

ORIGINAL

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

COMMONWEALTH EDISON COMPANY

(Byron Nuclear Power Station,
Units 1 & 2)

Docket No. 50-454 OL
50-455 OL

Location: Rockford, Illinois Pages: 7612-7850

Date: Thursday, August 11, 1983

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING BOARD

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 In the Matter of: :
 :
 COMMONWEALTH EDISON COMPANY : Docket Nos. 50-454 OL
 : 50-455 OL
 (Byron Nuclear Power Station, :
 Units 1 and 2) :
 :
 -----X

Courtroom 260
Federal Building
211 South Court Street
Rockford, Illinois

Thursday, August 11, 1983

Hearing in the above-entitled matter convened
at 9:00 a.m., in open session, pursuant to notice.

BEFORE:

JUDGE IVAN SMITH,
Chairman, Atomic Safety & Licensing Board.

JUDGE A. DIXON CALLIHAN,
Member, Atomic Safety & Licensing Board.

JUDGE RICHARD COLE,
Member, Atomic Safety & Licensing Board.

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APPEARANCES:

On behalf of the Applicant:

MICHAEL MILLER, ESQ.
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Three First National Plaza
Chicago, Illinois 60603

On behalf of the NRC Staff:

STEVEN GOLDBERG, ESQ.
MITZI YOUNG, ESQ.
U.S. Nuclear Regulatory Commission
Office of the Executive Legal Director
Washington, D.C. 20555

On behalf of Intervenors DAARE/SAFE and
Rockford League of Women Voters:

JANE WHICHER, ESQ.
Business and Professional People for
the Public Interest
109 N. Dearborn Street, Suite 1300
Chicago, Illinois 60602

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C O N T E N T S

1					
2	<u>Witness:</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u> <u>Board</u>
3	Michael A. Stanish		7633 7733	7745	7751 7732
4					
5	Richard Tuetken	7756	7761	7785	7793 7779 7790
6					
7	Wm. Forney				
8	Kevin Connaughton	} 7795	7811		
9	D.W. Hayes				
10	Koca Exhibit BPage 7621
11	Tuetken Testimony.Page 7760
12	Panel Testimony.Page 7801

E X H I B I T S

For Identification: Received:

13					
14					
15					
16					
17					
18	Staff Exhibit 5				7622
19	Joint Intervenors Exhibit No. 28 -				
20	SALP Report			7670	
21	Joint Intervenors Exhibit No. 29 -				
22	CECo Audit Report			7696	7796
23					
24					
25					

P R O C E E D I N G S

1
2 Whereupon,

3 MICHAEL A. STANISH

4 resumed the stand and, having been previously duly sworn, was
5 examined and testified further as follows:

6 JUDGE SMITH: Good morning.

7 We'd like to give you a status report on the
8 sessions discussing the pending inspections and investigations.
9 We concluded those sessions yesterday. We informed the
10 representatives of the Office of Investigations that because
11 of the very preliminary nature of their investigation that
12 we could see little value in having an evidentiary hearing on
13 the nature of their investigation and those allegations, that
14 it would just serve no purpose at this time.

15 Now, with respect to the information provided to us
16 by Region III, Office of Inspection and Enforcement, we will
17 not rule out any possibility of an evidentiary presentation
18 until we have had a better opportunity to examine the
19 transcript and perhaps after we receive the testimony this
20 week from them.

21 However, it is our tentative impression that some
22 of the allegations simply are not worthy inquiry by the Board.
23 Too, that others are similarly premature and too preliminary
24 to be of any value at this time.

25 And, of course, if we were to have an evidentiary

1 session and receive information on unripe investigations, it
2 would merely mean we'd have to turn around and do the same
3 again when the investigations produced more valuable
4 information.

5 So, it would not only be inefficient, but it would
6 just produce nothing at value at this time. That's the
7 tentative feeling that we have.

8 We will look at the transcripts and see if there
9 is anything that might be of value to be heard in the near
10 future.

11 In any event -- with respect to this week, in any
12 event, we will not be having any further inquiry.

13 I might also add some more information. One is
14 we never did reach the issue of the need for protective
15 orders and in camera proceedings or the adequacy of those
16 protective devices.

17 We informed the NRC Staff that if we should find
18 that there is a need for an evidentiary hearing in the
19 immediate future, that we would give them, again, an opportu-
20 nity to argue about the adequacy of protective measures.

21 Also, as it turned out, contrary to our
22 expectations, it was virtually impossible to limit the
23 discussion to information which had to be secret. To put
24 information in context, the discussions became free-roving.
25 And so the participants have agreed to review the transcript,

1 and we will serve pages from it, large portions of it, on the
2 parties and make it public. That will be pretty soon.

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1 I think I have covered that accurately.

2 Mr. Goldberg, can you think of anything I left out?
3 Of course, we had not informed you yesterday even of our
4 tentative conclusion, but I think that's about it.

5 MR. GOLDBERG: Yes, and both counsel and the NRC
6 inspectors will endeavor as soon as possible to provide you
7 with those portions of the in camera transcript that are
8 publicly releasable.

9 JUDGE SMITH: Also, Mr. Hayes and the Region III
10 officials will supplement their testimony with information
11 that they gave us yesterday which they realized does not
12 have to be secret.

13 And further, there's one further thing too, also
14 we promised the parties that no aspect of the private infor-
15 mation session would be off the record, from time to time it
16 was stopped while the officials could consult with each other
17 and counsel, and at the very end, because it was late and
18 the reporter was tired, we went off the record to discuss
19 providing the transcript pages, the mechanics of providing
20 the transcript pages. So there was one session off the record
21 and that was the nature of it. It was just that we would
22 get the transcript pages to the parties.

23 Any questions? Do you have any questions, Mr.
24 Hickey?

25 MR. HICKEY: I have none, Your Honor. Just so I

1 understand, there will be nothing in camera the rest of this
2 week, and I think you should tell the District Attorney --
3 Keith Seiffert won't be there, I think he's gone -- but some-
4 body so they can tell the judge that it's set for 5 o'clock.

5 JUDGE SMITH: Right, we are going to do that
6 immediately.

7 Anything else?

8 MS. WHICHER: Your Honor, in light of the indica-
9 tion that you have just given, may I be excused long enough
10 to call the ACLU attorney?

11 JUDGE SMITH: Okay. I forgot, one other thing at
12 the time. Our comments this morning should not suggest to
13 the parties that in matters under investigation and inspection
14 are not important. We are just saying it would be premature
15 and produce evidence of little value at this point because
16 of the prematurity, okay?

17 Go ahead.

18 MS. WHICHER: Thank you.

19 JUDGE SMITH: This doesn't concern Ms. Whicher,
20 so we can get this item of business out of the way. Ms.
21 Johnson informed me that she talked with Mr. Gallo and Mr.
22 Gallo has predictively and gallantly withdrawn his objection
23 and he will accept the corrections and he is being granted
24 10 days -- beginning when?

25 MS. JOHNSON: Monday, the 15th of August.

1 JUDGE SMITH: Monday, the 15th, will be the
2 beginning of the 10 days for him to respond.

3 MR. MILLER: That was predictable.

4 JUDGE SMITH: Yes, and I'm quite pleased with that
5 result because I think the members of the Board have an ob-
6 ligation here to remedy a problem.

7 (Pause.)

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1 JUDGE SMITH: Are you ready to proceed?
2 Is there any preliminary business before we
3 proceed?

4 MR. BECKER: Yes, there is.

5 I have a copy of Koca Exhibit B, which was his
6 personnel evaluation form from the Zimmer Station, his prior
7 employer, which is a little bit better than the one you have.
8 So, if you'd like, I'd pass these out to the Board and the
9 parties. They can insert it in their own packets.

10 JUDGE SMITH: Okay. It's not going to be in the
11 transcript though, is it?

12 MR. BECKER: It's up to the Board. We have enough
13 copies.

14 JUDGE SMITH: It would be too late for yesterday.
15 That was attached to the testimony, wasn't it?

16 MR. BECKER: The exhibit? Yes, it was. And in
17 the record yesterday, the very end of the day -- is my inform-
18 ing the Board of what it did say at the top.

19 JUDGE SMITH: Oh, that's right.

20 .. I suggest that we do this, just take the single
21 page and just bind it in the transcript at this point.

22 (Koca Exhibit B follows:)

23

24

25

W. N. ZEPHUR NUCLEAR POWER STATION
PERSONNEL EVALUATION AND CERTIFICATION

John H. Hughes

is hereby certified as: Level II Civil/Structural

Classification: Quality Control Technical II

To perform: Structural Steel/Concrete-Grout/Anchor Bolts

Basis for Certification:

QAD Training

Released on: 3-24-82

Education:

Onslow High School - Jacksonville, NC - 1967

Training:

HVAC/Welding/Blueprint and Schematics - Georgetown Technical College - Conway, SC

Experience:

- QC Inspector (NDE, Structural Steel) - Law Engineering Testing Co. - Raleigh, NC (1 yr., 1 mo.)
 - QC Inspector (NDE, Structural Steel) - Pittsburgh Testing Laboratory - Surry, Va. (VEPCO) (10 mo.)
 - QC Inspector (NDE, Structural Steel) - U.S. Testing Co. - Hoboken, NJ (10 mo.)
- See resume for further information

Formal Testing Results:

Passed Structural and Civil Level II Certification examination

Physical Capabilities:

Passed vision examination 3-16-82

Evaluation performed and certification recommended by: P. C. Blount, Jr. 3-24-82
Director/Supervisor Date

Certification P. C. Blount, Jr. 3-24-82 3-23-85
Manager-QAD/Level III Date Expiration Date

KCCA EXHIBIT B

1 JUDGE SMITH: Also, your exhibit.

2 MS. YOUNG: I have distributed copies of Staff
3 Exhibit No. 5, and I'd like to move it into evidence at this
4 time.

5 JUDGE SMITH: All right.

6 Are there any objections?

7 Staff Exhibit 5 is received.

8 (The document previously marked
9 for identification as Staff
10 Exhibit No. 5 was received
11 in evidence.)

12 MS. WHICHER: Judge Smith, I realize that the
13 Staff Exhibit 5 did not copy as well as we had anticipated
14 that it would.

15 I am wondering if we can get a stipulation from
16 the parties that the markings which appear opposite the
17 word "Name" on the first page of Staff Exhibit 5 -- that that
18 is "John Hughes." I think that was clear in the exhibit,
19 from the original of the exhibit that was passed around
20 yesterday.

21 JUDGE SMITH: Where is it?

22 MS. WHICHER: On the first page, Your Honor, in
23 the upper right-hand corner. Mr. Hughes' name still does not
24 appear very well on this copy.

25 MS. YOUNG: Staff will stipulate that the name

XXXXX

1 "John Hughes" is written in the upper right-hand.

2 MR. BECKER: Yes.

3 JUDGE SMITH: All right.

4 It is stipulated. The stipulation is accepted.

5 I'll tell you what -- as a result of that
6 stipulation, on behalf of the Board, I will actually write
7 that in on the exhibits.

8 MS. YOUNG: Judge Smith, you're not writing over
9 the lettering itself?

10 JUDGE SMITH: I'm writing where it says "Name."
11 I'm writing the word "John Hughes" -- in parentheses, "IWS."

12 MS. WHICHER: Judge Smith, I think part of the
13 value of the original exhibit, as it was passed around
14 yesterday, was the style of the writing.

15 JUDGE SMITH: Your stipulation gives you no help.

16 MS. WHICHER: All right. Let's try it again, then,
17 because I think the Staff has the same concern I do. The
18 style of the writing of the name "John Hughes" is the same as
19 on the test -- which were attached as exhibits to Mr. Koca's
20 direct testimony.

21 MS. YOUNG: Not being a handwriting expert, I
22 don't think I can say that.

23 JUDGE SMITH: I didn't think that was the nature
24 of the understanding.

25 MS. YOUNG: The stipulation was that the name

1 "John Hughes" is printed in the upper right-hand corner.

2 MR. GOLDBERG: From whatever style that is apparent
3 from the copy we have, the original has been required by OI
4 investigators. But I think that for whatever stylistic
5 impression remains on the Staff Exhibit 5, it ought to remain.
6 But it also ought to reflect the fact that it is the name of
7 "John Hughes."

8 JUDGE SMITH: No, it's without value. And we
9 don't receive evidence without value. It cannot be the
10 basis for any finding by this Board, nor can it be the basis
11 of any review. We don't receive garbage into evidence.

12 MR. GOLDBERG: Then, we would draw no inference
13 from that name being there then.

14 JUDGE SMITH: All right, that's fine. But the
15 name is there, and that's as far as --

16 MR. GOLDBERG: That's as far as we can go.

17 MS. YOUNG: The principle is that what's on the
18 exhibit should still remain apparent, even if you mark to the
19 left of it what the name is trying to say.

20 MS. WHICHER: Yes. I agree with Ms. Young.

21 JUDGE SMITH: Well, I can tell you that the Board
22 is not going to waste its time with proposed findings, as to
23 what that style is. And we're not going to waste any more
24 time on it this morning.

25 I don't favor having those chicken marks up in that

1 right-hand corner for anybody to speculate about, because it
2 is absolutely without value as evidence, and we won't have it.

3 MS. YOUNG: Well, I think the parties can stipulate
4 that we will attempt, in our findings, not to draw any
5 inference from the handwriting in the upper right-hand
6 corner.

7 MS. WHICHER: Well, Judge Smith, I am disturbed
8 that the exhibit that was passed around yesterday is not
9 really what we're getting today. That is the problem I'm
10 having.

11 JUDGE SMITH: Well, let's assume that we get a
12 crisp original from the Office of Investigations, and that's
13 possible.

14 But even assuming that it's there just as nice and
15 clear as you would ever want it to be, then what are you
16 going to do with that, argue that that is, in fact,
17 John Hughes' handwriting?

18 Save your time, or somebody else's, yes. In the
19 first place, whether it is or whether it is not has become
20 less and less important as this case unfolds.

21 So, what is your pleasure?

22 I mean, if we get -- I'm sure that the Office of
23 Investigations, if it will help the Board, will provide us
24 with a very good copy, the best copy that technology available
25 can produce. But if we do that, then what are you going to

1 do with the information?

2 MS. WHICHER: I have not yet determined that,
3 Your Honor.

4 JUDGE SMITH: Well, you can't sandbag us. You've
5 got to let us know at the time we receive evidence the purpose
6 for which the evidence is being received.

7 MS. WHICHER: This is the Staff's exhibit, Your
8 Honor. And we were in no way aware that the original of the
9 exhibit contained Mr. Hughes' name in the corner until
10 Mr. Goldberg circulated the original yesterday.

11 JUDGE SMITH: Okay.

12 The best information that is going to be available
13 in the form of reliable evidence is the fact that the name
14 "John Hughes" appears in the upper right-hand corner. You are
15 not likely to get reliable evidence into this record that
16 John Hughes actually put his name there or that someone else
17 did.

18 I mean, if that's the purpose, why you want the
19 style of the writing to be in the record.

20 MS. WHICHER: Judge Smith, this exhibit is not
21 identical to the exhibit that was passed around yesterday.
22 And apparently we can't agree on enough to make it identical.

23 MR. GOLDBERG: This is the best Xerox copy of the
24 original in the file of the OI investigator that we were able
25 to produce.

1 Now, if it's material, I'm sure the Board can
2 prevail on that office to provide it, with that original for
3 copying purposes. I don't know if that was the first that
4 anyone -- any counsel for the Staff had seen that document.
5 It has been scrupulously guarded by the Office of Investiga-
6 tions, as is apparent from their correspondence and practice
7 in the case. But this is the best copy that was produceable
8 with the facilities in this building. And it reflects and it
9 is the document that was circulated for review by counsel
10 yesterday.

11 JUDGE SMITH: I think we can simply end the
12 discussion with the observation that you have yet to address
13 the point made by the Board, Ms. Whicher. I mean, you have
14 remained silent on the inquiry. So, we'll just move on to
15 other business.

16 MS. WHICHER: Judge Smith, I did not know until
17 yesterday afternoon that the original contained Mr. Hughes'
18 name on it. I have not determined what I'm going to do with
19 that fact.

20 JUDGE SMITH: Exactly right.

21 And we don't receive evidence into the record unless
22 we know why it is being received.

23 MS. WHICHER: This is the Staff's exhibit, and it
24 is not the exhibit that was passed around yesterday.

25 JUDGE SMITH: Let's move on.

1 Go on with your cross-examination.

2 MS. WHICHER: Before we return to my cross-
3 examination, could I get a clarification as to what the
4 record, Staff Exhibit 5, will look like with respect to the
5 upper right-hand corner.

6 JUDGE SMITH: There has been a stipulation, as I
7 understand it, that the name "John Hughes" exists, written
8 or printed, in any event, by hand, following the line -- on
9 the line entitled "Name," in the upper right-hand corner of
10 Staff Exhibit 5.

11 Whether or not it is in the style of John Hughes
12 himself has not been the subject of stipulation nor of any
13 finding by the Board, nor is there any record basis for you
14 to propose to this Board that it is or is not John Hughes'
15 style.

16 MS. WHICHER: That is because I do not have the
17 original today to make that comparison.

18 JUDGE SMITH: And that's because even if you have
19 the original today, you cannot make the comparison. You are
20 a lawyer, not a handwriting expert.

21 MS. WHICHER: I could ask the witness about it.

22 JUDGE SMITH: Do you have a motion then?
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1 MS. WHICHER: I just think that I am trying to
2 make the Board clear as to my objection to this form of the
3 document. It is not what was passed around yesterday.

4 If this is as far as I can get the parties to
5 agree, then I will accept this, but I think my objection
6 should be clear on the record that this is not what was passed
7 around yesterday,

8 JUDGE SMITH: All right, would you make a motion
9 specifically for a relief.

10 MS. WHICHER: Yes, I move that the Staff reproduce
11 that original document here and that another attempt be made
12 to get a clear copy for the record.

13 JUDGE SMITH: We have had the representation from
14 Mr. Goldberg that he can do no better.

15 MS. WHICHER: No better with the copying facilities
16 in this building?

17 MR. GOLDBERG: That is correct and we don't have
18 possession of the document; it is now back in the OI investi-
19 gator files.

