
20 met the qualification requirements, I was concerned with the
21 lack of depth in BWR experience on the Brunswick senior staff
22 caused by the turnover and how this lack would impact the
23 plant's staff reaction to an emergency situation.

24 Question 9: What resulted as a consequence of
25 that meeting?

WRS eb5

1 Answer: My supervisor assigned an inspector to
2 perform an appraisal of the staff qualifications. This
3 appraisal is documented in a memorandum (Attachment 6) and
4 Inspection Report IE 50-324/77-3 (Attachment 7).
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1 CHAIRMAN SMITH: If there are no objections,
2 Staff Exhibit 18 is also received as such.

3 (Whereupon, Staff Exhibit 18,
4 having been previously
5 marked for identification,
6 was received in evidence.)

7 MR. REIS: I have no further questions.

8 CHAIRMAN SMITH: Mr. Wilber, have you been present
9 when we discussed with other witnesses the distinction between
10 testifying on Staff positions and testifying concerning your
11 own statements as you perceive the truth to be?

12 THE WITNESS: Yes.

13 CHAIRMAN SMITH: You understand that you are
14 expected to testify as to what you perceive the truth to be.

15 THE WITNESS: Yes.

16 CHAIRMAN SMITH: However, you are also free to
17 testify as to the Staff's position, but it should be identi-
18 fied as that if it departs from your concept of what the
19 truth is.

20 THE WITNESS: All right.

21 EXAMINATION BY THE BOARD

22 BY CHAIRMAN SMITH:

23 Q There's a report of your interview with the Office
24 of Inspector and Auditor. That's page 82.

25 A I don't believe I have a copy here.

WRB eb2 1

(Document handed to the witness.)

2 Q Pages 25 to 30 and page 82 of Volume 3, which is
3 Board Exhibit 11, the Report of Inspector and Auditor.

4 Are you familiar with those?

5 A Yes, sir, I am.

6 Q Have you read them recently?

7 A Sir?

8 Q Have you read them recently?

9 A I have read a-- I think I've read these. That's
10 why I want to cross-check it, please.

11 (Pause.)

12 Yes, I've read them.

13 Q Are they accurate?

14 A No, sir. Let me find the page. What was it?

15 Q 82.

16 A Yes. This was a telephone conversation.

17 Q Yes.

18 A There is a statement in there that I do not believe
19 I intended. I don't know if it is what I said or not but it's
20 not what I intended; I'll put it that way. And that
21 specifically is that:

22 "He added that the findings in these
23 reports should have 'jumped right out at someone.'"

24 I believe I was then referring to some of the
25 statistics in the testimony and not in my reports. And

WRB eb3

specifically those statistics were that 20 I believe out of
70 items of non-compliance related to either failure to follow
the procedures or failure to have procedures, and this was
in Mr. Dance's testimony which they asked me to read.

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2b

1 Q Are there any other corrections on page 82?

2 A I don't like the words on page 26, but I can't
3 think of better ones, so I'll just let them stand.

4 Specifically, the word "sloppy." I don't believe
5 it should be in there, but, as I say, I will leave it there.

6 Q Well, no, if you think a better word is --

7 A I can't think of a better one right now that
8 describes what I want to say without --

9 Q It's accurate enough, it just isn't your style,
10 is that right?

11 A That's right.

12 CHAIRMAN SMITH: Mr. Erwin?

13 CROSS-EXAMINATION

14 BY MR. ERWIN:

15 Q Mr. Wilber, again, very briefly, so as to establish
16 the background for our discussion, what is your understanding
17 of what happened -- what is an offgas system?

18 A This is, if you will, the system that will take
19 the gases from the hot well in the condenser and send them
20 out the stack.

21 There are other lines feeding into this area, but
22 the specific one I believe that we are referring to here is
23 the one from the air ejectors to the stack.

24 Q What is its importance to the operation of the
25 Brunswick steam electric plant?

1 A Well, it's the way of removing your non-condensable
2 gases.

3 Q All right. And what is important about non-
4 condensable gases?

5 A What is . . .

6 Q Why do you --

7 A They have to go somewhere.

8 (Laughter.)

9 Q Yes, exactly, they have to go somewhere. And why
10 do they -- what is it about the gases that -- what, if
11 anything, about the gases is significant or dangerous?

12 A Are you referring to radioactivity levels? They
13 are radioactive, yes.

14 Q Yes. Fine.

15 Now, we've seen statements in some places that
16 it's an augmented offgas system, and in some places that
17 it's the offgas system.

18 A Yes, sir.

19 Q Is it the offgas system, or is it an augmented
20 offgas system? What is it that we're talking about?

21 A I would have to give you an evolution of, I believe
22 it's General Electric's quote -- offgas -- unquote system.
23 I believe Brunswick has an augmented offgas system which
24 I believe -- and I may be wrong on this -- is a cryogenic
25 system. It's a means of containing this gas, rather than

wel 3

1 putting it up the stack.

2 The older systems went through I believe a 30-
3 minute delay pipeline, and then went out the stack. And this
4 is a system that I believe we are addressing in this problem.

5 Q All right.

6 Now, what is the purpose of the augmented offgas.
7 system?

8 A I would say it has to be to reduce the release of
9 gas.

10 Q To reduce the release of the radioactivity in
11 the gas as well? I guess that follows.

12 A They go together, yes.

13 Q Yes, they go together.

14 Now, is this augmented offgas system in operation
15 at Brunswick now?

16 A I've not been there as an inspector since I
17 believe June, 1977. I have no idea.

18 Q Okay. If it were not in operation, what would the
19 effect of that be upon the operation of the plant, or the
20 levels of radioactivity being released to the atmosphere, or
21 being released beyond the confines of the plant?

22 A I couldn't answer that.

23 Q What happened when this offgas system exploded,
24 just in simple --

25 A Physically what happened?

1 Q Yes.

2 A Well, if the inspection report is correct and the
3 licensee event report is correct, we believe that there was
4 an accumulation of hydrogen gas, which is one of the non-
5 condensables in the system collected in the area called the
6 stackhouse. And it, in turn, was ignited by an arc from
7 a relay and it exploded.

8 Q All right. When it exploded what happened?

9 A You mean what were the physical --

10 Q What did CP&L do about it, and what did the NRC
11 do in response to what CP&L did about it?

12 A I'd like to refer to my inspection report.

13 Q Again, I'm just trying to sort of -- since this
14 is such a substantial part of your testimony, in order to
15 get --

16 A You're asking me about something I looked at, I
17 believe, something like three years ago.

18 Q I understand that, and I'm not asking you to
19 go into any great detail at all, but just a very brief . . .

20 A In the testimony, I believe it's under paragraph
21 3 of Details 1, if we're going directly to the area of the
22 explosion, at 0753 an explosion was reported in the stackhouse,
23 is what my inspection report says. It doesn't say who did
24 that. Perhaps the Licensee Event Report does. I don't know.

25 And at 0800 the fire reported in the stackhouse

1 base on observance of a whiteish smoke coming from the
2 access hatch.

3 The operator then reduced power to the lower
4 limit of the recirculation flow by recirculation flow
5 reduction.

6 The evidence of the explosion determined from our
7 inspection the following day was that the hatch had been
8 blown open. It was a hatch that would open 180 degrees,
9 traverse and then would lie on its back on the concrete.
10 It had been blown open, and I believe the hinges had been
11 damaged on that.