20 JUDGE COLE: In Washington?

21 MR. GOLDBERG: With the inspector who I gather is
22 in the Region III office.

23 MS. WHICHER: The inspector is in Chicago.

24 MR. GOLDBERG: But let me just say, it would seem
25 to me apparent that when Mr. Hayes wrote to this Board in

1 in June, to which this document was accompanied, that the
2 reproduction facilities at his disposal were able to produce
3 a copy of less clarity than the one that counsel for the
4 Staff was able to produce yesterday; so I am not going to
5 speculate about what kind of copy OI can generate that might
6 improve the quality. But I would concur in the Board's ob-
7 servations that absent expert testimony there can be no
8 probative inference or conclusion drawn anyway from the style
9 of the nomenclature that exists.

10 JUDGE SMITH: You see, that's the point. If it
11 would be helpful, I think we could probably get the original
12 from OI, but even getting that original, you don't produce
13 any evidence upon which this Board can make a finding.

14 MS. WHICHER: Your Honor, I don't have the evidence
15 because all I have is Staff Exhibit 5, and I did not know
16 that Staff Exhibit 5 existed until yesterday. And now I
17 see the copy of it with which I was provided is not the same
18 as the original that I saw, and I don't know how I can tell
19 the Board, yes, I am going to take this to a handwriting
20 expert and have it analyzed and submit a motion to reopen.
21 I can't make that representation; I simply don't know.

22 But I think that the Staff ought to provide clear
23 evidence because I do not want to foreclose the possibility
24 of taking further action or further inquiry.

25 JUDGE SMITH: Are you representing to the Board

1 the today -- and this is the first time that you have made
2 such a representation -- that you wish to have a clearer copy
3 of it so that you can consider the possibility of producing
4 evidence which will establish that it is John Hughes' signa-
5 ture?

6 MS. WHICHER: Judge Smith, I do not want to fore-
7 close myself from the possibility of using this evidence in
8 any manner and I repeat, this is not the copy, this is not
9 what was passed around yesterday.

10 JUDGE SMITH: Okay.

11 (Board conferring.)

12 JUDGE SMITH: Dr. Cole was under the impression that
13 I had stated that I understood that the stipulation among the
14 parties was that the name "John Hughes" in handwriting or
15 printing was actually placed there by John Hughes. My memory
16 is that my observation was exactly to the contrary, that
17 the stipulation only going to the point that the name John
18 Hughes exists there.

19 MS. WHICHER: My interpretation is the same as
20 yours, Judge Smith.

21 MS. YOUNG: Judge Smith, you did say both: you
22 said, written by him in the upper right hand corner but you
23 clarified it by subsequent remarks.

24 JUDGE SMITH: Oh, okay.

25 MS. WHICHER: All right, perhaps I can resolve this,

1 at least temporarily, so that I can go on.

2 I would request an order from this Board that the
3 Staff use its best efforts to retrieve the original from the
4 Office of Investigations and provide me with a copy which is--
5 which clearly shows the nature of the handwriting in the upper
6 right hand corner.

7 JUDGE SMITH: All right, I will ask the Office
8 of Investigatins myself to do that. And I am sure that you
9 will get it.

10 MS. WHICHER: I will be meeing with Mr. Galanti
11 on Tuesday or Wednesday of next week, so perhaps he could have
12 that request from you before that time.

13 JUDGE SMITH: I have no doubt that they would
14 honor your request.

15 MS. WHICHER: Well, they didn't honor my request
16 to send me this test in the first place, Your Honor.

17 MR. GOLDBERG: Eventually they did, which after
18 the Board requested it.

19 JUDGE SMITH: Well, in any event I will make the
20 request and I will allude to your meeting with them and
21 you'll get, I'm sure.

22 MS. WHICHER: Thank you.

23 MS. YOUNG: But this exhibit is received?

24 JUDGE SMITH: Yes, with that stipulation, with
25 the stipulation that the name up there is in handwriting and

4rg5

1 it says "John Hughes."

2 Are you ready to proceed?

3 MS. WHICHER: Yes, I am, indeed.

4 CROSS-EXAMINATION (Continued)

5 BY MS. WHICHER:

6 Q Good morning, Mr. Stanish, would you please turn
7 to page four of your testimony. I'm particularly interested
8 in answer 8.

9 A Okay.

10 Q Now, answer 8 says, and this phrase appears at
11 the very top of page 5, that Commonwealth Edison reviews
12 100 per cent of the contractor inspection certification
13 packages, do you see that?

14 A That's correct.

15 MR. BECKER: Inspector?

16 MS. WHICHER: I'm sorry, inspector.

17 BY MS. WHICHER:

18 Q What is a contractor inspector certification
19 package?

20 A It is the paperwork that is compiled to demonstrate
21 the certification of a QC inspector. It would be composed
22 of the test results, the resumes of the documented verifica-
23 tion of previous experience, education, the records that
24 would be required or that are used as the basis for the
25 certification.

1 Q So in other words, it's whatever is in that
2 particular inspector's certification file, right?

3 A Which is used for the first basis for certification.

4 Q Do you get the whole file or just part of it?

5 A We get the whole file.

6 Q So you get the inspector's certification file,
7 correct?

8 A That's right.

9 Q And who reviews that for Commonwealth Edison?

10 A The Quality Assurance Department.

11 Q That's, your department?

12 A That's correct.

13 Q Do you do that, personally?

14 A No, I don't.

15 Q Someone underneath you and under your supervision
16 does it, right?

17 A Yes.

18 Q What could they do when they review it?

19 A They review it to verify that the documents included
20 therein meet the requirements that we have directed
21 contractors to implement, which are included in their pro-
22 cedures for certification.

23 Q So this is a doublecheck: the contractors are
24 providing by their commitments, right?

25 A That's correct.

1 Q And you just look at the documentation?

2 A As a part of that review, that's right.

3 Q What else do you do as part of that review?

4 A That is what we do as a part -- that is what we
5 do as a review. The review of the certification package is
6 a review of documentation.

7 Q You don't check to see whether those documents are
8 what they purport to be, accurately reflect the facts, right?

9 A Not to my knowledge.

10 Q Well, who would know that if you wouldn't, Mr.
11 Stanish?

12 MR. BECKER: Objection. She is arguing with the
13 witness already, Your Honor.

14 MS. WHICHER: He said not to his knowledge. He
15 is in charge of the program. There is an implication some-
16 body else may be doing it, and if there is, he ought to know
17 about it.

18 JUDGE SMITH: You may answer.

19 THE WITNESS: The certifying individual.

20 BY MS. WHICHER:

21 Q And who is the certifying individual?

22 A In the case right now, it would be Mr. -- well,
23 it would be either the QA supervisor or the QA manager.

24 Q You are talking about a contractor employee?

25 A That's correct.

1 Q Let me try it again.

2 A Okay.

3 Q When Commonwealth Edison reviews the inspector
4 certification packages, Commonwealth Edison does not verify
5 that the documents are what they purport to be or that they
6 accurately reflect the facts, right?

7 A That's right.

8 Q Now -- did you finish?

9 A Yes.

10 Q You review every contractor inspector certification
11 package presently, right?

12 A Presently, that's correct.

13 Q And you do that for every contractor at Byron,
14 right?

15 A Every contractor who has committed to ANSI 45.2.6,
16 the contractors who do safety-related work are committed to
17 ANSI 45.2.6 so we do review all contractors who are committed
18 to ANSI.

19 Q So you review all contractors who do safety-
20 related work?

21 A Correct.

22 Q Let's say an inspector certification package is
23 complete and is certified today. At what point does Common-
24 wealth Edison review that package?

25 A The program that we have in place now requires

1 the contractor to submit on a weekly basis those newly or
2 recertified inspectors. We then do that review with the
3 intent of getting in done within a week.

4 Q Now I gather from something you said in your last
5 answer, Mr. Stanish, that this program applies not only to
6 new inspectors as they are certified but to other inspectors
7 who are not properly certified and are now being recertified,
8 right?

9 MR. BECKER: Objection to the characterization of
10 Mr. Stanish's answer.

11 MS. WHICHER: I am not saying that's what he
12 answered. I'm saying I think there was information in his
13 answer that indicated that, and I want to establish whether
14 that's true.

15 MR. BECKER: There's no foundation for the question
16 as asked. He referred to recertification, not to anyone who
17 is not properly certified. The question has no foundation
18 as asked.

19 MS. WHICHER: All right, let's strike "not properly
20 certified" from that question.

21 MR. BECKER: Could you reask it, please?

22 BY MS. WHICHER:

23 Q Mr. Stanish, is it the case that Commonwealth
24 Edison's review of inspector -- contractor inspector certif-
25 ication package includes newly hired, newly certified

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1 inspectors as ell as inspectors who are being recertified
2 under the 820519 program?

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1 MR. BECKER: Your Honor, I'm sorry, but I object
2 again, because using the notion of recertified under 82-05,
3 my impression is that it's annual or biannual recertification.

4 MS. WHICHER: If the witness is confused by the
5 problem -- I think the problem is Mr. Becker thinks he may be
6 confused. Maybe the witness can tell us if he is confused.

7 MR. BECKER: Fair enough, Your Honor.

8 THE WITNESS: I think I understand the question.

9 JUDGE SMITH: Well, in your answer, give your
10 understanding of the question, too.

11 THE WITNESS: Okay.

12 Whenever an inspector is newly hired or certified
13 in a new area, we perform a review of his package.

14 In reference to the question that was asked, we
15 have also done reviews of any inspector's certification
16 package that has been recertified in accordance with the
17 upgraded requirements which we have established.

18 BY MS. WHICHER:

19 Q All right. Now, as to those packages which were
20 reviewed in accordance with the upgraded requirements -- as
21 to those packages, did Commonwealth Edison review 100 percent
22 of those?

23 A Of the current inspectors on-site? Yes, we have.

24 Q Well, isn't that program just limited to current
25 inspectors on-site?

1 A Yes, it is.

2 Q So, your answer is "yes"?

3 A Yes.

4 Q Now, when did Commonwealth Edison begin reviewing
5 packages for newly hired inspectors?

6 A On a 100 percent basis?

7 Q Yes.

8 A We began this late 1982.

9 Q Was it before or after October, if you know?

10 A The reviews were begun in about the October time
11 frame. However, they were discontinued when it was found
12 that certain of the documentation was not in accordance with
13 what Commonwealth Edison wanted to see in those packages. In
14 other words, the programs, as we stated, were being documented
15 in a different fashion than what we would like to have seen.

16 Q Well, is it the case, Mr. Stanish, that Commonwealth
17 Edison started to review 100 percent of the new inspector
18 packages and what it was seeing was not what it expected to
19 see and so it stopped reviewing 100 percent of the packages?

20 A Not what we wanted to see, so we stopped reviewing
21 at that time.

22 Q And when did you start reviewing --

23 JUDGE SMITH: Excuse me. I'd like to hear that
24 answer.

25 THE WITNESS: It was not in the format we wanted

1 to see it in -- the documentation.

2 JUDGE COLE: So, you stopped.

3 But what did you do?

4 THE WITNESS: We stopped and directed the
5 contractor to put it in a format which would be what we
6 would like to see.

7 JUDGE COLE: Okay. So, you stopped because it
8 was fruitless to continue until they got it in a shape you
9 wanted it. And you told them what you wanted?

10 THE WITNESS: That's correct.

11 JUDGE COLE: Okay.

12 BY MS. WHICHER:

13 Q And when did you go back to the program with the
14 documentation or the files in the format which you desired?

15 A I believe late in February of 1983.

16 Q So, you really did not start this 100 percent
17 review until late February 1983; right?

18 A The latest start, right, was not begun until late
19 February. That's correct.

20 Q Am I correct in understanding there were two
21 starts?

22 A Yes. Oh, yes, because we started, like I say, late
23 in 1982 and found that we could not continue.

24 Q But not more than two starts, just two?

25 A Of the 100 percent? Yes.

1 Q Yes.

2 Two?

3 A Yes, two.

4 Q Now, Mr. Stanish, looking at the first full
5 sentence of answer 8 on page 5, that sentence states that
6 this review -- and it's referring to the 100 percent review
7 of certification packages; correct?

8 A That's correct.

9 Q Confirms that all certification requirements have
10 been met.

11 Isn't it the case, Mr. Stanish, that your review
12 only determines whether documents are in the files?

13 A Yes.

14 Q Now, if you would turn, please, to answer 10. And
15 you talk about the reinspection program.

16 Do you see that?

17 A Okay.

18 Q It's just a short answer.

19 Now, has Commonwealth Edison audited the
20 reinspection program?

21 A Yes, we have.

22 Q And when did it start?

23 A The audit began in -- let me get the exact date for
24 you here -- June 21st.

25 Q What are you looking at, Mr. Stanish?

1 A We're looking at the implementation --

2 Q I'm sorry. What document were you looking at to
3 get that date?

4 A It's an audit report.

5 Q And you have that before you?

6 A Yes, I do.

7 Q May I see it, please?

8 A Sure.

9 (Document handed to counsel.)

10 (Counsel reviewing document.)

11 MS. WHICHER: Your Honor, this is a document I had
12 not seen before. And I did not know it existed.

13 And I see that the witness has referred to it.

14 Let me explain to the Board my problem. I would
15 like to take some time to review this. I don't want to take
16 the Board's time while I sit here and read it. On the other
17 hand, I don't want this witness to go away and have foreclosed
18 myself from questioning him about it.

19 JUDGE SMITH: As it happens, Dr. Callihan had to
20 leave for a telephone conference call at this time. So,
21 let's take -- how much time do you need? Five minutes?

22 MS. WHICHER: Well, it's a lengthy document, and
23 I don't really know what it is.

24 Perhaps if I'm given 10 minutes, I can make a
25 determination as to whether I wish to inquire into its contents

1 further.

2 JUDGE SMITH: Let's take our mid-morning break at
3 this time.

4 And I hope when we return our progress will be a
5 little bit smoother.

6 (Recess.)

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1 JUDGE SMITH: We can proceed with a quorum.

2 Are you ready to proceed?

3 MS. WHICHER: Yes, I am.

4 The document is being reproduced courtesy of the
5 Applicant and will be back here shortly.

6 JUDGE SMITH: In the meantime, can't you proceed?

7 MS. WHICHER: I intend to proceed. And then, at
8 the end of the questions I have prepared for Mr. Stanish, I
9 will have a few questions on that document.

10 JUDGE SMITH: Okay.

11 BY MS. WHICHER:

12 Q Mr. Stanish, under the recertification program,
13 when an inspector on-site is determined not to be qualified,
14 he's retrained and then requalified and recertified; right?

15 A When he does not meet the requirements of the
16 current program, yes, he is requalified.

17 Q And what is done about the prior inspections
18 that their previously unqualified inspector had done?

19 A Most of that is included in the reinspection
20 program which is being performed at this time.

21 Q What do you mean by "most of that," Mr. Stanish?

22 A I think I'd like to have the question prior to
23 this one repeated.

24 (The reporter read the record as requested.)

25 THE WITNESS: All of the inspectors would be

1 included in that reinspection program.

2 BY MS. WHICHER:

3 Q Now, the reinspection program is a sampling
4 program; right?

5 A That's correct.

6 Q But is it more than a sampling program as to
7 inspectors who are found to have been previously unqualified?

8 A What do you mean by "previously unqualified"? In
9 accordance with the new program?

10 Q Mr. Stanish, I'm asking you to suppose we have
11 an inspector who's been at the plant for four years.

12 A Okay

13 Q And under the recertification program, we find
14 that inspector, in fact, was not qualified to perform
15 inspections. And he's been performing inspections for four
16 years.

17 Now, we retrain that inspector and we get him all
18 perfectly qualified, and we recertify him.

19 Now, let's talk about those four years of
20 inspections. What's done about those four years of
21 inspections?

22 A That four years would be included in our
23 reinspection program?

24 Q It's true, is it not, that the reinspection program
25 is on a sampling basis?

1 A That's correct.

2 Q Does the reinspection program include reinspection
3 of every inspection done by that inspector or hypothetical
4 inspector who has been inspecting for four years although he
5 was not properly qualified?

6 A Not necessarily.

7 But the one point you make is "not properly
8 qualified."

9 The reinspection program is being performed to
10 demonstrate that he was, in fact, properly qualified, though
11 he may not have been properly certified.

12 Q Your testimony is, is it not, Mr. Stanish, that
13 not everyone of those past inspections while the inspector
14 was not properly qualified is being reinspected; right?

15 A Would you repeat the question?

16 Q That was very confusing. I'm sorry.

17 Your testimony is, is it not, that as to our
18 hypothetical inspector, not every inspection that he performed
19 while he was unqualified, yet certified, is being reinspected?

20 A My testimony really doesn't address that.

21 Mine addresses the certification program, not the
22 reinspection program.

23 Q Is your answer that you don't know?

24 A Well, they all are not reinspected.

25 Q Okay. So, your answer is "no"; right?

1 A That's correct.

2 Q Okay.

3 JUDGE SMITH: So, the answer, then, is, given your
4 hypothetical inspector who had four years of inspection before
5 it was determined that he was not qualified, that those
6 inspections possibly may not be reinspected?

7 MS. WHICHER: Right.

8 JUDGE SMITH: Is that the answer?

9 THE WITNESS: That's right. But I don't like to
10 mix up the words "qualified" and "certified."

11 JUDGE SMITH: Now, that's the word she used,
12 "qualified."

13 MR. BECKER: If you were confused and you'd like
14 to change your answer, tell the Board.

15 THE WITNESS: Well, the point being made is that
16 we feel the inspectors have always been qualified, though not
17 properly certified. That's why I don't like to mix those
18 words up. And I think that you are mixing them up.

19 Unless you --

20 BY MS. WHICHER:

21 Q I used "qualified" specifically in that question.

22 And, Mr. Stanish, is it your position that every
23 inspector who has been out there and been certified under any
24 contractor's program has, in fact, been qualified?

25 A That's not my testimony, that everyone has. And

1 there may be cases where there have been inspectors who
2 haven't been.

3 Q Who have not been qualified although they've been
4 certified; right?

5 A That's possible.

6 JUDGE SMITH: As to those inspectors who, in fact,
7 were not qualified but certified, under the sampling system,
8 those inspections possibly may not be reinspected?

9 THE WITNESS: It's possible. That's correct.

10 BY MS. WHICHER:

11 Q Mr. Stanish, are you familiar generally with the
12 allegations of John Hughes?

13 A Somewhat, not specifically.

14 Q Okay.

15 Has Commonwealth Edison done anything to see
16 whether any contractor at Byron engaged in any fraudulent
17 training qualification or certification practice?