12 There's something about the latch, but I don't
13 recall whether it was damaged or what. I do recall there
14 was something on the latch.

15 There was broken glass from a relay in the
16 basement of what we call the stackhouse -- I'm not sure what
17 they call it, the stackhouse base or stackhouse room --
18 whatever it is.

19 Other than that, I don't know of anything.

20 Q Then the NRC was notified and the NRC -- and you
21 arrived on the scene the next day, is that right?

22 A Yes, sir. With a radiation inspector.

23 Q Now, it's my understanding that that inspection
24 took place -- that the explosion took place . . . was it
25 January?

1 A January 19, yes.

2 Q 1976. And does the record show that an
3 inspection had previously taken place at the Brunswick steam
4 electric plant on the 13th through the 16th of the same
5 month of the same year?

6 A Just a moment.

7 (Pause.)

8 Yes, that's correct.

9 Q And are you aware of any evidence that anything
10 about the augmented offgas system was identified on that
11 date as defective or --

12 A I'm not even sure who performed that inspection.

13 Q And to your knowledge was the offgas -- was
14 anything about the offgas system inspected at that time?

15 A I wouldn't know.

16 Q You were called in sort of as a trouble shooter,
17 would that be an accurate --

18 A I suspect the principal inspector, project
19 inspector I believe they call it now, was perhaps not
20 available, or he would have gone.

21 At that time I was a project inspector on Unit 1
22 for purposes of preoperational testing.

23 Q Okay. Again, what, in summary, did CP&L do
24 about the explosion?

25 A I believe that's summarized also in the report.

wel 7

1 You mean the immediate action and subsequent
2 action?

3 Q Well, let me just short-circuit the process.

4 You were involved with this offgas explosion for
5 some period of time, were you not? In other words, once it
6 took place you were involved with the inspections that took
7 place in response to it?

8 A Yes.

9 Q And you had an opportunity to observe the senior
10 supervisory personnel at the plant and talk with numerous
11 CP&L officials, and so forth, is that right?

12 A Yes.

13 Q Just to get to the bottom line, as briefly as
14 you care to make your statement, what did you conclude about
15 the managerial capability of CP&L in light of this --

16 A Of this specific incident?

17 Q Of this specific incident.

18 A I believe they behaved in a very responsible
19 manner. They set up a task group. I'm not sure that's the
20 title for it, but they had a task group that did a rather
21 in-depth review of it. They found several things that were
22 wrong that could have contributed to the problem.

23 This, in turn, was evaluated by the PNSC, Plant
24 Nuclear Safety Committee, which is, as it should have been.

25 In summary, I think they acted properly.

wel 8

1 Q Are you in Mr. Long's branch?

2 A I used to be. I am no longer. I'm in Bethesda
3 now.

4 Q Were you in Mr. Long's branch when he circulated
5 a memorandum in October of this past year?

6 A No, sir.

7 Q Are you familiar with the memorandum?

8 A Only from looking at it here.

9 Q Do you know Mr. O.J. or D.J. Burke?

10 A Yes, sir.

11 Q Did you by any chance have occasion -- have you
12 had a chance to look at his response to the memorandum from
13 Mr. Long?

14 A I believe I have. I believe that you're referring
15 to his response to Question 4?

16 Q Yes.

17 A Yes, I'm aware of it.

18 Q In response to question 4, which is:

19 "Please discuss any matters relating to the CP&L
20 management or facilities not encompassed by the
21 above questions that might be beneficial to the
22 Board in arriving at their decision."

23 And his answer is:

24 "I would ask CP&L management when Brunswick
25 augmented offgas system will be operable."

1 Would you ask that same question if you were in
2 Mr. Long's branch?

3 A No, sir.

4 Q You don't consider that a question that the Board
5 ought to ask?

6 A The augmented offgas system is a second system,
7 if you will. The system they have is evidently functioning
8 in a proper manner, which I have called the offgas system.

9 Q All right.

10 So which one blew up?

11 A I call it the offgas system. The augmented
12 offgas system, if you were to -- and perhaps it's not in
13 mine. I believe one of the things that they determined in
14 their review was that the blank flanges or plates or
15 something was in the offgas system so that it was out of
16 service.

17 Now, if you wish, I could look through here and
18 find their report, but I believe that this has been
19 documented in their report.

20 Q Do you know what Mr. Burke is talking about
21 when he states in his response to Question 4:

22 "I would ask CP&L management when Brunswick
23 augmented offgas system will be operable."

24 A I believe what he's saying is that it's been
25 there for several -- I guess I can say several years, and

1 it has not been operable.

2 I believe there's been a problem. There are two
3 parallel systems, I believe, there, and one of them -- I
4 think there was a problem of a transfer of material down
5 the line, and I don't know what the status of it is at this
6 time.

7 MR. ERWIN: I have no further questions at this
8 time.

9 CHAIRMAN SMITH: Mr. Gordon?

10 BY MR. GORDON:

11 Q Mr. Wilber, have you participated in any current
12 inspections at the CP&L facilities?

13 A I'm sorry?

14 Q Current inspections at CP&L facilities.

15 A You mean recently?

16 Q Yes, recently.

17 A No, sir, I've not been in the Region since
18 February, 1978.

19 Now, I was at the Brunswick site in September of
20 1978, but it was not to perform an inspection. It was as
21 part of a team from the NRC headquarters, where we were
22 reviewing safe shutdown equipment and procedures.

23 It was not an inspection per se. It was a
24 gathering of information.

25 Q By equipment and procedures, do you mean CP&L's

wel 11

1 equipment and procedures?

2 A Specifically for Brunswick. I believe we
3 specifically addressed Brunswick-1.

4 Q Were these procedures that were drawn by CP&L?

5 A Prepared by CP&L?

6 Q Prepared by CP&L, yes.

7 A Yes, that's right.

8 Q At that inspection, were the procedures drawn by
9 CP&L adequate for the safe shutdown of the plant?

10 A It wasn't an inspection, please, it was a review.
11 We were gathering information. We were not trying to pass
12 judgment on anything. We were gathering information to see
13 what a modern, or more recent, if you will, boiling water
14 reactor was compared to some of the older ones that we were
15 reviewing in a different program.

16 Q Then you have no information on whether CP&L has
17 improved as far as quality assurance?

18 A Since I was an inspector there?

19 Q Yes.

20 A No, sir.

21 MR. GORDON: That's all I have.

22 CHAIRMAN SMITH: Mr. Jones?

23 BY MR. JONES:

24 Q Mr. Wilber, in your prepared testimony in response
25 to the question:

wel 12 .1

"Did you ever encounter any concerns with CP&L in the area of Quality Assurance or management capability?"

you responded that as to Robinson there were no such concerns, but as to Brunswick there were. And you identified the cause of those concerns as being a couple of inspection reports, or perhaps one inspection report, dealing with the offgas explosion you were just discussing with Mr. Erwin, I believe.

A Yes, sir, that's right.

Q And then you went on to say there were two other incidents that caused you this concern, dealing with the fact that preoperational tests had been performed at the site, but not observed by the site QA group, or had not been observed by the site QA group with the frequency that you thought they should have been observed, is that correct?

A That's correct.

Q Now, you cite inspection reports for both of the instances in which you cite failure to observe startup tests as being the cause of your concern.

A Yes, sir.

Q My question to you is:

In either of those inspection reports was there any item of non-compliance found, or was there any violation, infraction or deficiency associated with the failure to

we1 13

1 observe the startup tests?

2 A Specifically with the failure to perform the
3 surveillance of the startup tests.

4 Q That's the thing that caused you concern about
5 CP&L's QA program or management capability?

6 A No, sir.

7 Q Would that not, then, mean that there was no
8 violation or any other non-conformance with a regulation or
9 a requirement of the Nuclear Regulatory Commission?

10 A Literally, yes.

11 CHAIRMAN SMITH: Would you repeat your answer?

12 THE WITNESS: I said literally, yes. That's
13 correct.

14 BY MR. JONES:

15 Q Then you go on to say that another thing that
16 caused you some concern was associated -- I think if I read
17 you correctly -- primarily with the fact that at one point
18 there seemed to be only one person in the management group
19 at the plant who had a senior reactor operator's license,
20 and that was the operation supervisor, is that essentially
21 true?

22 A Yes, sir.

23 Q Now, that is --

24 A Oh, no. No, sir. I'm sorry. Would you repeat
25 your question, please?

1 Q Well, the other thing that caused you concern --
2 and I'm looking, really, at the top of page 5 of your
3 testimony, was that at the time you were observing the
4 plant you said there appeared to be little operating
5 experience in BWRs other than the operation supervisor among
6 the senior supervisors on the plant staff.

7 A Yes.

8 Q And he was the one person who had a senior reactor
9 operator's license, is that not correct?

10 A That is correct, yes.

11 Q And he's the only one who was really required to
12 have a senior reactor operator's license, isn't that right?

13 A That is correct, yes.

14 Q And then you said that following this, as a result
15 of your concerns and Mr. Cantrell's concerns, there was a
16 special inspection of the Brunswick facility, particularly
17 inquiring into its management capabilities, is that not
18 true?

19 A Yes, sir.

20 Q Now, what was the outcome of this inspection
21 report? Were there, as a result of that inspection, any
22 non-compliances found associated with management capability?

23 A No, sir.

24 MR. JONES: Thank you. I have no further
25 questions.

7 Madelon 1
2 mpbl 2
flws WEL

CHAIRMAN SMITH: I want to ask this question
before I forget it.

BY CHAIRMAN SMITH:

Q Where in your testimony do you talk about the
number of SROs?

A Do I?

Q Yes.

A I don't know if I do.

Q I thought there was a reference that you discuss-
ed it at the top of page 5, but I misunderstood that.

Why did you qualify your answer when you said
literally?

A I thought that he said that where SRO licensed
or SRO trained, which to me is a little bit different than
operating experience in BRWs.

MR. JONES: I believe the question you are
referring to was the prior one, relating to the observation
of pre-op tests by QA, site QA people. I think that's the
question which you said literally there was no requirement.

BY CHAIRMAN SMITH:

Q I asked you to restate your answer. You said
literally yes. But to me that's a qualified answer.

A Yes, sir, it was.

Q Could you explain your qualification?

A Yes, sir.

mpb2

1 The acceptance criteria, or my source of
2 acceptance criteria to review QA surveillance of pre-op and
3 start-up testing is their start-up manual, and it is very
4 broadly defined in there. It says they will perform sur-
5 veillance of these tests. It doesn't say when, it doesn't
6 say how many, how frequently. And I thought that two pre-
7 operational tests out of the number they had there was a
8 rather small number.

9 I believe the number of pre-op tests -- this is
10 strictly an estimate -- is somewhere between 80 and 90 tests.
11 And at the time I looked at this I could find records of
12 only two having been witnessed during the performance of the
13 test. And I felt that was a minimal number. Yet it would
14 meet the literal statement of their start-up manual, that
15 they did perform surveillance on tests.

16 BY DR. LEEDS:

17 Q Does that mean that the start-up manual -- well,
18 first, is the start-up manual approved by anybody at the
19 NRC?

20 A No, sir. I believe it's referred to in the FSAR.
21 But I believe the approval of it -- I don't know where the
22 approval of it is. It's within the management of CP&L.

23 I would treat it like a procedure.

24 Q A procedure of CP&L?

25 A An administrative procedure they would have to

mpb3

1 follow.

2 Q Is that a hole, then, in the NRC's program of
3 regulation?

4 A I don't know how it can be closed to address a
5 specific item?

6 Q Sir?

7 A I don't know how you could close this hole, if it
8 is truly a hole, to address a specific item like this.

9 Q Well, what about the requirement that start-up
10 tests would be approved?

11 A By NRR?

12 Q Or somebody in the NRC.

13 A It's possible that they could close it. I
14 don't think I would guarantee that that would close it,
15 though.

16 Q Well, I'm not trying to be tricky with you, sir.
17 I'm not trying to say --

18 A I understand.

19 Q What bothers me all of a sudden is that I have
20 a person with some experience in the field who says Yes, I
21 don't think they reviewed -- the QA people watched enough
22 stuff.

23 A Yes, sir.

24 Q Now the question was asked of you is it a
25 requirement, and the answer, as I understand it from you,

mpb4

1 is no, it is not a requirement because there is no regulation
2 on it.

3 A That's correct.

4 Q And no one approved it. It's not a tech spec
5 or anything like that.

6 A No, there is a part of Appendix B to Part 50
7 which requires a control of testing which this is an out-
8 growth of, a surveillance by a QA/QC function. And I
9 believe that this is what CP&L was addressing when they
10 said that they will perform surveillance of the tests. They
11 say there's nothing specific about it. I can't say -- they
12 did not say that they're going to surveil 25 percent or three
13 percent or any other percentage.

14 Therefore, if they do one they have done it.

15 Q Or if they had done it for five minutes.

16 A That's true.

17 Q Would a reasonably prudent management have
18 required them to do more than just observe two of them?

19 A I'm sorry?

20 Q Would a reasonably prudent management have
21 required observance of more than two of these tests?

22 A This has to be my opinion. I would say yes.

23 Q Well, sure it's your opinion. That's what I'm
24 asking for.

25 A Yes. Especially after the response to the

mpb5 1 items of non-compliance, and I believe it's a "may" response,
2 where they said they were increasing the staff to increase
3 the surveillance of the pre-op and operation of the two
4 units.

5 Q And then they did not.

6 A I can't say they did not. I don't know what
7 they did on the first unit.

8 Q Oh. I see.

9 Let me go to the memo in the Board Exhibit 11,
10 on page 82, from Mr. Foster to the file.

11 As an intelligent file, it can read.

12 A I'm sorry?

13 Q It's page 82.

14 I just have a personal thing. I don't like
15 notes "from the desk of" anybody. I don't have an
16 intelligent desk and I don't write those letters "to the
17 file" because my file can't read.

18 A Okay. I have it.

19 Q You've got it?

20 You made a change in a statement there. I think
21 I wrote it down correctly, that Mr. Wilber added that the
22 statistics in the testimony should have jumped right out
23 at someone.