18 MR. BECKER: Objection, Your Honor. First of all,
19 we're getting beyond Hatfield. And I don't think there's any
20 foundation for the question anyway.

21 MS. WHICHER: Your Honor, I took this question
22 directly from the most recent order clarifying the scope of
23 this hearing. And I want to see whether this witness is
24 attempting to put forward or knows of any evidence on that
25 issue.

1 JUDGE SMITH: Do you want to address that remark?
2 That is correct; our memorandum and order indicated
3 the Board was particularly interested in the possibility of
4 fraudulent practices.

5 MR. BECKER: Then, let me make my objection for
6 the record.

7 Ms. Whicher's comment just indicated she has no
8 foundation for the question by stating that she's going to
9 ask the witness if he has knowledge of anything. That makes
10 it clear that she has no foundation for the question.

11 I think, as the Board knows, she had to have a
12 foundation for questions to ask witnesses.

13 MS. WHICHER: Your Honor, I am trying to determine
14 what is the showing that Commonwealth Edison is putting
15 forward. And if they have done such investigation --

16 JUDGE SMITH: Put it to Mr. Becker.

17 The Board indicated to the parties that because of
18 our review of the record as it existed and because of
19 Mr. Hughes' allegations, that we were interested in receiving
20 evidence as to whether there was any fraudulent training and
21 certification practices.

22 Is it the position of Commonwealth Edison that you
23 are not offering evidence on that issue?

24 MR. BECKER: No, Your Honor. My objection goes
25 solely to the fact that our understanding of the order is the

1 order sets the scope of inquiry that any of the parties can
2 make. I wasn't aware that the order says that it eliminates
3 the need for foundation.

4 I have made my objection on the record. And
5 obviously, we see the Board ruling on the objection. But
6 I cannot believe the Board's order meant that questions
7 asked can be fishing expeditions. That, in effect, I think is
8 what we have here.

9 JUDGE SMITH: Where does Commonwealth Edison
10 address that issue that the Board requested be addressed in
11 its offered testimony?

12 MR. BECKER: I'm sorry, Your Honor.

13 JUDGE SMITH: Where does Commonwealth Edison
14 address the issue that we requested in its testimony?

15 MR. BECKER: It does not directly address that
16 issue.

17 JUDGE SMITH: Okay. So, you elect not to offer
18 evidence on that issue.

19 MR. BECKER: It's not a question of electing not
20 to offer evidence. Presumably, there has to be some evidence
21 in the record from some party for the Board to make a finding
22 on it.

23 The fact that Commonwealth Edison has not
24 introduced evidence, affirmative or negative, into the record
25 presumably -- I would certainly hope the Board isn't going to

1 draw a negative inference from the fact that it didn't
2 introduce evidence saying there is no fraudulent practice.

3 My point is that I assumed all questions would have
4 to have foundation.

5 JUDGE SMITH: You're asking this Board to preclude
6 inquiry from this witness as to whether there is evidence of
7 fraudulent practices. You stand on that decision?

8 MR. BECKER: My point is this is a "When did you
9 stop beating your wife?" question.

10 JUDGE SMITH: It absolutely is not. I did not
11 infer that from the question at all.

12 MR. BECKER: My objection is on the record.

13 If Your Honor wants to rule --

14 JUDGE SMITH: No, that's not good enough. You
15 can't put it to us this way. You can take your position: Do
16 you or do you not wish to prevent us from inquiring into that
17 area?

18 MR. BECKER: That's not the issue I'm raising.

19 JUDGE SMITH: Well, I'm asking the question, and I
20 want an answer.

21 MR. BECKER: If there's a foundation for the
22 question, no, we don't object to any inquiry.

23 If the Board finds there's adequate foundation,
24 then the question is proper.

25 JUDGE SMITH: I think you'd better consult with

1 Mr. Miller.

2 MR. BECKER: Fine.

3 Should we take a short recess?

4 JUDGE SMITH: Yes.

5 (Recess.)

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1 Judge Smith, before we begin, I'd like to state
2 for the record we contacted the OI investigator and he will
3 provide Ms. Whicher the best copy possible.

4 MS. WHICHER: And that the original will be avail-
5 able during the interview and that that is satisfactory to me.

6 MR. MILLER: My apologies, Judge Smith, I've been
7 in the process of turning the pay phone out there into a law
8 office.

9 JUDGE SMITH: We just felt that you were too
10 relaxed and we wanted to brighten up your day.

11 (Laughter.)

12 MR. MILLER: Fair enough. Judge Smith, I think that
13 Commonwealth Edison's position on this issue is that as we
14 understood the Board's July 7th order, the focus of this
15 inquiry -- of this evidentiary session -- was on Hatfield
16 Electric Company. And what we have with respect to Hatfield
17 Electric Company are some complete investigations which are
18 the subject of Staff testimony and earlier evidence before
19 this Board.

20 And then we have some investigations that are
21 under way which the Board has considered outside the presence
22 of Intervenors and Applicant and has characterized them this
23 morning as probably not being of continued interest.

24 I don't mean to mischaracterize it, but --
25

1 JUDGE SMITH: Whatever we said, we said.

2 MR. MILLER: Right. And on that basis, if the
3 question is really whether Mr. Stanish regards the completed
4 Hatfield investigations as being evidence of fraudulent
5 practices, that seems to me to be a necessary first step,
6 a proper narrowing of the question.

7 But what we have here is we have the prepared
8 direct testimony of Mr. Stanish, Mr. Tuetken, and Mr. Koca
9 and we have the prepared direct testimony of the Staff panel.

10 We do not have any testimony from any party of
11 which I am aware that talks about (quote) "fraudulent practices"
12 (close quote), and it seemed to me that it was incumbent on
13 all the parties including the Intervenor to provide this
14 Board and the other parties with the direct testimony estab-
15 lishing those fraudulent practices in order to conduct the
16 cross-examination like the one apparently Ms. Whicher intends
17 to conduct right now.

18 JUDGE SMITH: The objection in context is probably
19 sustainable on two bases.

20 One is, as I recall the question, it was on this
21 order: you are familiar with the allegations with John
22 Hughes, right? Yes. That's the premise. Are you -- did
23 Commonwealth Edison Company make any findings of fraudulent
24 practices? Would you restate it?

25 MS. WHICHER: Yes, I'll read directly from my

1 notes. Has Commonwealth Edison done any-thing to see whether
2 any contractor at Byron has engaged in any fraudulent train-
3 ing, qualification, or certification practices?

4 JUDGE SMITH: Now, the objection can be sustained
5 on the basis, number one, it was inappropriate for her to
6 premise the question with the allegations of Juhn Hughes,
7 because that, as Mr. Becker points out, assumes that Mr.
8 Hughes' allegations establish fraudulent practices.

9 Also, it goes beyond the scope of the reopened
10 hearings because it is not limited to Hatfield. Moreover, it
11 goes beyond the scope of direct examination, right?

12 So, we can sustain that objection.

13 Our inquiry went beyond that and that is -- and
14 this is our right and which Mr. Becker did not seem to under-
15 stand very well -- exactly what is your position in this
16 reopened hearing? And that is why I would like to have had
17 Commonwealth give us a considered position rather than a
18 position that Mr. Becker had to come up with instantly in
19 response to our question.

20 MR. MILLER: Well, when you say -- I guess I'd
21 like a little clarification. Are you asking, what is Common-
22 wealth Edison's position with respect to the Board's inquiry
23 into alleged or --

24 JUDGE SMITH: We said want an evidentiary showing
25 by the parties and that we are particularly interested in

1 any fraudulent qualification, training or certification prac-
2 tices. And the question asked is objectionable. Now we want
3 to know, don't you want us to ask about it as a matter of
4 policy?

5 MR. MILLER: Judge Smith, certainly I don't think
6 we have any objection to the Board going into these issues.

7 JUDGE SMITH: I didn't think you did.

8 MR. MILLER: But as opposed by counsel, there is
9 a premise, at least one premise in the question which is not
10 substantiated by the record and indeed given the fact that
11 the preceding question dealt with Mr. Hughes, I think the
12 record is just to the contrary, that there were no fraudulent
13 practices.

14 JUDGE SMITH: All right, objection sustained.

15 MS. WHICHER: Let me, then, if I might, withdraw
16 or make clear -- I don't want -- I don't wish my question to
17 be premised on the allegations of John Hughes, Your Honor.
18 What I am getting at -- and perhaps it was a tactical error
19 on my part to use Mr. Hughes as a lead-in to the topic, all
20 I want to know from this witness is whether Commonwealth
21 Edison has done anything to see whether such practices have
22 occurred. And I base that on fact five or item five in the
23 Board's July 7th order.

24 JUDGE SMITH: Fine -- at Hatfield.

25 MS. WHICHER: At any contractor.

1 JUDGE SMITH: The reopened hearing is limited to
2 Hatfield.

3 MR. MILLER: Yes.

4 MS. WHICHER: This witness, nowhere in his pre-
5 filed testimony limits his testimony to Hatfield. It does
6 not even say Hatfield in this testimony.

7 JUDGE SMITH: No. That's a different point. He
8 doesn't talk about fraudulent practices in his testimony
9 either.

10 MS. WHICHER: No, he doesn't.

11 JUDGE SMITH: Apparently Commonwealth Edison is
12 going to ask him to respond to questions until item five,
13 but apparently they're going to -- and as far as we're con-
14 cerned, we're only interested in responses to item five as
15 they relate to Hatfield Electric Company.

16 You point to me his direct examination that your
17 question addresses.

18 MS. WHICHER: No, I'm not contending that there
19 is anything in his direct examination. I am -- but this man,
20 as quality assurance manager, would be in a position to know
21 whether Commonwealth Edison has done any investigation into
22 that I think this Board deserves that information.

23 JUDGE SMITH: Yes we do, but why do you quibble
24 about limiting it to Hatfield?

25 MS. WHICHER: I'll take it about any contractor,

1 Your Honor.

2 JUDGE SMITH: All right.

3 Now state the question that you want answered,
4 limit it to Hatfield, and forget John Hughes' premise.

5 BY MS. WHICHER:

6 Q Mr. Stanish, has Commonwealth Edison done anything
7 to see whether Hatfield Electric Company engaged in any
8 fraudulent training qualification or certification practice?

9 A Yes, we have been involved with their training
10 program, in that in order to verify that inspectors have,
11 in fact, attended training sessions, we do frequently attend
12 Hatfield's training sessions.

13 We also review on the job training as it is being
14 performed by inspection candidate and his ttainor. Those
15 are the types of activities we do get involved with.

16 Q But are these the only two activities that you
17 undertake?

18 A Those are the only two that come to mind right
19 now.

20 Q And --

21 JUDGE SMITH: Don't leave that point until I have
22 a chance to ask a question.

23 MS. WHICHER: Well, I was going to follow up on
24 the details of the two items he mentioned.

25 JUDGE SMITH: Do you feel that you are under any

1 restraint in making an inquiry of Hatfield's training,
2 qualification or certification practices because of the
3 pendency of investigations and inspections by the NRC?

4 THE WITNESS: Do we feel restrained by whom,
5 Judge?

6 JUDGE SMITH: Yourself. Do you feel that you
7 cannot go perhaps running into Hatfield's records and looking
8 at things because you know that the NRC's making some invest-
9 igations. Is that any part of your consideration?

10 THE WITNESS: Not really. It isn't.

11 JUDGE SMITH: Okay.

12 BY MS. WHICHER:

13 Q Mr. Stanish, you said that you verified whether
14 inspectors attend training sessions by having a representative
15 of Commonwealth Edison attend the session, right?

16 A That's correct

17 Q When did you start attending Hatfield training
18 sessions?

19 A We've been doing that for most of the year through
20 1983. Occasionally prior to that we would attend sessions
21 also.

22 Q Did the level of your attendance at those sessions
23 pick up in 1983 or at some point?

24 A Yes, they did.

25 Q Why was that?

1 A Partly in response to the concerns that have been
2 raised relative to the certification and qualification pro-
3 gram in general. Partly due to the allegations made by John
4 Hughes.

5 Q And when did Commonwealth Edison first know about
6 John Hughes' allegations?

7 A I don't know specifically, but it was, I believe,
8 End 7, in January of 1983, I'm not certain though.

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1 Q And, Mr. Stanish, you also testified that you
2 reviewed on-the-job training as it was being performed. Is
3 that a correct characterization of what you said?

4 A That's correct.

5 Q Can you tell me how you go about doing that?

6 A It's a surveillance function. And we will
7 accompany the inspector trainee and his trainer on their
8 work, whether it be in the field or -- well, it generally is
9 in the field, because they are performing in-place inspections.

10 Q And what percentage of the on-the-job training
11 inspections does Commonwealth Edison accompany?

12 A That I can't say. But it is done as an audit-type
13 function.

14 Q But you have no idea what percentage?

15 A I really don't.

16 Q Can you tell me what percentage of Hatfield's
17 training sessions Commonwealth Edison attends?

18 A My best guess would be approximately 10 percent.

19 Q Mr. Stanish, are you familiar with the most recent
20 systematic assessment of Licensee performance reports?

21 MR. BECKER: Objection, your Honor. I'm objecting.
22 This is far beyond the scope of what we understand the
23 reopened hearings would encompass.

24 MS. WHICHER: Well, Your Honor, this report, which
25 I intend to offer as an exhibit, deals with the reinspection

1 program and the recertification program. I think it's
2 completely relevant.

3 It also deals with Hatfield Electric.

4 MS. YOUNG: Staff would join in that objection.

5 I think if Ms. Whicher wants to have anything
6 admitted into evidence, she's going to have a problem.

7 JUDGE SMITH: I guess you'll have to tentatively
8 accept it.

9 MS. WHICHER: I will, indeed.

10 (Pause.)

11 JUDGE SMITH: It's your burden to argue the
12 relevancy and address the objections that it exceeds the
13 scope of the reopened proceeding. We don't want to do it up
14 here.

15 MS. WHICHER: It's indeed curious to me that both
16 Commonwealth Edison and the Staff argue that this report is
17 irrelevant. This report, while indeed it is recent, it is a
18 systematic assessment of Commonwealth Edison's performance at
19 Byron. As I understand it, its emphasis is on quality
20 assurance. It ranks Commonwealth Edison in 10 areas, quality
21 assurance being one, electrical being one.

22 Commonwealth Edison got the lowest possible grade
23 in two of those areas and the lowest possible grades in half
24 of the areas it was rated in.

25 JUDGE COLE: Lowest possible passing grade? Or

1 lowest possible grade?

2 MS. WHICHER: Lowest possible score. There are
3 three grades, 1, 2, and 3 -- 3 being the worst. And 3 is
4 what Commonwealth Edison got.

5 And I would specifically refer the Board to page 2
6 -- I can run you through some of the key parts of the report
7 if you wish.

8 I guess I'll take that direction from you.

9 MR. MILLER: Judge Smith, I'd just like to observe
10 that the SALP report is essentially a historical document.
11 The cover letter, which I believe -- is that part of your
12 exhibit? -- the cover letter, which is the first sheet of the
13 tendered exhibit makes clear, or attempts to, that the Staff
14 could account of the findings of the SALP report in previous
15 testimony submitted to the Board.

16 Indeed, if one looks at the substance of the report
17 with respect to the specific issues of inspector certification,
18 one sees that it's almost word for word, but certainly no more
19 than a paraphrase of the inspection report that's already been
20 admitted into evidence as a part of this record.

21 The same thing with the electrical -- the comments
22 regarding the electrical area that was assessed during the
23 SALP process.

24 MS. WHICHER: I think Commonwealth Edison has just
25 admitted that the report is, indeed, relevant.

1 MR. MILLER: It may be relevant, but it's certainly
2 cumulative.

3 And if we're going to burden the record with a
4 document which is still -- it's either being proffered -- as
5 I understood what it was being offered for, it was being
6 offered for the fact that the SALP process had taken place
7 and rated Commonwealth Edison. On that ground, I think it's
8 irrelevant.

9 JUDGE SMITH: You think it's relevant?

10 MR. MILLER: No. I think that fact is irrelevant,
11 because we do not have Mr. Kepler's evaluation of Commonwealth
12 Edison's response and any changes to the SALP report which
13 may occur in his cover letter, after he has considered both
14 the Staff's preliminary report and Commonwealth Edison's
15 response.

16 MS. WHICHER: Mr. Novak, Assistant Director of
17 Licensing of NRC, sent this to the Board and the parties as
18 a notification.

19 JUDGE SMITH: Well, that doesn't make it relevant
20 in the evidentiary sense.

21 MS. WHICHER: The fact that Commonwealth Edison's
22 response -- Commonwealth Edison's response is attached to
23 this, the fact that Mr. Kepler has not evaluated that response
24 has nothing to do with the contents of the report. It's a
25 Region III report.

1 JUDGE SMITH: I agree. The fact Mr. Kepler has not
2 evaluated it does not affect its relevancy. It affects its
3 probity perhaps and its completeness and reliability, but
4 not its relevance.

5 But more than that, I was hoping there would be a
6 discussion of how it relates or how it is confined within the
7 reopened issues. I've flipped through it, and I can't seem to
8 find anything.

9 MS. WHICHER: Your Honor, as I have started to, I'm
10 prepared to point out some places in this report which deal
11 with the issues before the Board in this phase of the hearing.

12 JUDGE SMITH: Proceed with it.

13 MS. WHICHER: First, on the fifth page down, which
14 is page 2 of the enclosure, which is the bulk of the document,
15 under "Electrical Power Supply and Distribution" -- I quote:

16 "Major correction measures were supposedly
17 implemented to correct similar problems identified in the
18 previous assessment period. There were positive indications
19 early in this inspection period. Subsequent inspections
20 revealed that management attention in this area has become
21 inadequate."

22 MS. YOUNG: Would you slow down for the reporter.

23 MS. WHICHER: The following paragraph talks about
24 noncompliances and quality assurance, generic problems,
25 including inadequate, incomplete, or short-lived corrective

1 actions in the area of certification of quality control
2 personnel, which is what is involved in the finding, 82-05-19.