24 A Yes, sir.

25 Q Now "someone" I assume is the Board, is that

mpb6

1

correct?

2

A Yes, sir.

3

Q All right.

4

Now let me ask you this --

5

A Well, there are other people there.

6

Q The Board receives its advice from the witnesses.

7

That's part of the procedure here. But let me ask you this:

8

Is there anything you've read, heard, seen of

9

any type that you would call evidence, facts, rumblings,

10

gossip, anything, that we should know about, and if we were,

11

shall we say, slow at the switch, it didn't jump out at us,

12

that you know about now that you should advise us of?

13

A Other than one-third of the non-compliances,

14

approximately one-third of the non-compliances related to

15

what I call the management function, failure to follow proce-

16

dures or failure to have procedures.

17

Q Okay.

18

Now let's focus on that one-third.

19

If I started counting non-compliances or LERs,

20

counted non-compliances or counted LERs and so forth, and I

21

found them in areas that somebody, myself, the Board, you

22

might classify as management, is one-third a trip point that

23

you get worried about?

24

A To me it was a pretty high fraction.

25

Q Okay.

mpb7

1 Now I'm not trying to play one-upmanship or one-
2 downmanship on you. There must be a lower limit beyond which
3 you wouldn't be disturbed about it.

4 Would you mind telling me what that might be?

5 A Out of that quantity? I would guess maybe four
6 or five.

7 Q I'm sorry, I misstated it, then. I don't want
8 to give you an answer.

9 One-third is a number which you got disturbed at.

10 A Yes.

11 Q Some fraction less than one-third --

12 A Okay.

13 Q -- must be below what you would worry about.
14 Might it be one-fifth or one-fourth or something?

15 A I think the quantity 20 is a fair amount in a
16 single area.

17 When I say "single area" that's what I'm reading
18 in there, single area. If we were to go to the non-compliance
19 coding we may find out that I am completely wrong on this.
20 It may be a procedure here and a procedure there. Maybe
21 it's not significant.

22 But as I see those numbers, I think 20 is quite
23 a number. Now if you say what's a number I would accept,
24 maybe, as I say, four or five, whatever it is.

25 Q Now that's 20 in a year?

mpb8 1 A I don't know what the span of that was.

2 Q But what number --

3 A I would say on that order. I would hope failure
4 to have procedures would dwindle, though, quite a bit after
5 the first year or so, the first year or two years.

6 Eventually you'll have procedures that will cover
7 most of the areas of concern.

8 Q Well, let me ask you this:

9 Suppose I were talking about items of non-
10 compliance which I think in terms of the words that we used
11 are in fractions and deficiency. Would 27 in a year be a
12 large number?

13 A Of the same type?

14 Q A total number of 27.

15 A I would think not probably in the first year of
16 operation.

17 Q All right.

18 Suppose I told you there were 27 and I can't
19 vouch for this number, I'm taking it from the testimony of
20 a witness who hasn't yet appeared, but I'm taking it from
21 page 30 of Panel 3, Long and Dance, which I presume if this
22 is incorrect Mr. Jones will certainly cross-examine Mr.
23 Jones and Mr. Dance and correct the record, but I want to use
24 this as an example.

25 The bottom of page 30 it says:

mpb9

1 "A significant improvement can be seen
2 in the year '75 to '76. During the past year
3 October 1, 1977 through September 30, 1978,
4 there have been 27 items of non-compliance --
5 18 infractions and 9 deficiencies."

6 Now I take it that's at Brunswick.

7 A I would have to look at them. I would be
8 interested if they were in the operation area, the radiation
9 protection area, the security area.

10 Q Maybe Mr. Reis could provide a copy of that to you.
11 I don't want to read it over here and try to have you depend
12 on my --

13 MR. REIS: We have a clean copy.

14 (Handing document to the witness.)

15 MR. JONES: Mr. Chairman, since it's a hypothetical
16 question, I think technically at this point could we clarify
17 whether the question -- when we're talking about Brunswick,
18 are we talking about a two unit plant or a single unit in
19 terms of the total number of non-compliances.

20 DR. LEEDS: Mr. Jones, if I were a witness I
21 could answer that question. This testimony just says
22 Brunswick. So your guess at this time is as good as mine.

23 CHAIRMAN SMITH: However, your observation is....

24 MR. JONES: It makes a big difference.

25 DR. LEEDS: And I would hope Mr. Reis will clear

mpbl0 1

2 that up before we even get into the question with Mr. Long
and Mr. Dance.

3

Could you make a note of that, please, sir?

4

5 I presume you all know. You must have counted
the statistics on it.

6

MR. JONES: We're finding out whether we know.

7

8 MR. LEEDS: I would have thought you would have
known by now. I would have thought you would have had that
9 answer instantly.

10

MR. JONES: We think we do. We hope we do.

11

12 THE WITNESS: I don't believe I can make a
judgment on that table.

13

BY DR. LEEDS:

14

Q Okay.

15

A I don't know where these are.

16

Q Okay.

17

Then let me ask you this:

18

19 Are we getting adequate testimony, then, if this
is the kind of stuff we get, to make a judgment?

20

21 A Maybe it's hindsight, but I would ask some more
questions about the table. Specifically, what are the areas
22 of these non-compliances.

23

Q Okay.

24

25 Would you just talk and tell me the questions I
should ask about this, and all....

mpb11 1

(Laughter.)

2

Q I want to show the record correctly, and I don't

3

want to be caught with things that should jump out at me.

4

Just tell me all the things I should find out

5

about.

6

MR. ERWIN: Dr. Leeds, could I ask the witness

7

to turn to the next page? There appears to be at least a

8

simple breakdown of the areas of non-compliance that might

9

be of some help.

10

DR. LEEDS: On page 32?

11

MR. ERWIN: Page 31.

12

DR. LEEDS: But that's just a categorization --

13

THE WITNESS: It has your areas there.

14

DR. LEEDS: I thought I had gotten you to page

15

31, I'm sorry.

16

THE WITNESS: No, I was reading page 30 here.

17

BY DR. LEEDS:

18

Q Okay.

19

Look on page 31. Here is one year for one or

20

two plants at Brunswick, and they are categorized, radiation

21

protection, environmental, administrative, and procedural.

22

And I want to know again -- and let's take both tables.

23

I'm perfectly willing to find out what I should ask about

24

both tables, and I want your advice. I'm not being facetious

25

about that, sir.

mpb12 1 A I would agree with CP&L's comment that you should
2 find out if it's for one or two plants. I agree with that
3 wholeheartedly.

4 Q Good.

5 A And I would ask for a specific listing of the
6 procedural. Quite often your procedural infractions and
7 deficiencies, you may find that as nothing more than a man
8 forgot to sign his name to a piece of paper that's going into
9 a permanent vault. That may or may not have an over-
10 whelming significance.

11 And I cannot speak to the security, radiation,
12 or environmental. I don't have any expertise in that area.

13 Q Okay.

14 Let me take you through this hypothetically, then.
15 Make the assumption that you saw the administrative and
16 procedural numbers for two reactor plants.

17 A That's not bad.

18 Q That's not bad.

19 For one?

20 A Once again, I'd like to find out where these
21 procedural --

22 Q You would check further if it's one?

23 A Yes.

24 Q Okay.

25 Have you had a chance to read the next page, for

mpbl3 1

example. Let me take you to page 32.