3 JUDGE SMITH: That sure seems to be related to the
4 reopened proceeding.

5 MR. MILLER: Judge Smith, I'd like to be heard just
6 a little more with respect to relevance of this document.

7 As I've said, this is a historical document. It
8 covers a period that ended December 31st, 1982, long before
9 Mr. Forney took the stand on behalf of the NRC Staff and long
10 before we discussed our witnesses who presented their
11 testimony.

12 MS. WHICHER: Perhaps that's an item that
13 Mr. Forney can testify about. I don't think it's a matter for
14 counsel's argument.

15 MR. MILLER: Excuse me, but the period of the SALP
16 report, I believe, is stated right in the second paragraph
17 of the cover letter. It says: "The SALP report was an
18 assessment of the Applicant's performance of 1982."

19 MS. WHICHER: That's right. And that's when
20 Region III found the violations listed in 82-05-19. And
21 that's when Region III was discussing corrective actions with
22 Commonwealth Edison. It's completely relevant.

23 MR. MILLER: It's old news. It's old news.

24 JUDGE SMITH: All right. In the first place,
25 we're not going to accept this big document into evidence

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1 without more refinement.

2 We'll defer ruling and see, when your cross-
3 examination on the panel -- if you can establish that it is
4 information which is not cumulative and is still probitive,
5 then -- but we'll just defer it. We'll just defer it. You
6 try again when you cross-examine the Staff's panel.

7 MS. WHICHER: Well, am I precluded from cross-
8 examining Mr. Stanish on this document then?

9 JUDGE SMITH: You can cross-examine Mr. Stanish
10 on anything.

11 MS. WHICHER: The objection, then, is the receipt
12 of the document into evidence?

13 JUDGE SMITH: That's right. But you don't have to
14 have a document which is receivable into evidence for cross-
15 examination.

16 MS. WHICHER: Right.

17 JUDGE SMITH: It depends upon how you try to use it.

18 MR. BECKER: Presumably Mr. Stanish cannot be
19 cross-examined in general terms on the SALP report?

20 JUDGE SMITH: I don't want to rule of the reasons
21 that exist in the universe for objections. Let's just take
22 it a question at a time. I mean, whatever rules apply we'll
23 apply in the context of the question.

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end 8

1 MS. WHICHER: I have one further clarification to
2 address to the Board.

3 In your ruling you indicated that you would
4 in part base your decision on whether or not this report
5 was cumulative.

6 JUDGE SMITH: And probative.

7 MS. WHICHER: Right. I said in part. And I
8 am wondering if the Board can indicate to me cumulative
9 as to -- cumulative with respect to what.

10 For example, if this document contained only
11 excerpts of other documents which were already in the
12 record, I would not be offering it.

13 JUDGE SMITH: You would not what?

14 MS. WHICHER: I would not be offering it.

15 And I am confused as to the nature of the Board's
16 ruling about the possible cumulative nature of this document.

17 JUDGE SMITH: We have noted Mr. Miller's
18 observations that this report concerns itself with activities
19 of 1982, and since that time we have heard a lot of testimony
20 and other documents and information and we don't want to
21 duplicate that.

22 MS. WHICHER: This report was not available at
23 the time.

24 JUDGE SMITH: That is a different issue, entirely
25 different issue.

1 MS. WHICHER: And as I will show the Board, I
2 hope to its satisfaction, this document goes beyond testimony
3 and reports of the Staff which have previously been entered
4 into evidence and trends those reports.

5 JUDGE SMITH: Well, that's fine. In the meantime
6 you have handed us a piece of paper which is a fourth of
7 an inch thick which, although it was served on us, true,
8 I for one have done nothing except flip through it to see
9 if -- you know, I have been very busy and I haven't had a
10 chance to look at it. So you haven't been denied any
11 opportunity. It's just that you just can't plop down
12 a wholesale pile of papers on us and say, "Take it into
13 evidence."

14 I think you had better identify it, you'd
15 better give it an exhibit number now.

16 MS. WHICHER: 28, I believe is the next number.

17 (The document referred to was
18 marked Joint Intervenors Exhibit
19 No. 28 for identification.)

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20 JUDGE SMITH: I don't think we are going to get
21 done this week.

22 MS. WHICHER: Your Honor, I'd be glad to address
23 that point.

24 I have a question regarding -- a procedural
25 question regarding whether I should give the reporter's

1 copies to her now.

2 JUDGE SMITH: No, you haven't offered it yet,
3 have you? Wait. If you offer it and it's rejected, she
4 has to have those, just as if it's been received.

5 MS. WHICHER: Okay. Fine.

6 May I continue with the witness?

7 BY MS. WHICHER:

8 Q Mr. Stanish, have you seen this report which
9 has been marked Joint Intervenors Exhibit 28?

10 A Yes, I have.

11 Q And when did you see it?

12 A I'm not sure of the exact date, but it's been
13 some time, in the summer, this summer.

14 Q Now this report rates Commonwealth Edison in
15 10 possible areas; right? And let me direct you to -- I
16 should have renumbered the pages, I guess -- Enclosure 2,
17 which is about six pages down, and page number 3, and it
18 looks like this chart, if that will help you find it.

19 Are you with me?

20 A Yes.

21 Q This report rates Commonwealth Edison in 10
22 different areas; right?

23 A Correct.

24 Q And there are three possible ratings; right?

25 A Yes.

1 Q And the one rating is the best, and the three
2 rating is the worst; right?

3 A Yes.

4 Q And Commonwealth Edison got five category three
5 ratings; right?

6 MR. BECKER: Objection, your Honor, to the scope
7 of the inquiry. Relevance.

8 JUDGE SMITH: It's true -- support systems,
9 for example; piping systems and supports, for example.

10 MS. WHICHER: Judge Smith, I do not intend to
11 inquire into any of the categories other than those directly
12 related with Hatfield Electric Company.

13 MR. BECKER: This question doesn't pertain to
14 specific inquiries.

15 JUDGE SMITH: Well, you just referred to five
16 category three ratings. Pre-operational testing, we already
17 threw you out on that one.

18 Safety-related components. That exceeds the
19 scope of the proceeding.

20 MS. WHICHER: All right. Let me then withdraw
21 that question and go on to my next question. Okay?

22 BY MS. WHICHER:

23 Q Mr. Stanish, two of the areas in which Commonwealth
24 Edison received the worst possible ratings were in electrical
25 power supply and distribution, and in quality assurance;

1 right?

2 MR. BECKER: Objection. There's been no showing --
3 electrical power supply and distribution, as discussed in the
4 SALP report, does not necessarily include the investigations
5 we are dealing with here about Hatfield. It's obvious from
6 reading what the report says about electrical power supply
7 and distribution --

8 MS. WHICHER: Your Honor, in that case I would
9 refer you to page 11 of this report and under the heading
10 "Electrical Power Supply and Distribution," the second
11 sentence reads:

12 "When inspection was in response to allegations
13 into quality inspections in this area."

14 JUDGE SMITH: Well, Mr. Becker, I think we are
15 going to have a difficult time tearing apart all this
16 information. Perhaps as an expediency it would be better
17 to proceed on a broader area, with full awareness and
18 recognition of what the scope of the reopened proceeding is.
19 I think we will just be here forever if we follow this
20 course.

21 I do agree, however, that were it not for the
22 problem, that your objection should be sustained. Because
23 your question assumes correctly the scope of the reopened
24 proceeding, but it greatly exceeds it.

25 MS. WHICHER: Judge Smith, I'm confused. Part of

1 the reopened proceeding, my understanding is, is that it deals
2 with allegations against Hatfield Electric Company.

3 JUDGE SMITH: Right.

4 MS. WHICHER: All right. And that is exactly
5 what this says right here.

6 MS. YOUNG: Excuse me for a moment. I'd like
7 to also lodge an objection against the question. I think Ms.
8 Whicher characterized it as the worst possible rating that
9 you could get under a SALP report, and I don't think that
10 has been established yet.

11 MR. MILLER: Judge Smith, however, I'd like to
12 just observe that we have -- counsel has picked up one
13 sentence in a discussion of electrical power supply and
14 distribution, when the entire rest of the discussion, as
15 far as one can tell, deals with such things as the routing
16 of safety-related cable, document separation, and then when
17 you get to the bottom of page 12, there is another
18 reference to inspection into allegations, and it says
19 within the scope of this review, no items of noncompliance
20 or deviations were identified. Very bottom of the page.
21 It says no items of noncompliance or deviations were
22 identified, although three unresolved items were identified
23 to be reviewed during future inspections.

24 These are -- I believe that once we get Mr.
25 Forney on the stand, it will be a relatively simple matter to

1 identify the fact that insofar as the SALP report deals
2 with the scope of this reopened proceeding, that the matters
3 have been fully discussed on the evidentiary record and
4 documented in the contemporaneous inspection reports that
5 were submitted as exhibits by the parties.

6 MS. WHICHER: That assertion has nothing to do
7 with this witness' testimony about this report, and the
8 pending question, which I forgot.

9 JUDGE SMITH: The issue now before us is you
10 have asked a question about the category three rating for
11 electrical power supply and distribution.

12 Mr. Becker objected.

13 You said, ana, you're wrong. Look at that one
14 sentence on page 3, one of the page 3s that we have here.

15 MR. MILLER: It is page 11, sir.

16 JUDGE SMITH: Page 11, yes.

17 And then the observation is made that your
18 question, although it includes an item of information within
19 the scope of the reopened proceeding, greatly exceeds the
20 scope of the reopened proceeding.

21 MS. WHICHER: Well, Judge Smith, I am puzzled as
22 to how I can lay a foundation as to deeper inquiry aimed at
23 Hatfield unless I can ask a general question first.

24 JUDGE SMITH: Is that the purpose of it? Do you
25 have a cross-examination plan? Is this covered in your

1 cross-examination plan?

2 MS. WHICHER: I believe so. I don't have a copy
3 of the plan before me, but I distributed them to the Board.

4 JUDGE SMITH: All right. Well, would you mind
5 telling us where you're going?

6 Dr. Cole has it.

7 MS. WHICHER: Let me see if I can find it.

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1 (Pause.)

2 JUDGE SMITH: I think she's making an inquiry which
3 is a permissible inquiry. It's just that necessarily, I
4 think, probably has to wade through information beyond the
5 scope before she gets to it.

6 MS. WHICHER: If I didn't, I would just get another
7 lack-of-foundation objection.

8 JUDGE SMITH: I would hope that the parties might
9 have a little bit of confidence that the Board recognizes the
10 scope of the hearing that it itself reopened.

11 MR. BECKER: Well, Your Honor, the question that
12 Commonwealth got a particular rating in an area I think is
13 so misleading, given the context. You asked is Commonwealth
14 Edison to abide by the Board. And if the Board requests, we
15 will. But it's hard to see why the counsel for Intervenors
16 can't simply ask the question, in effect, what did the
17 SALP report say about the allegations in the proceeding.

18 MS. WHICHER: I'm not going to let the witness
19 decide what my questions are.

20 JUDGE SMITH: Just as a matter of expediency, go
21 ahead. Proceed. But narrow down to the issues of the
22 reopened proceeding as efficiently as you can.

23 MS. WHICHER: All right.

24 Could I have the question read back, please?

25 JUDGE SMITH: I doubt if she could do it. That

1 question is so far back.

2 It started on your question on the chart, electrical
3 supply. And then there was an objection posed to that. And
4 then we went to page 11 and page 12.

5 Start all over.

6 BY MS. WHICHER:

7 Q You're with me on the chart on page 3, right,
8 Mr. Stanish?

9 A Yes, I am.

10 Q One of the areas in which Commonwealth Edison
11 received a Category 3 is in electrical power supply and
12 distribution; right?

13 MR. BECKER: I note my objection for the record,
14 Your Honor. It's overruled.

15 (Laughter.)

16 JUDGE SMITH: Sustained.

17 MR. BECKER: Okay. Thank you.

18 JUDGE SMITH: I understand that, as a matter of
19 expediency, that you would -- as you stated, that you would
20 not object.

21 MR. BECKER: Oh, I didn't realize I said I wouldn't
22 object.

23 But if that's what the Board requests, I withdraw
24 the objection.

25 JUDGE SMITH: Proceed.

1 MS. WHICHER: Has the question been overruled?

2 JUDGE SMITH: You may proceed with your question.

3 JUDGE COLE: You have a reprieve.

4 BY MS. WHICHER:

5 Q One of the areas in which Commonwealth Edison
6 received a Category 3 rating was in electrical power supply
7 and distribution; right?

8 A That's correct.

9 Q And who is the contractor concerned with electrical
10 power supply and distribution?

11 A Hatfield Electric.

12 Q And 3 is the worst category for which Commonwealth
13 Edison can be rated; right?

14 MR. BECKER: Objection, Your Honor.

15 MS. WHICHER: That has not been asked and answered.

16 MS. YOUNG: I object to the characterization.

17 JUDGE SMITH: Is Category 3 the worst rating you
18 can receive? Is there still objection?

19 MS. YOUNG: No.

20 MS. WHICHER: I adopt the Board's question.

21 BY MS. WHICHER:

22 Q Is Category 3 the worst rating that can be
23 received?

24 A It is the lowest.

25 Q It's the worst; right?

1 A I guess, in that respect, I would say it's the
2 worst of the three, yes -- okay, yes.

3 Q Now, another Category 3 rating was received for
4 quality assurance; is that correct?

5 JUDGE SMITH: Oh, no. Wait a minute.

6 I would prefer that you continue your line of
7 questioning, from the general to the specific -- well, I'm
8 sorry. I don't want to interfere.

9 Go ahead.

10 MS. WHICHER: Well, Judge Smith, it appears to me
11 that the report contains information about Hatfield both under
12 electrical power supply and about quality --

13 JUDGE SMITH: Yes, it does. I should not have
14 interfered.

15 Proceed.

16 BY MS. WHICHER:

17 Q Commonwealth Edison received a Category 3 rating
18 in quality assurance, also; right?

19 A Correct.

20 Q One of the contractors considered under quality
21 assurance was Hatfield Electric; right?

22 A I believe that to be the case.

23 Q Commonwealth Edison's own quality assurance
24 program was considered under that category; right?

25 A Yes, it was.

1 Q Would you please turn, Mr. Stanish, to page 12 of
2 the report. It's right after page 11, so maybe you can find
3 it.

4 Now, turning your attention to the first full
5 paragraph on that page that begins with "In addition to the
6 above noncompliances" -- now, can we agree that the section
7 of the report which deals electrical power supply and
8 distribution concerns Hatfield Electric Company?

9 A Will you repeat the question, please.

10 Q Can we agree that the section of the report which
11 starts on page 11, under number 6, concerns Hatfield
12 Electric Company?

13 A Yes.

14 Q One of the noncompliances noted in the paragraph
15 which I just pointed out to you on page 12 is completeness of
16 audit reports. Right, Mr. Stanish?

17 MR. BECKER: Objection, Your Honor. This paragraph
18 doesn't deal with anything within the scope of the proceedings.
19 My understanding of the scope of the proceedings is at the
20 bottom of page 12.

21 JUDGE SMITH: This information has come too fast
22 for me to read and assimilate.

23 I don't know -- now, where are we now? Would you
24 repeat your question?

25 MS. WHICHER: Judge Smith, I have an alternative

1 course. Perhaps I can shift gears a little bit and ask
2 Mr. Stanish some questions on the audit report which he has
3 given me.

4 And then we can take our noon break, and we can
5 all spend some private time with this document. It is
6 lengthy.

7 JUDGE SMITH: Well, I'm not going to read this
8 document during lunch.

9 MS. WHICHER: Well, I -- all right.

10 JUDGE SMITH: I'm not capable of doing that.

11 MS. WHICHER: I'm not asking the Board to try to
12 read and digest it over the noon hour. But my inclination is
13 if the Board will give itself just a little time just to flip
14 through it and see how it is set up and the types of things
15 it covers, that it will facilitate ruling on the objections.

16 JUDGE SMITH: All right. We can at least get
17 familiar with your organization of it.

18 Or you can take a little bit slower pace and then
19 the objection and then give us a chance to read the objection
20 to which the paragraph is made.

21 I don't want to urge the parties to slow down any.

22 (Laughter.)

23 But at this particular time, it's moving faster
24 than I can keep up with.

25 MS. WHICHER: I am willing to take either

1 approach.

2 JUDGE SMITH: Well, let's proceed.

3 Now, what is the objection that the information
4 beginning at the top of page 12 is outside the scope of the
5 reopened proceeding? And I can see Severity Level 4 -- I
6 think that that subparagraph 4 is probably outside the --

7 MS. WHICHER: No, no. I'm referring to the audit
8 reports referred to at the end of the paragraph beginning
9 with "In addition to."

10 JUDGE SMITH: Okay.

11 MR. MILLER: Perhaps, Judge Smith, we'd all be
12 more enlightened if, in response to the objection, counsel
13 would explain how the completeness of the audit reports is
14 within the scope of this reopened proceeding.

15 MS. WHICHER: Because Commonwealth Edison is
16 responsible to see that Hatfield is in compliance with
17 regulations. Hatfield audits itself. Commonwealth
18 Edison audits Hatfield. Something slipped through the
19 cracks.

20 JUDGE SMITH: I don't question that it would have
21 been relevant to the contention when it was litigated.

22 MS. WHICHER: I submit to the Board that one of the
23 things that slipped through the cracks -- and I think
24 Mr. Stanish will agree with me -- is the certification program
25 and qualification of inspectors at Hatfield.

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1 MR. BECKER: Mr. Stanish's testimony is contrary
2 to that.

3 And second of all, if we refer to the Board
4 order of June 21st, 1983, setting the scope of this proceeding
5 it is quite specific. It was with regard to Hanfield -- to
6 the allegations noted in the Region III testimony -- and, in
7 fact, this paragraph Ms. Whicher is referring to does not
8 relate to that.

9 The scope of the proceeding, as we understand it,
10 is not Hatfield's quality assurance organization, or to
11 continue on through -- the allegations are specifically
12 addressed at the bottom of page 12.

end 10

1 JUDGE SMITH: Objection sustained.

2 BY MS. WHICHER:

3 Q Mr. Stanish, referring you to the third full
4 paragraph on that page, it starts with (quote), "As in the
5 previous assessment period" -- do you see that?

6 A Yes.

7 Q You will agree, will you not, that the NRC found
8 in this report that most construction noncompliances identified
9 during 1982 were in the electrical area, right?

10 MR. BECKER: Same objection, Your Honor.

11 MS. WHICHER: I thought we had an agreement on this.

12 (Board conferring.)