2

A Wonderful.

3

Q And I've got things called reportable events.

4

A Yes, sir.

5

Q I presume these are licensees.

6

A Yes, sir, I assume they are.

7

Q Events reportable, and I don't know that for

8

sure either.

9

Mr. Reis, would you check that one also?

10

BY DR. LEEDS:

11

Q Is there anything in that table that ought to

12

leap out at me?

13

A Based on what I know, they are not too surprising;

14

if you notice the high number is very close to their date of

15

licensing, and this is when many of your reportable events

16

occur.

17

Q All right.

18

I'm going to have to have you make another assum-

19

ption here. It says "for years" and I'm going to have to

20

let this table assume it's calendar years, except that there's

21

a note at the top that says September. So that means I've

22

got to multiply it by four-thirds to calculate it up for

23

what a year number would be.

24

So that would make 1978 look like --

25

A About 100.

mpb14 1

Q About 100?

2

A Yes.

3

4

Q And let's make it 66 and multiply by four-thirds, and that would fix it up to --

5

A 88.

6

Q -- to something else.

7

8

So now does that change? Should I explore that further if that is true?

9

A No. I think it's still probably about right.

10

11

And, once again, you don't know what these events are.

12

Q That's correct.

13

14

15

16

17

18

But I'm having a situation where I went into a peak and they stay about the same at Brunswick 1 and it looks like there was a flat drop and then -- I don't know -- up again. Maybe it may not have been. Maybe there have been no reportable events since September. I have no idea. I just don't know.

19

Okay.

20

Do you know of anything else that I should --

21

22

A I've not read this testimony to that degree at all.

23

Q Are you going to be around, or are you leaving?

24

A Hopefully tomorrow, yes.

25

Q Sir?

mpb15. 1

A I expect to leave tomorrow, yes.

2

Q Okay.

3

When tomorrow?

4

(Laughter.)

5

When do you hope to leave tomorrow?

6

THE WITNESS: Am I supposed to take Dick to the

7

airport?

8

MR. REIS: I'm sure Staff witnesses will be

9

available for the convenience of the Board.

10

THE WITNESS: I have a plane I believe at 1:30.

11

DR. LEEDS: Okay.

12

BY DR. LEEDS:

13

Q What I was going to ask you to do, then, would

14

you mind looking over this and seeing if there is anything

15

else in this testimony --

16

A That will jump right out?

17

Q Yes. And I'd like to ask you to look at Panels

18

1, 2, you know, 3 and 4, because I just don't want to miss it.

19

A Okay.

20

Q And then we'll check tomorrow and see if there

21

are.

22

A 1, 2, 3, and 4?

23

Q Yes, sir.

24

Now there's no panel four. We've been calling --

25

A Yes, sir, I understand.

mpbl6 1

2 CHAIRMAN SMITH: Do you mind if we just call
3 that Panel Four? It occurs to me when we're writing deci-
4 sions in the post-finding, Panel Four is a lot easier to
say than the four names.

5 DR. LEEDS: I thought we had named it four.

6 MR. REIS: It's perfectly all right with me.

7 I have no objection.

8 CHAIRMAN SMITH: All right. It's Panel Four.

9 end
10 Madelon
11 WRBloom
12 flws 2C

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

2C wbl
bloom
FIS Madelon

MR. ERWIN: Mr. Chairman, this gentleman asked me to be sure to bring to mind that we do have as staff exhibits printouts of the Licensee Event Reports at Robinson and Brunswick through October 1st of 1978, which might fill in some of the blanks there, if you wanted to pursue that.

DR. LEEDS: Thank you. I had forgotten that.

MR. ERWIN: It's one of the attachments. There are two attachments. One is a three-pronged computer printout and summary of inspections at Robinson, Brunswick and Harris.

THE WITNESS: I have reviewed that, the items of non-compliance that I believe I perhaps was responsible for at the Brunswick inspections in just this light. And I think I've got three failure to follow procedures in there. And, if you look at them, I don't think one has any great bearing on the other. I believe one of them relates to a welder not following his burning permit requirements, one relates to a man not signing off a master copy, and I believe one relates to an operator not addressing a certain thing.

But I think we are looking at three different areas and they are all the same coding. So I think you would have to read every one individually.

I raise that as an example of the difficulty of looking at bare numbers and saying "This is good," "This is bad."

DR. LEEDS: Well I understand that, sir. And, with

wb2 1 all due respect, statistics are that way also. It's a
2 threshold for me to inquire further, is what I'm really asking
3 you about. And if there's something I need to inquire further
4 on to complete the record, I certainly want to know about it.

5 THE WITNESS: I will read the words.

6 DR. LEEDS: Thank you , sir.

7 CHAIRMAN SMITH: Are you going to read those
8 tonight? I think we have pre-empted your activities for
9 the evening.

10 DR. LEEDS: He doesn't have to come back at
11 nine with the answer. He can take the time tomorrow until
12 maybe nine-fifteen.

13 (Laughter)

14 THE WITNESS: I will look at them, seriously.

15 CHAIRMAN SMITH: I just hope when you 're doing
16 that that you'll remember who asked for it.

17 (Laughter)

18 DR. LEEDS: The Board asked for it.

19 (Laughter)

20 CHAIRMAN SMITH: I'm not dissociating myself
21 from the request at all.

22 THE WITNESS: Can I preface this: I have no
23 experience at all in the construction area. So if you will
24 release me from the construction area at all. I am familiar
25 with the operational aspects at Brunswick.

wb3

1 BY CHAIRMAN SMITH:

2 Q Mr. Wilber, I would like if you could clear
3 up the possibility of some confusion in the I&E report.

4 Mr. Dance, on pages 92 to 94 of the report-- Do you have
5 Board Exhibit 11?

6 A Yes, sir.

7 Q Okay.

8 On 92 through 94 of the report of his interview
9 he is quoted as stating that, -- well, for example, that
10 you told him you had no problems with CP&L. And that's on 92.
11 And then on 93 that "Dance stated that both Wilber and
12 Hinckley advised him he did not have any problems with CP&L
13 management." And on 94--

14 A I believe the last paragraph on 95 addresses that.

15 Q Yes. Right. I was coming to that. I'm aware
16 of that.

17 A I'm sorry, sir.

18 Q On 94 he also states that he does not recall you
19 citing any QA report.

20 But, as you point out, on 95, he called up "...later
21 the same day and advised on further recollection he did
22 remember a conversation with Wilber about CP&L QA problems."

23 And, indeed, on page 26 you do refer to discussing
24 it with Mr. Dance.

25 A Yes, sir.

wb4

1 Q Could you be more specific about the discussion
2 of these problems with Mr. Dance?

3 A I believe in my handwritten stuff which is in
4 here I also mentioned that, that that was on a very informal
5 basis. His office was right across the hall from mine.
6 And he may have asked for that, and I may have thought
7 about it briefly and remembered the two specific reports that
8 are in here relating to the QA surveillance of testing.
9 And, to my knowledge, that's all I mentioned to him. I don't
10 believe I said anything about the one with the non-compliances
11 in it.