13 JUDGE SMITH: Overruled.

14 MS. WHICHER: Could I have the question read back,
15 please.

16 (The reporter read the record as requested.)

17 THE WITNESS: I don't know.

18 BY MS. WHICHER:

19 Q I'm asking you, Mr. Stanish, if you will agree
20 with me that the NRC found that in this report?

21 MR. BECKER: It's irrelevant, Your Honor.

22 JUDGE SMITH: The exhibit will speak for itself.

23 BY MS. WHICHER:

24 Q Mr. Stanish, do you know what percentage of con-
25 struction noncompliances found during 1982 were with Hatfield

1 Electric?

2 MR. BECKER: Objection, Your Honor. It has nothing
3 to do with the scope of this proceeding as set forth in
4 the Board's order.

5 JUDGE SMITH: Our order was not time-limited.

6 MR. BECKER: I agree with that but the order speci-
7 fically cites the Region III testimony. At the bottom of
8 the order, it says "Therefore the Board directs the parties
9 to present a full evidentiary showing in explanation of the
10 pertinent inspections of Hatfield's electrical program in
11 subsequent reinspections."

12 JUDGE SMITH: Yes, but there is nothing magic about
13 1982.

14 MR. BECKER: I agree, but the portion which Ms.
15 Whicher is referring to do not refer to the allegations which
16 form the premise for the Board's order.

17 MS. YOUNG: I don't think the basis of his ob-
18 jection is that there is something magic about 1982. It's
19 just that during the QA hearings we had in April Staff testi-
20 mony presented at that time included consideration of non-
21 compliances that were identified in 1982, so there is no
22 necessity to relitigate those.

23 JUDGE SMITH: That's not the basis of his objection;
24 he is not objecting on the basis of no need -- or are you?

25 MR. BECKER: No, Ms. Young is right. It has

1 nothing to do with the year. Our understanding is the scope
2 of this proceeding arises out of allegations made against
3 Hatfield and the NRC's investigation into those allegations.

4 The question is unrelated to the allegations on
5 the subsequent investigations.

6 (Board conferring.)

7 JUDGE SMITH: I'm sorry, I forgot the question now.

8 (Board conferring.)

9 JUDGE SMITH: Objection overruled.

End 11. 10 (The reporter read the record as requested.)

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1 THE WITNESS: I don't know the percentage but if
2 you look on the chart that's included in the NRC report here
3 and indicates that there were four.

4 BY MS. WHICHER:

5 Q Where --

6 JUDGE COLE: There were what?

7 THE WITNESS There were four.

8 JUDGE SMITH: There were four what?

9 THE WITNESS: Four items of noncompliance that were
10 related to electrical power supply and distribution.

11 JUDGE COLE: I thought the question had to do with
12 discrepancy reports.

13 MS. WHICHER: No, Your Honor, it was construction
14 noncompliances. I took it from the statement.

15 JUDGE COLE: Okay, fine.

16 THE WITNESS: I'm sorry, page 22 is Unit 1.

17 BY MS. WHICHER:

18 Q And can we agree, Mr. Stanish, that according
19 to this report Commonwealth Edison received 13 Level IV
20 noncompliances during 1982? And I am talking about on 23?

21 A Yes.

22 Q We can agree that's right?

23 A Yes.

24 Q And four of those were in electrical power supply
25 and distribution, right?

12rg2

1 A Yes.

2 Q And four were in quality assurance, right?

3 A That's correct.

4 Q Some of the quality assurance ones related to
5 Hatfield, right?

6 A Yes, they did.

7 Q Do you know how many?

8 A Without going back to the report, I know that there
9 was at least one. I'd have to go back to the report.

10 (Pause.)

11 I believe there were three.

12 Q Now, page 23 is only Byron Unit 2, correct?

13 A That's correct.

14 Q If you turn back to page 22, you have the same
15 types of figures for Byron, Unit 1?

16 A That's correct.

17 Q And electrical power supply and distribution re-
18 ceived four severity four noncompliances, is that right?

19 A That's correct.

20 Q And Unit 1 received four quality assurance non-
21 compliances?

22 A That's correct.

23 JUDGE SMITH: Why aren't you objecting?

24 MR. BECKER: Expediency.

25 (Laughter.)

1 MS. WHICHER: This is my chance. When did you
2 stop beating your wife?

3 (Laughter.)

4 Your Honor, I'm trying to cut down the questions
5 for the witness on this report and cover more of it with
6 Staff, so it you'll indulge me for just a second --

7 JUDGE SMITH: I don't think it's particularly
8 productive to have this witness read the report to us and
9 that's basically what you are doing.

10 MS. WHICHER: Let me check the next group of
11 questions I have for him and I may be able to delete some.
12 I don't have a lot left on this report.

13 BY MS. WHICHER:

14 Q Now, Mr. Stanish, would you please turn to page
15 15, under the heading Quality Assurance?

16 MR. MILLER: Page what?

17 MS. WHICHER: 15.

18 BY MS. WHICHER:

19 Q And the first sentence under paragraph A, analysis
20 refers to the special inspection in 1982 which culminated in
21 report 82-05, right?

22 A That's correct.

23 Q Okay, and it also refers in part, does it not, to
24 Commonwealth Edison's corrective actions with respect to
25 the certification program?

1 A What page are you referring to?

2 Q At the top of page of 17.

3 A Okay.

4 Q Now, I notice that in the top paragraph on page
5 17, that the -- I believe it refers to the reinspection
6 program is currently in progress and is scheduled for NRC
7 review and evaluation in July, 1983, right?

8 A That's what the report states, correct. That's
9 what the report states.

10 Q Now the reinspection program was not completed by
11 July, 1983, was it?

12 A That's correct.

13 Q In fact it won't be completed until some time this
14 Fall, right?

15 A That's our best estimate right now; that's correct.

16 Q Do you have a target date for the completion of
17 that?

18 A I think Mr. Tuetken would be able to speak a little
19 better on that date.

20 Q All right. Now, if you will note please on page
21 16, if you will turn to page 16, please, in that last para-
22 graph, it is true, is it not, that the NRC in this report
23 found that at times Commonwealth Edison did not address
24 corrective actions beyond the specifics of the noncompliance?

25 MR. BECKER: Objection, Your Honor.

1 MS. WHICHER: Well, I'll tell you, why don't I
2 withdraw that and cover that area with the Staff. Give me
3 just a minute.

4 (Pause.)

5 Okay, I think I can finish. Let me cover the
6 remainder of this material with the Staff. I too am in-
7 terested in expedience.

8 BY MS. WHICHER:

9 Q Mr. Stanish, let me hand you -- or actually you
10 have a copy of what I will ask the reporter to mark as
11 Joint Intervenors Exhibit 29.

12 (The document referred to was
13 marked Joint Intervenors'
14 Exhibit No. 29 for identifica-
15 tion.)

16 MS. WHICHER: I believe this is the audit which
17 you have before you this morning.

18 Your Honor, the copy that Mr. Stanish had was
19 highlighted in yellow and I see that, well, Commonwealth
20 Edison offered to reproduce this document for me. We had
21 a problem in that the highlighted areas, which were the
22 areas that were important to me, as Mr. Stanish had been
23 completed blacked out in our copies.

24 MR. BECKER: We have clear copies, Your Honor.

25 JUDGE SMITH: The yellow highlighting has that

(Bu-4)

xx

1 MR. MILLER: It does, Your Honor. So it's only
2 the important parts that aren't there.

3 (Laughter.)

4 MS. WHICHER: Let me withdraw these please.

5 (Pause.)

6 MS. WHICHER: Judge Smith, we now a complete
7 unmarked report, but insufficient copies and I would like to
8 make this an exhibit. Perhaps we could take our main break
9 a little early and I can copies of this made over the noon
10 hour.

11 JUDGE SMITH: All right, if you think that would
12 be more efficient, you don't want to proceed without the --
13 you are ready to proceed with this exhibit?

14 MS. WHICHER: Yes, but a part of the beauty of
15 having Mr. Stanish's version is that he had marked in there
16 for me what was important, so I do need to spend a little
17 time with this and I do need copies.

18 JUDGE SMITH: Okay.

19 MR. BECKER: Is this your last line of questioning?

20 MS. WHICHER: As soon as I ask Mr. Stanish questions
21 about this document, I will be through with him.

22 JUDGE SMITH: All right. So this would be an
23 appropriate time to break, then?

24 All right, let's return at a quarter till -- let's
25 return at one o'clock.

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(Whereupon, at 11:40 a.m., the hearing was recessed, to reconvene at 1:00 p.m., this same day.)

AFTERNOON SESSION

(1:00 p.m.)

Whereupon,

MICHAEL A. STANISH

resumed the stand and, having been previously duly sworn,
was examined and testified further as follows:

JUDGE SMITH: Are we ready to proceed?

I guess the record should reflect that on two
occasions today I have had discussions with the resident
inspectors at Byron, because I have received letters which
apparently are given in the form of a written limited
appearance statement, but actually make allegations as to
conditions at the plant which should be investigated.

So, instead of treating them as a limited
appearance statement, I have turned them over to the
resident inspector. We'll hang on to the letters. And then,
when the investigation is done, we'll treat them as limited
appearance statements.

Would you proceed, please.

CROSS-EXAMINATION (continued)

BY MS. WHICHER:

Q Mr. Stanish, you have before you what I have asked
the reporter to mark as Joint Intervenors' Exhibit 29. And
that's a document that purports to be a Commonwealth Edison
Company audit report; is that right?

jl 13-2

XXXX

FORM OR 325 REPORTERS PAPER & MFG CO. 800-626-6313

1 A That's right.

2 (The document referred to was
3 marked Joint Intervenors'
4 Exhibit No. 29 for
5 identification.)

6 BY MS. WHICHER:

7 Q I notice that this audit has a stamp on it,
8 "July 28, Received."

9 Do you see that, on the very first page?

10 A Yes. Okay.

11 Q We don't have the same version of it? Let's get
12 that one before you so that we're sure we're talking about
13 the same document.

14 A All right.

15 Q Do you see the stamp?

16 A Yes.

17 Q Do you know what that refers to?

18 A No, I do not.

19 Q Now, this audit is dated as being reviewed by you
20 on July 21st, 1983; right?

21 A That's correct.

22 Q And you reviewed that in, I take it, your capacity
23 as QA Manager at Byron; is that right?

24 A As QA Superintendent.

25 Q I'm sorry, Superintendent.

1 But someone else actually performed the audit;
2 right?

3 A That's correct.

4 Q And that was a Commonwealth Edison employee?

5 A That's correct.

6 (Board conferring.)

7 BY MS. WHICHER:

8 Q Now, I notice, Mr. Stanish, that under the section
9 "Notes," it says: "For items listed in the report as requiring
10 a written response, please respond by 8/05/83."

11 Do you see that?

12 A That's right.

13 Q And have those responses been received?

14 A Yes, they have.

15 Q Do you have those with you today?

16 A No, I don't.

17 Q If you turn, please, to the fourth page down in
18 the exhibit, which I believe is a description of the audit or
19 introduction to the audit.

20 Now, I take it, Mr. Stanish, this audit was to --
21 you were auditing the reinspection program that we have been
22 talking about; right?

23 A That's correct.

24 Q And it says, in the second paragraph, that the
25 reinspection program was instituted in March of 1983; right?

1 A That's correct.

2 Q And the 82-05-19 findings came out nearly a year
3 before that; right?

4 A They came out in late June of 1982.

5 Q Okay. So, nine months -- about nine months prior
6 to the time the reinspection program was instituted; right?

7 A Yes. But you have to realize that the response
8 submitted -- the initial response submitted to the NRC on our
9 proposed program -- I believe the initial response was
10 submitted in July. And the acknowledgment of response and
11 rejection of response by the NRC was, I think, made in
12 September of 1982.

13 A subsequent proposal was submitted to the NRC in
14 November, which was subsequently rejected. And it was not
15 until our submittal of a response in February of 1983 that
16 our program for reinspection was accepted by the NRC.

17 Q So, is my understanding correct, that Commonwealth
18 Edison submitted two proposals before -- and received comments
19 on those proposals from Region III before submitting a
20 proposal which was finally accepted by Region III?

21 A The initial response did not specifically address
22 the reinspection program. And the NRC requested, in their
23 initial acknowledgment, that we do address a reinspection
24 program.

25 The first program that we did submit was rejected

1 by them.

2 Q So, is my understanding correct, that Commonwealth
3 Edison did not even propose a reinspection program until
4 September of '83 -- or '82?

5 A Not to the degree that we have now.

6 We have proposed that we would inspect where
7 necessary. Those were -- that was the essence of the words
8 in the response, that where necessary, we would.

9 The NRC, in their acknowledgment letter, basically
10 said that it would be necessary in order to satisfy their
11 concerns.

12 Q All right.

13 Now, under the paragraph headed "Description of the
14 Reinspection Program Audit," the audit was conducted between
15 June 21 and July 6th, 1983; right?

16 A That's correct.

17 Q Isn't it true, Mr. Stanish, that the NRC had
18 criticized Commonwealth Edison for not performing an audit
19 concerning the reinspection program at an earlier date?

20 A They made mention of it in one of their inspections.

21 Q In fact, they said it would have been prudent to
22 audit before the date on which you began your audit; right?

23 A I don't know that those were the exact words, but
24 to that effect.

25 Q Let me show you what I will represent to you is

1 from Attachment D to the Staff's prefiled testimony. It's a
2 portion of I&E Report 83-26, page 15 of that report, paragraph
3 5, CECo Audits, and ask you to look at that paragraph and see
4 if you agree with me the NRC told you it would have been
5 prudent to audit before that date.

6 MR. MILLER: Is that Attachment C?

7 MS. WHICHER: "D."

8 THE WITNESS. I agree with the words. Okay, I
9 agree that the NRC did make that statement in the report.

10 BY MS. WHICHER:

11 Q Now, as I understand this audit format and the
12 document, you have to have a notice under the heading "Scope"
13 that sets forth what the auditor is going to look for; right?

14 A Generally speaking, yes.

15 Q Okay. And there are six areas set for there;
16 right?

17 A Yes.

18 Q And each contractor subject to the reinspection
19 program was audited for -- in each of these areas; right?

20 A That's correct.

21 Q And that's eight contractors; is that right?

22 A I believe there were seven.

23 (Pause.)

24 I believe there were seven.

25 Q Okay. Let's try to count them up so we make sure

notice?

1 we have them all.

2 We have Hunter, Hatfield, PTL, Blount, Powers,
3 Zaco, Pope.

4 Apparently Johnson Controls was not covered in
5 this audit; is that right?

6 (Pause.)

7 Mr. Miller is right. The third page down we have
8 seven contractors; right?

9 Are you with me?

10 Seven contractors?

11 A Yes.

12 Q Mr. Stanish, I had understood the reinspection
13 program to cover eight contractors. Am I mistaken, and it
14 really covered only seven?

15 A You have me confused now.

16 Q I had understood the program to cover eight
17 different contractors. And I am wondering whether I am
18 mistaken or whether one of the contractors is not listed
19 in the list of auditees?

20 A I believe this program covered seven.

21 Q Okay. And those seven are the seven that are
22 listed there; right?

23 A Yes.

24 Q Now, if you will turn, please --

25 A Let me clarify one thing with that. Under the

1 independent testing laboratory, Pittsburgh Testing Laboratories,
2 there were two contractors that performed the same function,
3 one earlier on in the project and one presently. And that's
4 Pittsburgh Testing Lab, I think. And the reinspection program
5 as set forth, that included Peabody testing.

6 However, Peabody is not performing any reinspection
7 on this site. It's being reinspected by PTL since Peabody is
8 no longer on-site.

9 So, maybe that's where the confusion between 7 and
10 8 is.

11 Q Thank you.

12 If you will turn about 6 pages into the -- to the
13 page that starts with Part A, Audit 6-83-66 -- and number
14 "Finding No. 1" in this portion of the discussion, you are
15 referring, are you not, to that part of the audit that is
16 to inquire into how nonconforming conditions discovered during
17 the reinspection program have been handled; right?

18 A That's correct.

19 Q Okay. And nonconforming conditions identified
20 during the reinspection program did not result in discrepancy
21 reports by either Hunter Corporation or Hatfield; right?

22 A We found, at the time we were reviewing it, that
23 they had not yet been initiated, most of the contractors in
24 these cases here, yes.

25

end 13

1 Q So they weren't really implementing the entire
2 reinspection program yet, right, because they had not
3 issued DRs on nonconforming conditions they had found?

4 A What you have to look at is that you have a re-
5 inspection program being worked in conjunction with a normal
6 quality assurance program. As part of the reinspection pro-
7 gram, I don't know that it was specifically identified that
8 nonconformances be identified on discrepancy reports or non-
9 conformance reports.

10 The contractors' quality assurance program would
11 require that or would provide for the identification of non-
12 conforming conditions to be identified on those reports.

13 Q Well, is it your testimony, Mr. Stanish, that
14 there was no requirement that contractors issue DRs for
15 things -- for discrepancies they found during the reinspection
16 program?

17 A No, that's not my testimony. It would be required
18 regardless of whether it was during the inspection program
19 or during a normal inspection and that's the point I was
20 trying to make -- is that we would not limit it just to the
21 reinspection program.

22 Q Okay. And neither Hunter nor Hatfield were ful-
23 filling that requirement of their own programs, right?

24 A In the areas that we looked at with Hunter there
25 were specific instances where they were not. With Hatfield,

1 in general, they were not identifying those nonconformance
2 conditions.

3 Q So they were not following that aspect of their
4 own programs, right?

5 A At the point in time reviewed, yes, that's correct.

6 Q Now, if you will turn to the next page, please,
7 I believe it says A-2 at the top. This page begins with a
8 discussion of how to determine or how it is determined that
9 a particular item to be reinspected is accessible or inaccess-
10 ible, right?

11 A That's correct.

12 Q And with respect to the heading Observation No. 1,
13 Part B (Hatfield Electric), do you see that?

14 A That's correct.

15 Q Could you explain for me please the meaning --
16 actually what was going on, and what is referred to in the
17 sentence (quote), "Hatfield was using the term 'inaccessible'
18 to disposition reinspections, to which this definition did
19 not apply (end quote)."

20 Q Could you just explain that for me?

21 A This item here was really a case of semantics in
22 that Hatfield was grouping items which were inaccessible
23 with items which were unrecreatable and, like I say, it's
24 a relatively insignificant item. It's a case of semantics,
25 but we wanted to set the record straight and assure that --

1 or make sure that Hatfield classified those items which were
2 unrecreatable as opposed to those which are considered in-
3 accessible.

4 Q So Hatfield wasn't making a distinction between
5 inaccessible and unrecreatable, right?

6 A That's right and that's what we were looking at.
7 Like I say, it's a case of semantics. It's a relatively in-
8 significant item.

9 Q Moving down --
10 (Board conferring.)

11 JUDGE CALLIHAN: While we're on that sentence, would you
12 tell me the meaning of the (quote) "to disposition reinspec-
13 tions" (end quote).

14 I think this is apparently Intervenors' Exhibit
15 28, page A2, about the middle of the page, observation no. 1,
16 part B, is that where we are? The second sentence of that
17 paragraph (quote), "Hatfield was using the term 'inaccessible
18 to disposition reinspections' to which this definition does
19 not apply" (end quote). In that context, what does "to
20 disposition reinspections" mean?

21 THE WITNESS: Okay, what we mean here is actually
22 to classify reinspections. In other words, we looked at all
23 the inspections which had been performed and those which
24 were inaccessible were categorized as such and, like I said,
25 what they had done is categorize inspections which were

1 unrecreatable as inaccessible.

2 JUDGE CALLIHAN: To disposition, could that be
3 read as to dispose of?

4 THE WITNESS: Yes, or to categorize, yes. To
5 dispose -- well, it's really to categorize, because this
6 would termed an inspection which could not be performed
7 because it was unrecreatable or because it was inaccessible.

8 So, if you want to say "dispose of," you know,
9 if you have a set of inspections or inspection reports, half
10 of which are no longer able to be reinspected, if you take
11 those 50 percent which were no longer to be inspected and
12 dispose of them by classifying them as inaccessible or unre-
13 creatable, I guess your definition would follow.

14 JUDGE CALLIHAN: Thank you.

15 BY MS. WHICHER:

16 Q Mr. Stanish, moving on down the page to observa-
17 tion number two and the discussion immediately following
18 that, Hatfield was relying on documents instead of looking
19 at actual pieces of equipment, isn't that what's complained
20 of in this paragraph?

21 A No, it isn't.

22 Q Then what is complained of in this paragrph, Mr.
23 Stanish?

24 A Okay, the reference to the memorandum -- this was
25 a memorandum which stated that as a part of a weld inspection,

1 that the connection detail was also inspected as a part of
2 the weld inspection. This memorandum does not apply to this
3 inspection program. It does apply to the inspection of the
4 hanger. In this case, I guess they were cable pan or conduit
5 hangers, the reason being as part of a reinspection effort
6 on the cable pan hangers and conduit hangers or inspection
7 in some cases, prior to inspecting the cable pan or conduit.
8 Fireproofing was applied to the building structure and there
9 was a concern as to whether the connection detail had, in
10 fact, been inspected. This memorandum clarified that the
11 connection detail inspection had been performed in conjunction
12 with the weld detail inspection.

13 And when we go back to reinspect, the inspectors
14 in the reinspection program, we inspected weld detail and
15 we did not inspect cable pan hangers because there were no
16 inspectors who performed cable pan hanger inspections within
17 the first 90 days of their work in accordance with the re-
18 inspection program that we have established. So it really
19 didn't pertain to it.

20 It was a clarification we were looking for from
21 Hatfield Electric to verify that this memorandum did, in fact,
22 not pertain to the reinspection program. It was to go on
23 record that it did not, in fact, apply to it because it does
24 apply to conduit hangers and not to weld inspections or
25 cable pan hangers.

1 Q All right. So, in other words, Hatfield had not
2 done this evaluation or made this determination that they
3 were supposed to have done, right?

4 A They had, but it wasn't documented. What we were
5 looking for in the quality assurance department was looking
6 was to see that they were documented, so we were on record.

7 Q Mr. Stanish, does not this audit say Hatfield
8 has not performed at evaluation? Is that what this audit
9 says?

10 A That's correct.

11 Q And they hadn't performed that, had they?

12 A It was not documented and as far we would be
13 concerned, if it was not documented, we had no verification
14 that it was and therefore could not determine whether it was
15 or not. So, as far as we were concerned, it was not performed.

16 Q So, your answer is they had not performed that,
17 right?

18 A That's correct, that's what the observation states.

19 Q Now, you stated in a previous answer that the
20 reinspection program does not apply to cable pan hangers,
21 is that -- did I understand you correctly?

22 A For the group that we are talking about, it per-
23 tains to memorandum no. 295 -- no, it does not.

24 Q But it does apply to other cable pan hangers,
25 right?

1 A I believe it does.

2 Q You're not sure?

3 A I'm not certain.

4 Q Let's turn, please, to the next page, page A3.

5 Observation number three concerns Pittsburgh Testing Labora-
6 tories, right?

End 14. 7 A That's correct.

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1 Q Now, the program required reinspection of certain
2 individuals' first three-months' work; right?

3 A Correct.

4 Q And Pittsburgh wasn't doing that, were they?

5 A We found cases where Pittsburgh Testing Laboratory
6 was taking the initial -- it was an interpretation of what
7 was meant by "the first three-months' work" or in the area
8 of certification in which the inspector was certified in the
9 first three months.

10 Pittsburgh Testing Laboratory was taking the
11 initial certification of the inspector and inspecting all of
12 the items in that area of certification.

13 If the inspector, during that first three months,
14 were certified in another area of inspection, Pittsburgh --
15 PTL's interpretation was not to inspect any inspections from
16 that subsequent certification if it fell within the first
17 three-month period.

18 MS. WHICHER: Judge Smith, I move that that
19 entire answer be stricken and that the witness be directed to
20 respond to the question.

21 MR. BECKER: At this point, I will also interpose
22 a comment, that the question was beyond the scope of the
23 Board's order limiting evidence on the reinspection to
24 Hatfield.

25 JUDGE SMITH: Would you read the question back.

1 (The reporter read the record as requested.)

2 JUDGE SMITH: I thought he was responsive.

3 MS. WHICHER: Judge Smith, that is a question that
4 could be answered "yes" or "no."

5 THE WITNESS: I guess the answer is "no."

6 JUDGE SMITH: Wait a minute.

7 You objected to the question after the question
8 was answered.

9 MR. BECKER: I should have objected before, but I
10 wanted to check the Board's order and then object on the next
11 question.

12 Our contention is it's beyond the scope anyway.

13 JUDGE SMITH: I was wondering about this observation
14 number 3. Does that still relate to Hatfield?

15 MS. WHICHER: Judge Smith, in my view, it doesn't
16 matter whether it relates to Hatfield or not, because
17 Mr. Stanish's direct testimony is not limited to Hatfield.

18 JUDGE SMITH: We're not going to go through all of
19 that argument again.

20 MS. WHICHER: Your Honor, Commonwealth Edison has
21 chosen to introduce evidence on more contractors than Hatfield.

22 JUDGE SMITH: How does your argument this afternoon
23 differ from the argument this morning?

24 MS. WHICHER: I'm requesting the Board to reconsider
25 its ruling.

1 JUDGE SMITH: Our ruling this morning is -- is that
2 you may, as I recall, to the extent necessary -- and only to
3 that extent -- inquire into the broader aspects to the extent
4 that is used in his direct testimony.

5 MS. WHICHER: His direct testimony doesn't deal
6 with Hatfield specifically at all. It only deals with all
7 contractors in general. And I am quite puzzled as to why I
8 can't cross-examine the witness on the entire scope of his
9 direct testimony and why I must limit my cross to Hatfield
10 when his direct went to every contractor.

11 JUDGE SMITH: Show me the testimony that you're
12 cross-examining on. I don't care what his testimony says or
13 what your cross-examination says. We're only going to make
14 findings on the scope of the reneued proceeding.

15 And you can sit her and you can talk about
16 anything you want to if we permit you to do it. But we're
17 not going to make findings on it.

18 MS. WHICHER: Then, Judge Smith, perhaps the
19 appropriate course of action for this Board would be to
20 strike completely Mr. Stanish's direct testimony, as well as
21 my cross-examination, because his direct testimony goes way
22 beyond the scope of the Board's order.

23 If Edison can put in testimony beyond the scope,
24 I ought to be able to cross-examine on it.

25 JUDGE SMITH: That's correct. You can

1 cross-examine on the direct testimony.

2 MS. WHICHER: All right.

3 JUDGE SMITH: You can cross-examine on direct
4 testimony, even if it goes beyond the scope, but only to the
5 extent that -- I mean only for the --

6 MR. BECKER: Your Honor, the reason I feel compelled
7 to make a statement on the record on why Mr. Stanish's direct
8 testimony was phrased the way it was, we were very cognizant
9 throughout that when dealing with any specifics, in terms of
10 the recertification process or the reinspection, we dealt with
11 Hatfield only.

12 To a degree, of course, discussion of the
13 reinspection program and recertification had to go beyond
14 Hatfield, because it was a program applicable to all the
15 contractors. And that is the extent to which Mr. Stanish or
16 Mr. Tuetkin's testimony doesn't refer to Hatfield by name in
17 every question and answer.

18 MS. WHICHER: In answer 10, this audit is discussed.
19 And it talks about the program has been implemented, and it
20 talks about the program in general.

21 The responsible contractors have been directed to
22 respond. It's not limited in any way to a specific contractor.

23 JUDGE SMITH: That's correct.

24 The problem we are facing is that there is a
25 general reinspection program applying to what seven companies

1 -- one of those companies is Hatfield. Our interest was
2 Hatfield. You cannot discuss Hatfield without some reference
3 to the general reinspection program. It is only to the
4 extent necessary to put the Hatfield reinspection program into
5 context that we want to hear evidence on the general program,
6 and that is what I understand Mr. Stanish's testimony purports
7 to do.

8 Now, you wish to cross-examine on the particulars
9 of other companies in that general reinspection program. And
10 we're not going to allow you.

11 MS. WHICHER: Your Honor, I wish to cross-examine
12 Mr. Stanish on answer 10, which gives the results of the
13 audits as to all contractors. I cannot understand --

14 JUDGE SMITH: All right. I would imagine that if
15 they had a chance to write this testimony today, it would have
16 been somewhat different in view of the discussion. Neverthe-
17 less, I don't think this is unreasonable testimony.

18 The elected to describe, in a general program, to
19 show what is happening to Hatfield is the way I understand it.

20 MS. WHICHER: But, Your Honor, Mr. Stanish's
21 testimony, not one time it mentions Hatfield Electric
22 Company.

23 JUDGE SMITH: It is only relevant to the extent
24 that Hatfield is subsumed in the testimony.

25 MS. WHICHER: Then, I think his direct testimony

1 ought to be stricken. Hatfield is not mentioned in a single
2 place in this testimony.

3 JUDGE SMITH: Overruled.

4 I don't think that you are doing one thing in
5 developing fully the record of the Hatfield Electric Company.

6 MS. WHICHER: I think I ought to be able to
7 develop the record fully on everything Mr. Stanish put in
8 his direct testimony. And because he did not name
9 specific contractors, ought not to preclude me from doing
10 that.

11 JUDGE SMITH: Go ahead. But you exceed your
12 purposes.

13 You exhaust it by going into the detail on other
14 companies. And we're not going to listen to it.

15 Why do you want to do that? What's your purpose?

16 MS. WHICHER: Because Mr. Stanish brought up
17 the entire program, and I have a right to examine on it.

18 JUDGE SMITH: Forget that.

19 What is your purpose in cross-examining?

20 MS. WHICHER: To show the Board that the program
21 is not working.

22 JUDGE SMITH: As it relates to Hatfield?

23 MS. WHICHER: As it relates to all companies.

24 JUDGE SMITH: No. You show it as it relates to
25 Hatfield.

1 MS. WHICHER: So this ruling is clear, because I
2 think is an important ruling -- and I would prefer a written
3 order from the Board.

4 JUDGE SMITH: You can't have it.

5 MS. WHICHER: All right.

6 My understanding is that the Board is ruling that
7 I may cross-examine Mr. Stanish only about Hatfield Electric
8 Company; is that right?

9 JUDGE SMITH: No.

10 MS. WHICHER: Okay. Then, I do not understand.

11 JUDGE SMITH: You are going to have to use some
12 professional judgment, Counselor.

13 Mr. Stanish has testimony about the general
14 reinspection program. It is general. It is designed to
15 show how the general program relates to Hatfield. Don't tell
16 me again that Hatfield isn't mentioned. You've told me
17 twice now, that I'm aware of -- I think three times.

18 You can cross-examine him only on the purposes
19 of his direct testimony. You can ask about the general
20 program; right. But you are not doing that, you are
21 asking the details of PTL.

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end 15

1 BY MS. WHICHER:

2 Q Mr. Stanish, let's return to the details of your
3 direct testimony.

4 JUDGE SMITH: I know that when you wish to, you
5 are capable of extremely fine distinctions. For some reason,
6 you don't seem to be able to understand our ruling on this.

7 MS. WHICHER: Well, Your Honor, it's puzzling to
8 me how I can cross-examine on a general program when it's
9 had different results as to each contractor.

10 JUDGE SMITH: Let's assume -- let's assume that the
11 general program is an absolute failure as it relates to
12 PTL. It doesn't relate to the reopened proceeding.

13 MS. WHICHER: Then I renew my motion that Mr.
14 Stanish's motion be stricken.

15 JUDGE SMITH: I think Mr. Stanish -- overruled.
16 It does not refer -- if I use your logic I'd overrule it on
17 the simplistic basis that his testimony does not refer to
18 PTL.

19 MS. WHICHER: Your Honor, my position is that in
20 his testimony, Mr. Stanish has handled all contractors
21 together. He has in no way segregated Hatfield.

22 JUDGE SMITH: All right. Let's clarify this.
23 Does every bit of your testimony about the general reinspec-
24 tion program, does all of it apply to Hatfield?

25 THE WITNESS: The testimony itself?

1 JUDGE SMITH: Yes.

2 THE WITNESS: The testimony as it's written is
3 meant to apply to Hatfield and contained in each of my
4 answers, I think Hatfield is included in that.

5 As an example, in question 10, where I refer to
6 this audit, this audit was not done specifically for Hatfield,
7 it was done for all of the contractors of which Hatfield was
8 included.

9 JUDGE SMITH: Is there any question or answer in
10 your testimony which is not true as it relates to Hatfield?

11 THE WITNESS: No, there is none.

12 JUDGE SMITH: We stick with our original ruling,
13 however, I do think that you have made the point that the
14 testimony is broader than Hatfield. I'm at a loss for words
15 to explain how you have -- when you have a set of data, and
16 then you have subset of that same data, and you can talk
17 about the larger set when you discuss the subset. It is a
18 part of the whole. You can talk about the whole in explaining
19 the part. That does not mean that you can then explore to
20 the extent that you wish another part of that same whole.

21 MS. WHICHER: Your Honor, Mr. Stanish's testimony
22 goes only to the whole and not to the parts.

23 JUDGE SMITH: Wrong. It goes to Hatfield and all
24 of them. However, we are interested in Hatfield. All right,
25 proceed with your cross-examination.

1 BY MS, WHICHER:

2 Q Would you turn please to page A5 of the audit.

3 A Okay.

4 Q Observation number 8, pertaining to Hatfield
5 Electric Company?

6 A Yes.

7 Q Now, I notice the observation says Hatfield Elect-
8 ric could not determine if a portion of the conduit inspec-
9 tion is subject to the reinspection program. Do you see that?

10 A Yes.

11 Q Does not the reinspection program cover all safety
12 related items for Hatfield Electric Company?

13 A All that are accessible or recreatable, yes.

14 Q So the dispute is whether a portion of the conduit
15 reinspection is accessible or recreatable? Right?

16 A That's basically correct.

17 Q And has that determination been made?

18 A Yes, it is.

19 Q And what's the result of the determination?

20 A The determination is that the inspection is un-
21 recreatable.

22 Q And why is that?

23 A That's because in the case of this inspection,
24 which is a torque check on a bolt, the requirement, the
25 initial requirement and the present requirement, is to inspect

1 a percentage -- a ten per cent sample of all of the bolts in
2 a given area. During this reinspection effort, it could not
3 be determined -- well, the specific item here is that the
4 bolt counts, initially in the bolt counts, in the reinspection
5 appear to differ from one another because of the means to
6 determine the population.

7 In both cases, they were estimated. In addition,
8 the physical inspection could be performed or recreated be-
9 cause a ten per cent random sampling of the bolts is inspected --
10 was inspected during the initial inspection in accordance with
11 the standards and the program set forth by Commonwealth on
12 Hatfield Electric.

13 This ten per cent was not identifiable, so there-
14 fore the inspection was unrecreatable.

15 Q Now, as I understand your answer, Mr. Stanish,
16 when these bolts were originally inspected the first time
17 around, there was a ten per cent random sampling taken, right?

18 A That's correct.

19 Q And as I understand your testimony, because you
20 cannot recreate that 10 per cent sample, then you are not
21 going to reinspect these particular bolts, right?

22 A The data that you would acquire would not verify
23 the initial inspection or very likely would not. There would
24 only be a ten per cent chance of you actually verifying the
25 initial inspection.

1 MS. WHICHER: Could I have the question read
2 back please?

3 BY MS. WHICHER:

4 Q Mr. Stanish, at one time were not all these bolts
5 inspected?

6 A No.

7 Q You only inspected ten per cent of them in the
8 first place, right?

9 A Right.

10 Q Now they're not subject at all to the reinspection
11 program, right?

12 A Because the reinspection program is to verify the
13 competence of an inspector and it cannot be determined which
14 of the 100 per cent the ten per cent sample is taken from.
15 It would be unrecreatable.

16 Q And now you are not reinspecting any of these
17 bolts pursuant to this program, right?

18 A For this particular area, that's correct.

19 JUDGE SMITH: Excuse me, but doesn't the rein-
20 spection program provide that when you come into an uncreat-
21 able or -- what's the other category --

22 THE WITNESS: Unaccessible.

23 JUDGE SMITH: -- unassessible -- that you select
24 another sample?

25 THE WITNESS: Where it's possible, yes, but in

1 this case, you know, for a bolt torque check the initial
2 requirement is -- or was a ten per cent sampling and we could
3 not recreate the inspection because we didn't know which
4 of the sample was initially inspected.