12 Q Okay.

13 Is there any particular reason why this was an
14 informal conversation with him, as opposed to--

15 A If I can get out of writing a memo, I will.
16 But I'm sure it was a conversation.

17 Q It was more than just passing time?

18 A I understood that he asked me for this stuff,
19 and I was no longer associated with Brunswick, with the
20 Brunswick program at that time.

21 Q It was something you felt he should know?

22 A It's just something that I raised up, yes.

23 Q Something-- what?

24 A Something that I raised up for him to consider, yes.

25 CHAIRMAN SMITH: I have no other questions.

wb5

Are there other questions?

BY MR. BRIGHT:

Q Mr. Wilber, from your talking about upper limits and lower limits, or, rather, your being questioned about upper limits and lower limits, and I gather from your answer that just wrong numbers don't really do you too much good; unless you have two or three thousand, then you really know something is wrong.

A As I said, I did an exercise on my own last night, as near as I can figure them out from the computer printout.

Q So you have to sort of know what the makeup of them -- of these ALERS has to be, what area they're in; is it a puddle of water on the floor, is it a pipe broken, or whatever; to really judge these things?

A Yes, sir.

Q So this would intimate to me that, yes, you could look, with your experience in the field, at some statistics and it would leap out at you.

Do you really think that it would to a person who has never had anything to do, necessarily, particularly in the nuts and bolts end of inspection?

A I say to me it would appear to leap out, yes.

Q To you?

A Yes.

wb6

1 Q All right.

2 Well the only other question, the one I certainly
3 want to make sure we get in, is:

4 It's been two years since you've had any con-
5 nection, inspection-wise, with CP&L; is that your--

6 A Except for this review visit in, I believe it
7 was September of 1978.

8 Q I understood you to say that really wasn't an
9 inspection.

10 A Plus, I've been involved in CP&L activities
11 with Licensing in other areas at Headquarters.

12 Q Well my question is: As of today, and with what
13 you know about CP&L, would you say they are or are not
14 capable of constructing and operating in a management
15 capacity the Harris plant; or would you have no opinion?

16 A I would say I could not answer that. I have no
17 basis for opinion in construction. And I believe the operation
18 is so far away that there is no real way of evaluating that.

19 I believe this has been addressed in the Safety
20 Evaluation Report for the Shearon Harris plant to a degree.
21 And I believe they also say they have to wait to evaluate
22 what is the licensee going to do.

23 Q So you're basically presenting us with information
24 for us to use in making our own evaluation?

25 A Yes, sir.

wb7

1 Q Thank you.

2 CHAIRMAN SMITH: Mr. Gordon?

3 CROSS-EXAMINATION (Resumed)

4 BY MR. GORDON:

5 Q Mr. Wilber, you state that you worked at
6 Brunswick during what is - quote - the problem period,
7 during the startup.

8 A What's the problem period? I was there-- I believe
9 I started as principal, I believe my first inspection at
10 Brunswick was in probably January 1975. And I went there at
11 that time as a member of, it was not called the Support
12 Section but it was what is now the Support Section. I was
13 made Principal of Brunswick-1 I believe in June -- I believe
14 June of 1975. And then my inspection time started picking
15 up a little bit.

16 Q During this time did you work closely with
17 Mr. Cantrell?

18 A Yes.

19 Q You did?

20 A Prior to June of '75, whenever I went to Brunswick
21 it would be as a support inspection for him.

22 Q Now you have stated in your interview that you have
23 a higher threshold of reaction from Mr. Cantrell.

24 A Yes, sir.

25 Q Now is that a polite way of stating that

wb8

1 Mr. Cantrell overreacted in the situation, then?

2 A No. I think also in there it refers to the doors,
3 the HPCI room doors.

4 Q Well, what I want to know is, if you didn't consider
5 his action to be an overreaction to the situation why didn't
6 you join him in the condition on the construction permit,
7 the request?

8 A You're asking for my personal belief. And I
9 don't believe that the condition should be imposed on it.

10 Q Thank you.

11 MR. JONES: I have one follow-up line. It is
12 very, I hope, short.

13 BY MR. JONES:

14 Q Mr. Wilber, when Chairman Smith asked you further
15 about the number of inspections, or the number of pre-op
16 tests that were observed by the site QA people, you followed
17 that up by acknowledging that there was no requirement. And
18 that then left a sort of a gray area where judgment has to be
19 exercised.

20 Now in this sort of a situation it's quite
21 possible, isn't it, that one inspector might be of the opinion
22 that 20 percent of the tests should be actually observed,
23 and another inspector may have the view that 40 percent should
24 be observed?

25 A That's possible. But we're talking about 3 or 4

wb9

1 percent in this specific instance.

2 Q But I'm speaking simply of the way the system
3 itself works. In these kinds of gray areas, in fact, there's
4 a fair amount of room for discretion on the part of the
5 inspector?

6 A I would have to say yes.

7 Q And until a licensee and an inspector have had
8 some discussion, and perhaps the licensee has been cited for
9 something one time it's really not clear to him exactly what
10 the requirement is, in many cases; isn't that true?

11 I'm not speaking of clear black and white areas,
12 but in the gray areas.

13 A I don't believe I would cite them in this specific
14 area because I don't believe it would stick.

15 Q But you would carry it as an open item or an
16 unresolved item probably, wouldn't you?

17 A I would discuss it probably every inspection.

18 Q Right.

19 A And I would note that it was discussed in the
20 report, knowing where the report goes.

21 Q Yes, sir. Thank you.

22 MR. JONES: That's all.

23 CHAIRMAN SMITH: Anything further?

24 (No response)

25 CHAIRMAN SMITH: Thank you, Mr. Wilber. You are

wb10

1 excused.

2 (Witness excused)

3 CHAIRMAN SMITH: Anything further this evening
4 before we adjourn?

5 MR. TROWBRIDGE: I'm hopeful Mr. Eddleman can
6 complete his list of documents.

7 MR. EDDLEMAN: I'm prepared to do that,
8 Mr. Chairman.

9 CHAIRMAN SMITH: Why can't he do that off the
10 record? And if you find some deficiency in what he has told
11 you then we can go back on the record for it.

12 MR. TROWBRIDGE: I'm willing to do that,
13 Mr. Chairman. Quite frankly, I wanted it on the record so
14 that there would be no surprises later on, and no question in
15 the Board's mind of surprise.

16 MR. ERWIN: If the Chairman would prefer, I'm
17 sure we could put it in written form and submit it to
18 Mr. Trowbridge and ultimately ask that it be read into the
19 record. It might save a few minutes.

20 CHAIRMAN SMITH: Is it of essence that it be done
21 tonight?

22 MR. TROWBRIDGE: We would like to start. We have
23 people who are prepared to start on some of these as soon as
24 we can find out what they're about.

25 CHAIRMAN SMITH: Well, let's go ahead.

wb11

1 Are you ready for this, Mr. Eddleman?

2 MR. EDDLEMAN: I'm as ready as I'm going to be
3 this afternoon.

4 With respect to the radiation release rates at
5 transcript 2302, these are attached to Mr. Wilber's testimony.

6 MR. TROWBRIDGE: Can you give me the pages,
7 please?

8 MR. EDDLEMAN: I'm going to give you the document,
9 the attachments, and then the page, because there are no
10 consecutive page numbers.