5 JUDGE SMITH: My question was inartfully stated.
6 All right, but then you go back and go down to the next in-
7 spector on the list, don't you?

8 THE WITNESS: Okay. This was only one of many
9 aspects of an inspection. There was undoubtedly nine or ten,
10 very possibly nine or ten different criteria which was in-
11 spected. This was one of the criteria. The failure to inspect
12 one of the criteria would not necessary skew the remainder
13 of the inspected items to verify that the inspector was in
14 fact qualified to perform his function.

15 JUDGE SMITH: One of the --

16 THE WITNESS: On an inspection report, you know,
17 for instance, there were undoubtedly conventional inspections.

18 JUDGE SMITH: By the same inspector?

19 THE WITNESS: That's correct. This was just one
20 criteria of several.

21 JUDGE COLE: Could I interject for a minute?

22 Mr. Stanish, I want to pursue this ten per cent
23 business a little bit. When you say it could not be recreated
24 because you don't know what ten per cent the inspector in-
25 spected and you were only interested in finding out if he

1 was competent to make the inspection --

2 THE WITNESS: That's the purpose of the reinspec-
3 tion program.

4 JUDGE COLE: All right, sir, do you have any
5 knowledge of how the ten per cent inspection -- ten per cent
6 figure was determined? Was it not --

7 THE WITNESS: It was set forth in the specification
8 for this particular contractor.

9 JUDGE COLE: Somebody determined the ten per cent
10 but was it not that this would be a sufficiently statistical
11 estimate of the mean, and by ten per cent the results that
12 we get from that would be indicative of the quality by which
13 those bolts were torqued?

14 THE WITNESS: That's correct.

15 JUDGE COLE: And you wind up with some satisfactory
16 or unsatisfactory result?

17 THE WITNESS: That's correct.

18 JUDGE COLE: Are you not troubled, then, sir, by
19 the determination that it was important, that you had to get
20 the exact same bolts that the inspector torqued in view of
21 the fact that the sample might very well have been determined
22 to be an estimate of the mean and you could pick any ten
23 per cent and come up with supposedly the same kind of result
24 if, in fact, the inspector were doing his job and the statis-
25 tics worked out. Did you consider that at all, sir?

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THE WITNESS: I haven't personally but I think in the statistically sampling program we may have chosen ones that were not initially inspected and I think the statistical sampling techniques would allow a certain number of torques, for instance, to far below the minimum.

JUDGE COLE: If you were to find out that, wouldn't that be important too?

End 16.

1 THE WITNESS: I think the -- I don't want to
2 speak for it, but the conservatism of the design of the plant
3 definitely takes it into consideration.

4 JUDGE COLE: All right, sir. So, you didn't
5 worry about that aspect of it?

6 THE WITNESS: That's correct.

7 JUDGE COLE: Okay.

8 BY MS. WHICHER:

9 Q If you will turn, please, Mr. Stanish, to the
10 next page, which is A6.

11 And as I understand this section, which continues
12 on to A7, this section concerns problems which were
13 discovered during the audit, but which were taken care of
14 during the audit; is that right?

15 A Clarifications in most cases.

16 I wouldn't -- I don't know if I'd like to
17 categorize all of the items here as problems. In some cases,
18 they were clarifications which were resolved during the audit.

19 Q And in other cases, they were problems; right?

20 A Yes.

21 Q And one of those problems was with respect to
22 Hatfield Electric Company; right?

23 A Yes.

24 Q In fact, Hatfield had certified two people without
25 verifying their educational background; right?

1 A Yes.

2 Q And that's in the last paragraph on page A6; right?

3 A That's correct.

4 Q So, apparently these two people slipped through
5 the cracks after Hatfield had changed its method of
6 certification; right?

7 A Well, I think if you go back to Mr. Koca's
8 testimony, he stated that it was generally their policy to
9 require a high school education, but was not a requirement of
10 their established program.

11 So, let me also add that neither of these
12 inspectors had performed any inspections.

13 Q In fact, Mr. Stanish, their inspections were
14 revoked, weren't they?

15 JUDGE SMITH: Their certification.

16 BY MS. WHICHER:

17 Q I'm sorry, their certifications. I misspoke.

18 A They were suspended until the certifications came
19 through.

20 Q So, someone apparently felt that that educational
21 level was important; right?

22 Whose idea was it to revoke the certifications?

23 A Commonwealth Edison's.

24 Q So, in effect, Commonwealth Edison was telling
25 Hatfield, "You cannot certify these people unless you verify

1 that they have a high school degree"; right?

2 A We wanted them to have a high school degree.

3 Q And you would not let Hatfield certify them until
4 they had a high school degree; right?

5 A That was the position that we took, yes.

6 Q Now, the paragraph immediately above the paragraph
7 we've just been talking about, can you explain to me exactly
8 what this paragraph is dealing with?

9 I admit, Mr. Stanish, I'm confused. And I'm just
10 asking you for some general information.

11 A Again, this is just a clarification of the scope
12 of the reinspection program.

13 And when asked if they had or if they were to
14 have an inspector who failed, what kind of additional
15 population that they would chose, their interpretation of the
16 scope of the reinspection program was different from what
17 Commonwealth Edison's interpretation was or what our intention
18 was.

19 Q Okay.

20 Now, had there been an inspector who failed?

21 A No.

22 Q What was Hatfield's interpretation of what would
23 happen if an inspector failed?

24 JUDGE SMITH: If a what failed?
25

1 BY MS. WHICHER:

2 Q If an inspector failed.

3 A Okay --

4 Q I'm trying to get the difference between yours
5 and theirs.

6 A Okay.

7 Their interpretation was if an inspector were
8 to fail a given area, such as conduit inspection, and there
9 were six conduit inspectors as a part of the reinspection
10 program, that an additional sample of three conduit inspectors
11 would be chosen, which is 50 percent of the intial population.

12 Q Okay.

13 Now, can you explain Commonwealth Edison's
14 interpretation?

15 A Our interpretation was that the conduit inspectors
16 cable pan inspectors, different types of inspectors --
17 interpretation was to chose a sample, an additional
18 sample of 50 percent of the total population of a given
19 certification level.

20 So, for example, if you had those six conduit
21 inspectors and six cable pan inspectors and six cable-
22 pulling inspectors, that the population would be 50 percent
23 of the 18, or 9 additional inspectors.

24 JUDGE SMITH: Because of one failure and one
25 can't agree?

1 THE WITNESS: That's correct.

2 BY MS. WHICHER:

3 Q So, is my understanding correct, Mr. Stanish,
4 that Hatfield had interpreted the increment in case of a
5 failure to apply only to the given area in which that
6 inspector works.

7 Whereas Commonwealth Edison had interpreted that
8 increment to apply to the total population of inspectors.

9 Is that sort of a good summary of what you say?

10 A In general, yes. It's a difference of interpreta-
11 tion, which required clarification, which we got during the
12 audit.

13 Q If you'll turn now, please, to page A7.

14 The first sentence notes that at the time of the
15 audit Commonwealth Edison had not completed review and
16 verification of qualifications for QC inspectors who were
17 performing reinspections; right?

18 A That's correct.

19 Q Okay.

20 And has that review been completed now?

21 A Yes, it has.

22 Q And what is the result of that review?

23 A The result of that review is all inspectors
24 performing reinspections are now properly certified.

25 I might add that at the time of the audit all of

1 Hatfield inspectors were properly certified.

2 Q But there were two men during the audit that were
3 not properly certified; is that right?

4 A Correct.

5 Q And that's two out of how many?

6 A They were not necessarily not properly certified,
7 but they did not have a high school education, which we
8 wanted.

9 Q Okay. That's two out of how many inspectors?

10 A I believe the number is 23 or 24.

11 JUDGE SMITH: Did you say that they, in fact, did
12 not have their high school educations? Or --

13 THE WITNESS: They did not have them verified.

14 BY MS. WHICHER:

15 Q Now, turning to the final page of the audit itself,
16 page A8, in the second paragraph, the second sentence of that
17 paragraph, it says: "The only potential QA program violation
18 identified was the finding which concerned identification of
19 nonconforming conditions."

20 Do you see that?

21 A Yes, I do.

22 Q And that is the finding referred to on the page
23 that begins "Part A"; is that right?

24 A That's correct.

25 Q I don't know how to describe these.

1 A Okay.

2 Q And that had to do with, among other contractors,
3 Hatfield; right?

4 A That's correct.

5 Q Okay. And that's the problem with them not
6 issuing DRs when they saw nonconforming -- or reinspected an
7 item and found it nonconforming?

8 A That's correct.

9 You said a DR would be used as a vehicle to
10 notify the production people of repair work or some work
11 which would have to be performed by them. And Hatfield was
12 using another vehicle, a shield problem sheet in this case.

13 Q In the final paragraph on that page -- this is
14 page A8 again, the second to the last sentence: "The
15 reinspection program is expected to be complete in September
16 of '83."

17 A Yes.

18 Q Is that -- apparently that expectation was had at
19 the time this audit report was written?

20 A That's correct.

21 Q And is that still the expectation?

22 A Like I say, I couldn't answer specifically. But
23 it will be in the general area, yes. It may be early
24 September, late September. It should be in that time frame,
25 within a reasonable time.

1 MS. WHICHER: I have no more questions for
2 Mr. Stanish.

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3 BOARD EXAMINATION

4 BY JUDGE SMITH:

5 Q Mr. Stanish, you have testified concerning a few
6 items, of which Hatfield Electric had looked up the
7 reinspection requirements in a less demanding way than
8 Commonwealth Edison.

9 And that would be natural that you would list those
10 in the audit report. But in the audit, did you run across
11 situations in which Hatfield regarded the requirements in a
12 more demanding way than Commonwealth Edison?

end 17

13 In other words, were they doing more than you
14 thought the reinspection program required them to do?

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1 the record in April of '83, or did you really mean January?

2 A If you have that in front of me I would probably,
3 it may very well have been.

4 Q I don't have a copy of the document. In April of
5 '83 the Intervenors filed a motion to reopen and attached a
6 sworn statement by Mr. Hughes.

7 A That is the information I contained therein, I
8 believe.

9 Q Okay, that's the document you were referring to?

10 A I believe it is, but without having it in front
11 of me, I am not certain.

12 Q My confusion is, the Office of Investigation inter-
13 viewed Mr. Hughes in January and took a statement. Are you
14 referring to that statement?

15 A Now, I'm confused.

16 Q All right, with regard to Intervenors' proposed
17 exhibit 28, the SALP-3 report, isn't it true that category 3
18 is an acceptable level of performance?

19 A Yes, as stated in the report or in the definition
20 of the three categories.

21 Q If you look at pages 22 and 23 of that document,
22 I believe in questioning, in response to Ms. Whicher's
23 questions, you stated that only noncompliances with respect
24 to Byron Unit 1 were on page 22 and noncompliances with
25 respect to Byron Unit 2 were on page 23, do you recall that?

1 A Yes.

2 Q I think if you look closely at that document there
3 is a notation about the parentheses marked around the numbers.

4 Isn't it true that the numbers enclosed in paren-
5 theses, that the noncompliances apply to both Units 1 and 2?

6 A That's correct, I think I did misstate that. In
7 many cases, the items of noncompliance are common to both
8 units and therefore only one item of noncompliance would be
9 tallied for both units.

10 Q What are the severity levels for those items
11 identified with respect to both units?

12 A What severity level?

13 Q Yes.

14 A There are 4s and 5s.

15 Q One second.

16 (Pause.)

17 MS. YOUNG: No further questions.

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18 BOARD EXAMINATION

19 BY JUDGE COLE:

20 Q Just a couple of questions, Mr. Stanish, I know
21 we have your curriculum vitae in volume four, but I don't
22 have that with me.

23 How long have you been in your present job function
24 as quality assurance superintendent, sir?

25 A I have been there approximately two years and

1 Q And were you on the Byron site prior to your
2 position as quality assurance superintendent?

3 A Yes, I was.

4 Q And what were you doing then, prior to that?

5 A I started out then in November of 1978 as a quality
6 assurance engineer.

7 Q All right, sir, thank you. In looking at the
8 job description of the quality assurance superintendent -- I
9 think it's on page two of your testimony -- yes, page two,
10 you, are responsible for auditing the QA/QC program of con-
11 tractor personnel.

12 How often is that done, sir? I realize it might
13 be a continuing basis, but is it done on a periodic interval?

14 A Well, all aspects of the contractors quality as-
15 surance programs are required to be audited at least annually.
16 In some cases, it's more frequently than that but the minimum
17 would be annually.

18 JUDGE COLE: All right, sir, so it's fair to assume
19 that you have participated, either directly or indirectly,
20 in those assessments or audits?

21 A That's correct.

22 Q All right, sir. I got certain impressions as to
23 Commonwealth Edison's view of the contractors' conformance to
24 the spirit of the ANSI standard N 45.2.6, and I want to try
25 to confirm that with you, sir.

1 There was a special team report that made some
2 comments concerning the training and certification of con-
3 tractor QA-QC personnel and when was that, sir, do you
4 recall the date of that? It was '82 some time?

5 A Yes, it was March and April of 1982.

6 Q Now, Commonwealth Edison, or your office, have
7 certain views as to the conformance of your contractors at
8 that time?

9 A That's correct.

10 Q Was it your view that they were generally in
11 compliance with the spirit of the ANSI standard?

12 A Yes, we felt that we had been complying with the
13 intent of the standard since the beginning of the project.

14 Q Specifically, with Hatfield Electric, was that
15 true, sir?

16 A Yes, it was.

17 Q Do you recall any problems or comments, viewpoints
18 that Commonwealth Edison might have had and what we might
19 call criticism of the Hatfield Electric Training and Certi-
20 fication Program or QA/QC personnel prior to the special
21 team report in March or April, '82?

22 A From the NRC?

23 Q From your office, sir.

24 A Oh, from my office?

25 Q Quality Assurance.

1 A I can't -- I can't identify any specifics but there
2 were probably minor -- oh, discrepancies, in implementation
3 of the program that Hatfield had established, but the program
4 itself did meet the intent of the standard and the deviations
5 that we would have identified would have been one of failure
6 to properly implement as opposed to have the program estab-
7 lished. I can't think of any specifics off hand.

8 Q All right, sir. Well, I don't want to pose speci-
9 fics to you. In any of your audits, sir, did you look,
10 actually at the audits of the Hatfield Electric personally
11 with respect to the training and certification of QA-QC
12 personnel or was that done by someone for you?

13 A Personally I have not.

14 Q Sir?

15 A Personally I have not, but our department does.
16 Our department onsite does.

17 Q Well, then, would you know if they were to find
18 something wrong?

19 A My people would probably convey that information
20 to me.

21 Q You say "probably"?

22 A Well, if it was considered a significant item,
23 I would be made aware of it. But our audits include auditing
24 the Hatfield Quality Assurance Audit Program as well as 11
25 the other aspects of their quality assurance program. So,

1 if Hatfield were to identify items with their own auditing
2 process, if they were significant items, I would undoubtedly
3 be made aware of that.

4 Q I believe you've already answered this question,
5 but I'm going to ask it again anyway. In all of your exper-
6 ience in dealing with Hatfield Electric Company, your parti-
7 cipation both direct and indirect in the audits of the Hat-
8 field Electric Company, did you get any indication of any
9 fraudulent practice, sir?

10 A No, I have not.

11 Q All right, thank you.

12 BY JUDGE CALLIHAN:

13 Q Mr. Stanish, I was called out of the hearing
14 shortly after you began your testimony, so perhaps my one or
15 two questions have been covered.

16 We learned quite early last Spring of the structure
17 of the Commonwealth Edison quality assurance organization and
18 recognized, I believe, and I ask for confirmation of that,
19 there is what I call headquarters for lack of a better work,
20 a quality assurance organization at the various sites. Is
21 it not true that each has its own quality assurance group?

22 A That's correct.

23 Q And it's with the latter that you are concerned,
24 the Byron site quality assurance group that you are asso-
25 ciated?

1 A Yes, that's correct. So, in your question 10 on
2 page 5, which makes remarks about the ongoing reinspection
3 program, the details of which I gather we're to hear of from
4 your colleague shortly, but nonetheless, in question 10,
5 where you say Commonwealth Edison quality assurance, and
6 that's the headquarters group, is it?

7 A No, that's meant to be the site quality assurance
8 group, the Byron site quality assurance group.

9 Q So, it's your group that completes this audit?

10 A That's correct.

11 Q And do such items of importance as this appears
12 to be get clearance through your headquarters group or what's
13 the input of your headquarters group to such a program?

end 18.

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1 A Such as this audit?

2 Q Yes.

3 I recognize that this reinspection program is a
4 fairly important item; true?

5 A That's correct.

6 Q And how far up the line does approval of that
7 originate?

8 A Well, it could work in two different ways.

9 I or my people could schedule an audit, a review
10 of something, such as this audit that was performed.

11 Or it could receive a directive from a general
12 office to perform an audit such as this.

13 So, it works either way.

14 I can reserve judgment as to whether or not an
15 audit should be performed or whether or not we should increase
16 and audit schedule in a certain area. But my general office
17 management also has that power, also, and can direct me to
18 do something such as this.

19 Q In the present instance of the reinspection auditor
20 or reinspection program, which I consider to be the principal
21 subject of these discussions, to what degree was your
22 headquarters group brought in to establishing that reinspection
23 program?

24 A The reinspection program audit in this case?

25 Q Yes.

1 A This was discussed with the general office, the
2 initiation of the audit was discussed with the general office.
3 And they concurred that it would be an appropriate to conduct.

4 Q Did some authoritative approval of the details
5 of a 10 percent sampling or 20 sampling, that sort of thing --
6 was that reviewed by your general office group?

7 A I think you may be confusing the audit with
8 reinspection program.

9 Q Perhaps I am.

10 A I'm responsible for the audit program. The
11 reinspection program would be one that I would be involved
12 with, but not necessarily set policy on. But the audit
13 program is the area that I would be responsible for.

14 Q I guess it's that second sentence in A-10 that
15 confuses me, then, and I apologize.

16 It says: "Commonwealth Edison Quality Assurance has
17 completed an audit of the reinspection program, dated July 18,
18 1983. It has concluded" -- and so forth.

19 A What we did there is audited the implementation of
20 the reinspection program to verify that the requirements
21 included in that program were, in fact, being carried out.