11 First, in IE Report 50-324/77-4, page I-8, about
12 the middle of the page. Stack: 13,000 --

13 MR. TROWBRIDGE: If you give me the page that's
14 enough.

15 MR. EDDLEMAN: Okay.

16 Also attached to Mr. Wilber's testimony, IE
17 Report 50-324/77-03. This is Mr. Wessman's report, I believe,
18 page I-5. Stack Unit 2 is the relevant one.

19 Also, if I can say something, Dr. Leeds asked me
20 a while back if I knew who had resigned from CP&L, and I
21 notice in the same report on page 3 it says that R. L.
22 Nitschke, nuclear engineer, and R. M. Giddens, QA technician,
23 had resigned since the previous report. So those are two
24 names that I can identify specifically.

25 CHAIRMAN SMITH: Were those the names you were

wbl2 1 referring to, were those the resignations you were referring
2 to in the statement?

3 MR. EDDLEMAN: Considering the time this inspection
4 was, I believe so. That is to say, these would be ones that
5 Mr. Cantrell would have had available to him in the fall of
6 1977 to cite. And I believe the nuclear engineer probably is
7 one of them.

8 CHAIRMAN SMITH: The question is, Is this an
9 after-the-fact discovery of resignations, or is this what you
10 had in mind when you made the limited appearance statement?

11 MR. EDDLEMAN: Mr. Smith, at that time I had all
12 the persons who had resigned from CP&L in this period.

13 Is that responsive?

14 CHAIRMAN SMITH: I don't think so. But go ahead.

15 MR. TROWBRIDGE: Can we have the names again?

16 MR. EDDLEMAN: R. L. Nitschke. Mr. Erwin says
17 that I should say I knew about these gentlemen but I could
18 not recall their names when Dr. Leeds asked me that question.
19 They were the ones that I had in mind.

20 CHAIRMAN SMITH: That's what I was trying to
21 find out.

22 MR. EDDLEMAN: I'm sorry; I misunderstood.

23 2C
24 2D fls
25

2d

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1 The quality assurance technician who resigned is
2 R. N. Giddens.

3 I think that's that.

4 Transcript 2390, operation of plant with a safety
5 system out at between 60 and 100 percent power. Now I don't
6 have the page in Staff Exhibit 2 because mine is stapled over
7 the page numbers but I can tell you what the number of the
8 report is, and the date. And if you flip through there, the
9 dates I think are chronological and you'll be able to find
10 it. It's Brunswick 2 75/01L, November 9, 1975, SCAR Isolation
c7 11 Valve Failed - Had Never Been Tested. That is, it had never
12 been operable since the plant was started up, and that I believe
13 was at power.

14 Also there's another one that I think is relevant.
15 It's Item 77-98 on 11/09/77. That may be for the next one,
16 2390, and that's the weeks and months with some systems out.

17 I'm particularly afraid of the offgas system there,
18 which you already have in Mr. Wilber's testimony; also, with
19 Brunswick -- I guess this must be Brunswick 2, 11/24/75 in
20 the LERs in Staff Exhibit 2, there are some mentioned about
21 the offgas system having some problems which were reported
22 on November 24, 1975. I think that may be relevant.

23 I couldn't find all the others. There are
24 literally hundreds of these things. I looked through it; I
25 didn't take good enough notes the first time, and I'll keep

WRB eb2

1 locking, but I don't have all of those.

2 I believe the other one, Honicker versus Hendrie,
3 I supplied to Mr. Reis and I think he's got some copies out
4 and I lent Mr. Trowbridge my copy of the original overnight.

5 MR. TROWBRIDGE: Let me add that this is not a
6 court opinion or decision, but a pamphlet on the subject.

7 MR. EDDLEMAN: It is the case that was filed, it
8 is not the decision.

9 MR. TROWBRIDGE: Mr. Chairman, I can't leave it
10 that Mr. Eddleman would keep hunting and dig up others. I
11 think a time should be set when he identifies the documents
12 or the incidents that he's talking about, and then we respond
13 to them.

14 CHAIRMAN SMITH: Well, Mr. Trowbridge, I don't
15 know what authority I have, the Board has, in the circum-
16 stances. There is no requirement that the Applicant respond
17 to begin with. This is a limited appearance statement. It
18 is not testimony.

19 MR. TROWBRIDGE: I had understood where limited
20 appearances are involved that both the Applicant and the Staff
21 might be called upon to comment, and I thought we had a
22 rather blanket charge.

23 CHAIRMAN SMITH: Mr. Reis?

24 MR. REIS: It's just that if we don't have the
25 information on what he is referring to it makes it awfully

WRB ab3 1

2 hard, and especially with a deadline. Now, you know, if we're
3 going to get things dribbed and drabbed into next week some
4 time, it's impossible to get this stuff in.

5 CHAIRMAN SMITH: I understand that. And the duty
6 to respond is in direct proportion to the specificity of the
7 statement. I really don't know what to do.

8 Tell me what you think I ought to do.

9 MR. TROWBRIDGE: All I'm trying to establish,
10 Mr. Chairman, is we cannot be expected or faulted for not
11 saying what might be said on the subject if we don't get the
12 information.

13 CHAIRMAN SMITH: I'm sure you understand their
14 point, Mr. Eddleman. You have an opportunity. You have a
15 very unusual opportunity, with your interest in this proceed-
16 ing, in this reactor, to get answers to questions that you
17 have, and it is up to you to take advantage of it.

18 But these gentlemen are absolutely correct, you
19 can't dribble it in.

20 MR. EDDLEMAN: I understand, Mr. Smith. You
21 realize that the first day of these hearings I was told that
22 I would not get a chance to speak. It was a surprise when I
23 got it. And also, given the pattern of limited appearances of
24 which the Staff had advised me, I never dreamed that I'd be
25 able to give more than five minutes, so I didn't take the
detailed notes on these things to bring them in.

049 24

25

WRB ab4

1 I would like, if it's okay, to submit, if they
2 want specifics, I have some notes here, about four pages of
3 specifics which I would like to give them and let them respond
4 to those. Those are things that are referenced in my state-
5 ment.

6 CHAIRMAN SMITH: We're not allocating fault,
7 responsibility, or blame. What we're saying is if you want
8 answers, make the questions.

9 MR. EDDLEMAN: Okay.

10 Can I ask that these four pages here be taken
11 in as part of my questions, and make copies available to
12 these gentlemen?

13 CHAIRMAN SMITH: You just can't wave four pages
14 in the air.

15 MR. EDDLEMAN: Well, I'll be glad to show them to
16 you. I can tell you what they are. They are a listing of
17 the two week reports which are the things that, by themselves,
18 could render all the safety systems inoperable or expose
19 the public to unacceptable radiation from Brunswick.

20 CHAIRMAN SMITH: The problem is you can't through-
21 out the hearing keep dribbling in limited appearance state-
22 ments and expect any kind of a response.

23 MR. EDDLEMAN: No, Mr. Smith, I'm trying to put
24 an end to that. I'm saying I will give them this. I won't
25 ask any more questions.

WRB eb5 1

2 CHAIRMAN SMITH: If you think that satisfies your
3 requiremants-- I don't even know what that is, so I can't
4 rule.

5 Mr. Reis?

6 MR. REIS: Mr. Chairman, I think we've gotten the
7 statements and we've gotten sufficient reference and we will
8 reply as best we can to the references we presently have in
9 hand.

10 CHAIRMAN SMITH: I would leave it to you,
11 Mr. Eddleman, to work off the record with Mr. Trowbridge.
12 You show him those.

13 MR. EDDLEMAN: Okay.

14 CHAIRMAN SMITH: But I think there has been enough
15 opportunity now for you to document your limited appearance
16 statement.

17 MR. EDDLEMAN: Right. Okay. I won't ask to file
18 any more documentation for that statement. Is that what you
19 are looking for?

20 CHAIRMAN SMITH: No, I'm not. I'm just pointing
21 out to you that the responsibility on the part of the Staff
22 and the Applicant to respond to your limited appearance
23 statement depends upon how soon and how specific you are in
24 making the statement.

25 MR. EDDLEMAN: Right.

CHAIRMAN SMITH: I know you've been busy sitting

WRB eb5

1 here and you've had problems, too, but I'm persuaded by their
2 point that their opportunity to respond is fading away and
3 we're cognizant of that.

4 MR. EDDLEMAN: Quite so.

5 MR. TROWBRIDGE: Mr. Chairman, may I also add to
6 this for the record, you'll recall that one of the items we
7 attempted to get a better identification of was an April 5,
8 1975, document which, according to Mr. Eddleman's statement,
9 is one of the things that he found in presumably CP&L's file
10 when he was up at NRC in D. C.

11 And he describes one of these things. It's a
12 5 April 1975, that they were cited for setting their instru-
13 ment trip points, set points, outside the safe operating
14 ranged approved by the NRC. He thought that was probably a
15 letter from Region II to CP&L.

16 To the best of our information and belief, there
17 is no such letter. It is inconceivable to me from the cita-
18 tion that we would not know it if there were. We are unable--
19 That is again an item we are unable to respond to unless we
20 get a further identification.

21 CHAIRMAN SMITH: Mr. Eddleman, do you think it
22 would be fair if the first order of business tomorrow morning
23 would be for you to specify the support for your statement,
24 or concede that the opportunity is --

25 MR. EDDLEMAN: I would like to plead a special

WRB ab7 1

2 circumstance for this. The Board invited me to participate
3 in this hearing and for that reason I have not completed a
4 couple of solar house designs that are due for a competition
5 tomorrow, and I've got to have those things in. And if I
6 don't, I'll possibly run somebody out of a chance.

7 CHAIRMAN SMITH: This is going to be your judg-
8 ment of what's more important. I'm sorry, we all have
9 problems, and I realize it must be a very important thing to
10 you.

11 MR. EDDLEMAN: What I'm saying is I have so far
12 sacrificed that to this hearing but I don't intend to sacri-
13 fice it entirely. So I guess what I'm saying is I think
14 perhaps I can produce a copy of that and then I'll let him
15 respond to it if he wants to. But I don't think I can pro-
16 duce it by tomorrow morning, or I don't think that I will.

17 CHAIRMAN SMITH: I wasn't referring only to that
18 item. I was referring to the support that you have for your
19 limited appearance statement.

20 What I'm saying is I think tomorrow morning would
21 be a time by which you should either be specific or, in
22 fairness, recognize that the responsibility to respond to your
23 statements is diminished.

24 MR. EDDLEMAN: I recognize that, Mr. Smith. They
25 can go to the public document just as I did, pull April 5,
'75 of the Brunswick docket, and they'll find that thing. It's

WRB eb8 1

there.

2

MR. TROWBRIDGE: I can't let that go, Mr. Chairman.

3

It seems to me the person who makes a statement in public has

4

some responsibility for the accuracy and backup of that

5

statement. It is not up to me to chase for a document that

6

I don't even know exists.

7

CHAIRMAN SMITH: He's been busy.

8

MR. ERWIN: Mr. Chairman, I don't mean to get

9

involved in this but it seems to me when the Staff says and

10

CP&L say that they need time to prepare responses,

11

Mr. Trowbridge's request was made this morning. Isn't that

12

correct? And we volunteered to provide the information to

13

the best of our ability by the resumption of the hearing this

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afternoon.

15

Now we had an hour and ten minutes or fifteen

16

minutes for lunch and, you know, the whole set of circum-

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stances surrounding his participation and his limited

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appearance I think would justify -- considering the facts,

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would justify his having some slight leeway, at least as much

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leeway as the Staff or CP&L would have in a similar situation.

21

He has told me that the document-- He has assured

22

me, not as his Counsel but as someone that he is advising,

23

that he in fact -- and I believe from every statement that he

24

has made to me since he asked me to be allowed to use my

25

copies of the prefiled testimony, that he in fact did make an

WRB eb9

1 inspection of the entire CP&L file in Washington, and that he
2 has that file, a copy of that document in his possession but
3 not in Raleigh and not available to him tonight.

4 Now I don't think it is terribly unreasonable to --

5 CHAIRMAN SMITH: But when?

6 MR. EDDLEMAN: I have already undertaken with
7 CP&L's other Counsel to bring that thing in Monday morning if
8 I can find it, but I'll have to take all weekend to search
9 this thing because I know where it is, it's in a stack of
10 papers that's three feet thick, and I just can't look through
11 all those things tonight.

12 CHAIRMAN SMITH: All right.

13 MR. ERWIN: Really, Mr. Chairman, that's all we're,
14 you know, all we're asking, because, having kept files in
15 this case since 1972 myself, or since '73 -- since '72 my-
16 self, I know what an impossible task it is for someone -- for
17 a private citizen to try to keep track of it.

18 And I don't even have the-- I'm not even talking
19 about the stuff that he has made xerox copies of.

20 Again we don't believe that this is a special
21 pleading. I just think it's a reasonable request on his part.
22 I can't see how it could possibly --

23 MR. REIS: Mr. Chairman, this shows that we cannot
24 reply to everything before the hearing record is formally
25 closed, with the exception of testimony. We will attempt,

1 the Staff -- I don't know what Applicant intends, but we will
2 attempt to reply in writing to public comments as public
3 comments after the record is closed, and to those received
4 from Mr. Iddleman by the start of the resumption of hearings
5 on Tuesday.

6 But we cannot take anything after this hour or this
7 time and expect to get it in, or attempt to get it in before
8 the close of this hearing.

9 And as I said, even those matters that were given
10 to us in the past, we can't guarantee we'll get them all in.
11 We're going to try on those. Those that we get by Tuesday
12 morning we will of course try to put into the record our
13 responses.

14 MR. ERWIN: We fully understand that and appreciate that. And I don't think Mr. Eddleman is requesting
15 that anything other than that be done.
16

17 CHAIRMAN SMITH: There is nothing really for this
18 Board to rule upon. It will have to be done in the context
19 of when and what. It's just that I'm very cognizant of the
20 phenomenon at play here and it's very easy to stand up and
21 click off the accusations but it's a lot harder to go dig out
22 the proof or the evidence to counter it. And I'm trying to
23 balance that.

24 MR. ERWIN: I think Mr. Eddleman has demonstrated
25 this evening that he has a rather substantial command of the