22 Q Well, to take them word by word, the "Commonwealth
23 Edison Quality Assurance" is you, is your group?

24 A Byron Quality Assurance, under my direction.

25 Q And "the reinspection program," as alluded to there,

1 is this -- looking at the work of one in five inspectors, and
2 so forth. Now, tell me what is the audit of that reinspection
3 program that apparently your group is doing?

4 A The audit is a review to verify, as an example,
5 that 20 percent of the inspectors were, in fact, being
6 selected and being reviewed and to see that 90 days' worth
7 of their work was being reinspected and not just 40 days or
8 something like that.

9 It's to verify that the requirements set forth in
10 the reinspection program and directed to the contractors was
11 being carried out.

12 Q Just in passing, what was dated on July 18, 1983?

13 A That's the report date of the audit report.

14 Q That's the report out of your office?

15 A That's correct.

16 Q In this audit, did you have guidance or consultation
17 with you main office group?

18 A Yes, I have discussion with them.

19 Q What sort of exceptions did you take to the program?
20 -- which is the rest of that same sentence.

21 A The few exceptions, those would be the items
22 identified in the audit report as the findings or observations
23 -- with a few exceptions, it was being implemented. As
24 stated, any exceptions are those items which are identified as
25 observations or findings.

1 Q Who, in Commonwealth Edison, was responsible for
2 detailing and prescribing the reinspection program?

3 Who, from Commonwealth Edison, had input to the
4 formulation of that program?

5 A Quite a few people.

6 It was initially formulated at the site, but --

7 Q I'm not asking for people. I'm mean the
8 organization.

9 A It was basically laid out by the project
10 construction group and was reviewed by the quality assurance
11 area along the way as it was being developed.

12 So, we did work somewhat in conjunction. But the
13 major responsibility was with the project construction
14 group.

15 Q Do you keep a finger on the pulse, to use a very
16 old term, and see how things are going and keep up with
17 schedules and that sort of thing?

18 Does your group do that?

19 A We definitely try to keep up on all the goings on
20 at the project.

21 I don't know how to address your question relative
22 to schedules.

23 Q Well, I'm sure we'll hear more -- no reflection
24 on what you said, but we'll hear more from Mr. Tuetkin.

25 JUDGE COLE: Thank you very much.

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2 REDIRECT EXAMINATION

3 BY MR. BECKER:

4 Q Let me start off, Mr. Stanish, referring to some
5 questions asked you by Ms. Whicher pertaining to inspectors
6 not being qualified before the special team inspection of
7 1982.8 In your view, were there inspectors who were not
9 qualified to perform the jobs they were performing before the
10 special team inspection?11 A In my view, we didn't have inspectors that were not
12 qualified.13 Q In your view, was it a question of certification
14 versus qualification?

15 A Yes, it was.

16 Q Can you distinguish between those terms?

17 A Well, a person may be certifiable. Or I should say
18 a person who is qualified, is physically able to competently
19 perform the function intended -- he may be qualified, but he
20 may not be certified or certifiable.21 Certification is really generally a documented
22 basis to demonstrate qualification.23 Q To your understanding, did the report of the
24 special team inspection identify any inspectors who were not
25 qualified to perform the work they were performing?

A No, I don't believe that they identified any that

1 were not qualified.

2 They did, however, identify inspectors who were
3 not certified or not properly certified.

4 Q You were asked questions arising out of the SALP
5 report pertaining to four noncompliances in the electrical
6 area.

7 Do you recall those questions?

8 A Yes.

9 Q Can you please describe the four noncompliances
10 and their relation, if any, to Hatfield Electric?

11 A Okay. The four items -- the first item basically
12 stated that actions were not taken to ensure that known items
13 of noncompliance concerning separation criteria between
14 safety-related cable transfer --

15 Q Let me interrupt.

16 First of all, please tell us what page you're on.

17 And then, you have to restate it much more slowly
18 so the court reporter can get it down without suffocating.

19 A On page 11, under Section 6 of the SALP report, 6A
20 under the "Analysis," item number 1, the first item states
21 that "necessary actions were not taken to ensure that known
22 items of noncompliance concerning separation criteria between
23 safety-related and nonsafety-related cable trays and between
24 safety-related and nonsafety-related cables and the wire
25 inside Class IE equipment were promptly identified, documented,

1 and corrected."

2 With respect to this item of noncompliance,
3 Hatfield was following their quality assurance program
4 relative to the area of installed cables. However,
5 Commonwealth Edison has taken the position that this was not
6 an area that required an inspection, and therefore it did not
7 translate that information to Hatfield Electric.

8 So, it wasn't an item of noncompliance with
9 Hatfield's program. It was an item of noncompliance that
10 was really assessed against Commonwealth Edison.

11 Q What about the other three items?

12 A The other three items are similar.

13 And I think the cable separation items, which
14 were also number 3 and -- let's see -- correct.

15 Q Did you review John Hughes' file in connection with
16 this?

17 A I don't believe we have.

18 Q Why not?

19 A At that time, the program -- at that time, the
20 program was still going through some revision. Or there
21 were questions in areas -- this was the reason for the
22 meetings that we did have with the contractors. We were not
23 going to review the files of contractor personnel, specifically
24 Hatfield, until all these questions had been answered,
25 because otherwise we would go into a file, review it, and

1 have generic-type questions which would have to be
2 uncorrected.

3 So, until we got to that point where we had all
4 the rough edges ironed out, we did not review them.

end 19

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1 I think three and four --let me get to that. I can't
2 tell specifically here -- were also design requirements,
3 but in those cases Hatfield was following the program and
4 as stated to our response to the NRC to the SALP report,
5 we continue to take exception with those requirements, for
6 cable separation for the areas identified here.

7 Q Is Commonwealth Edison presently working with
8 the NRC with regard to these items of noncompliance to obtain
9 resolution?

10 A Yes, this item is still not yet resolved and we
11 are working the NRC and NRR also.

12 Q What is NRR?

13 A Let me see if I can get this right, now: how
14 about Office of Nuclear Reactor Regulation?

15 A That sounds fine to me.

16 Q Is it your testimony -- is it your understanding,
17 Mr. Stanish, that Commonwealth Edison is dealing with the
18 NRR rather than the Region III staff with regard to these
19 items of noncompliance?

20 A I believe that NRR is involved with this, this
21 issue.

22 Q Do you know why?

23 A Because we haven't been able to come to an agree-
24 ment at the region level.

25 Q Is it also a function of the nature of the issues

1 involved?

2 A Yes, it is.

3 Q And what are the issues?

4 A Well, it is a cable separation as required by
5 an IEEE standard, IEEE-384, relative to cable separation in
6 free air and I believe both inside and outside of panels.

7 Q To your knowledge do any of these four items in-
8 volve allegations made by allegers against Hatfield Electric
9 Company?

10 A No, I don't believe they do.

11 Q All right. Finally, Mr. Stanish, let me direct
12 you to the audit and let me direct you to the first page of
13 part A.

14 Do you see the paragraph Ms. Whicher asked you
15 about, headed Part B, Hatfield Electric?

16 A Yes.

17 Q Did the audit find that corrective work was not
18 being performed by Hayfield as part of the reinspection
19 program?

20 A No, corrective work is being performed, however
21 the items which were found to be nonconforming were not being
22 identified on the DR report.

23 Q They were being identified on a field problem
24 sheet instead?

25 A They were being identified and the field problem

1 sheet was the vehicle they used to notify the production
2 people that some corrective measures were required. The
3 fact that we had an unacceptable inspection report would
4 require a reinspection and prior to being closed out, all
5 repairs or rework would have to be taken.

6 So the work control was in place but it was not
7 being identified on the DR.

8 Q The wrong documentation was being used?

9 A That's correct.

10 MR. BECKER: Nothing further, Your Honor.

11 MS. WHICHER: I have just one or two questions for
12 Mr. Stanish.

xxxx

13 RE-CROSS-EXAMINATION

14 BY MS. WHICHER:

15 Q Regarding the last point you spoke to on redirect,
16 the fact that Hatfield was using the field problem sheet
17 instead of a DR -- I notice in this paragraph it says the
18 field problem sheet is not proceduralized. Could you explain
19 to me what proceduralized means?

20 A It means that it is not included in a formal
21 implementation procedure.

22 Q So, there is no procedure governing how a field
23 problem sheet is used, right?

24 A Basically, that's correct. But it's still fairly
25 insignificant in that the work was still being performed.

1 Q But the fact that DRs were not being written was
2 important, wasn't it?

3 A It was important in that the program required it.

4 Q And unless DRs are written, those problems do not
5 get put into the trend analysis, do they?

6 A Generally speaking, that's correct.

7 JUDGE SMITH: Would you use your microphone please.

8 MS. WHICHER: Did you hear the question?

9 JUDGE SMITH: No.

10 MS. WHICHER: The question is, unless the DRs are
11 utilized, the problems don't get into the trend analysis, and
12 I have no more questions.

13 MS. YOUNG: No questions.

14 JUDGE SMITH: Are you done?

15 MS. WHICHER: Yes.

16 JUDGE SMITH: Anything further?

17 All right, thank you.

18 (Witness excused.)

19 JUDGE SMITH: Are you going to have very much
20 cross examination of the Region III officials?

21 MS. WHICHER: Yes, I have quite a bit of cross-
22 examination for Region III. Not much for Mr. Tuetken.

23 JUDGE SMITH: Do you think that it is likely that
24 we will be able to conclude this week?

25 MS. WHICHER: No.

1 JUDGE SMITH: I don't think so either.

2 MS. WHICHER: And, Your Honor, when we were esti-
3 mating the time it would take I did not know how many wit-
4 nesses and the Staff would have. They were the ones who
5 gave those estimates did not include the in camera proceedings
6 or having most of Tuesday being taken up with oral argument.

7 JUDGE SMITH: What's the significance of this
8 development to you?

9 MR. COLDBERG: Obviously for the convenience of
10 the witnesses we had hoped to conclude this phase of the
11 proceeding this week.

12 JUDGE SMITH: We had discussed earlier the prob-
13 lems of scheduling anything any other week of this month
14 and I forget the individual aspects of it.

15 MR. GOLDBERG: We could consult and find out
16 availability. Are you talking about next week?

17 JUDGE SMITH: Yes.

18 (Staff conferring.)

19 MS. YOUNG: Judge Smith, I think we are going
20 to need a break.

21 JUDGE SMITH: All right. It looks like the
22 problem is coming up and I wanted to address it early. Do
23 you want to break before we begin with Mr. Tuetken?

24 Let's take 10 minutes.

25 MR. MILLER: Excuse me. One of the things that

1 might have a bearing on the length of the cross examination .
2 is a ruling on the amount of cross-examination to be permitted
3 on the SALP report. I don't know what Intervenors counsel
4 intends with respect to cross-examination on subjects other
5 than the SALP report but perhaps we could get the question
6 of how far there's going to be inquiry into the SALP report
7 resolved and perhaps we would be able to shorten this up.

8 MS. WHICHER: Well, let me just say that as I
9 explicitly stated this morning, I refrained from questioning
10 Mr. Stanish about certain aspects of the SALP report in order
11 to question the Staff about those aspects. I do have some
12 questioning for the Staff on the SALP report. It is by no
13 means even a quarter - I would guess it's not even ten
14 per cent of the questions that I have for the Staff. It's
15 a very small part.

16 And even if the SALP report did not exist, I would
17 not be able to finish tomorrow.

18 MS. YOUNG: Perhaps the Staff should require how
19 much of the questioning would be for Hatfield Electric. Are
20 you limiting your questions just to Hatfield specifically?

21 MS. WHICHER: I may have to go through my notes.
22 I may have to revise some of my cross-examination, but I
23 do have quite a bit of cross-examination on the allegations,
24 which is another part by the Staff.

25 I don't know if this will be any help or not, but

1 the way that I see the Staff testimony divided up, portions
2 of it relating to the reinspection program are answered only
3 by Mr. Forney and I had planned on directing a number of
4 questions -- in fact, all the questions about that program,
5 only to Mr. Forney.

6 And that would obviate the necessity of having
7 Mr. Connaughton and Mr. Hayes present for that session. If
8 that's any help that might be segmented out.

9 JUDGE SMITH: It might be a help, at least Mr.
10 Hayes could be excused to get back, I think.

11 MS. YOUNG: I think the Staff would prefer to
12 keep the continuity of the panel with the same format.

13 JUDGE SMITH: Okay, let's take our break.

14 (Recess.)

End 20.

1 Whereupon,

2 RICHARD P. TUETKEN

3 was called as a witness on behalf of the Applicant and,
4 having been duly sworn, was examined and testified as
5 follows:

xxx

6 DIRECT EXAMINATION

7 BY MR. BECKER:

8 Q Please state your name.

9 A Richard P. Tuetken.

10 Q By whom are you employed, Mr. Tuetken?

11 A Commonwealth Edison.

12 Q Do you have before you a document entitled,
13 Summary of Direct Testimony of Richard P. Tuetken and a
14 document entitled, Direct Testimony of Richard P. Tuetken?

15 A I do.

16 Q Are there any additions or corrections you would
17 like to make to your testimony?

18 A There is one addition I would like to make. The
19 NRC Region III Staff has been conducting inspections of the
20 reinspection program and on August the 4th they met with
21 us to express a concern about the difficulty of establishing
22 to the record retrieval process the inspections to be con-
23 ducted in Hatfield's scope of work.

24 Q Would you please elaborate on what the concern
25 of the Staff as expressed to you was?

2lrg2

1 A As I perceived their concern, it was one wherein
2 since the process was very difficult and frustrating because
3 of its cumbersome nature, they had a fear or speculation,
4 I would say, that the actual conduct of the inspections may
5 be not actually conducted.

6 Q What is the process that you refer to?

7 A The process is one which we have to go back and
8 determine the specific selected inspectors' first 90 days
9 of inspections by retrieval through the record-keeping pro-
10 cess. The records have been established through a means not
11 directly relatable to an inspector but more to a type of
12 inspection and therefore have been filed in such a manner.

13 Because of continuing overview inspections, or
14 reinspections, or rework issues it is very difficult to
15 establish that when you pull a file card to do the inspection
16 that the component has not been at a later evolution in time
17 been reworked, reinspected or other events performed which
18 may the original inspection not recreatable.

19 Q Let me step back and try and clarify it step by
20 step. In other words, inspections are not reported by an
21 inspector, is that correct?

22 A They are not filed by inspector.

23 Q They are filed by component?

24 A They are filed by type of inspection, such as
25 weld inspection goes through a numerical sequence of one

1 to infinity. And they are filed in that manner not by a
2 component to which they are attributable to.

3 Q In performing the reinspection, it is important
4 that the work actually performed by an inspector be identi-
5 fied so that work can be inspected, is that correct?

6 A Correct.

7 Q And does this issue involve difficulties arising
8 from the fact that documentation of past inspections makes
9 it at times difficult to identify the work performed by an
10 inspector?

11 A That is correct.

12 Q Now, with that backdrop, please restate what you
13 perceive the NRC Staff's concern to be on this issue.

14 A Again, as I perceive it, they are concerned that
15 we are not maintaining a rigorous and a dedicated control
16 of the reinspection effort.

17 We do not perceive it to be the case.

18 Q Is there concern that inspectors who are con-
19 ducting the reinspection process may not be taking the time
20 and effort it takes to carefully sift through documentation
21 to ensure that they actually are looking at the work per-
22 formed by the inspector?

23 A I would say that's correct.

24 Q Do you have a response to that concern?

25 A We were familiar with the difficulty of the process;

1 in fact we recognized the process would be difficult, even
2 when we proposed the reinspection program in the manner in
3 which we did.

4 We have maintained constant awareness of the dif-
5 ficulty even after the meeting we had with the Staff on
6 August the 4th. I met with the lead welding inspector for
7 Hatfield to reaffirm from my knowledge that we were conducting
8 a rigorous, forthright statistical sampling inspection.

9 Q Are there any other changes or additions you would
10 like to make to your testimony?

11 A There are none.

12 Q Is the testimony true and correct to your know-
13 ledge?

14 A Yes, it is.

15 Q Do you adopt this as your prefiled testimony?

16 A I do.

17 MR. BECKER: We would request Mr. Tuetken's direct
18 testimony be incorporated into the record as if read.

19 JUDGE SMITH: Mr. Tuetken, I thought I'd caught
20 a typo on page 8 of your testimony, the third paragraph.
21 Should that be two of the 22 inspectors, rather than 25?

22 THE WITNESS: You are correct. It is 22.

23 JUDGE SMITH: Would you correct that on the
24 copy that goes in.

25 Are there any objections?

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MS. WHICHER: No.

JUDGE SMITH: The testimony is received.

(The testimony of Richard P. Tuetken follows:)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In The Matter of)
)
COMMONWEALTH EDISON COMPANY) Docket Nos. 50-454 OL
) 50-455 OL
(Byron Nuclear Power Station,)
Units 1 & 2))

SUMMARY OF DIRECT TESTIMONY OF
RICHARD P. TUETKEN

- I. Richard P. Tuetken is the Assistant Superintendent, Project Construction Department, Byron Station.
- II. Mr. Tuetken is familiar with results of the inspection of QA/QC personnel training and certification which was conducted by the NRC's Region III Staff as a part of its special team inspection of March, April, and May, 1982.
- III. In response to the special team inspection Commonwealth Edison has implemented a reinspection program of the work performed by contractor inspection personnel prior to the NRC's team inspection.
- IV Mr. Tuetken describes the operation of the reinspection program as it applies to Byron contractors generally.
- V. If the reinspection program finds improper installation or construction appropriate steps are taken to remedy any problem.
- VI. Mr. Tuetken then describes the operation of the reinspection program with regard to Hatfield Electric Company.
- VII. ~~It presently appears that~~ ^{It} one Hatfield weld inspector RT 8/11
~~will fail to meet acceptable quality levels; and~~
~~therefore~~ the sample of Hatfield inspectors whose work is being reinspected will have to be enlarged.
- VIII. Hatfield work that is found to be unacceptable as the reinspection program proceeds is reworked to an acceptable level.

corrected 8/11/83

Richard Tuetken

DIRECT TESTIMONY OF RICHARD P. TUETKEN

Q.1. Please state your name.

A.1. Richard P. Tuetken.

Q.2. By whom are you employed?

A.2. Commonwealth Edison Company.

Q.3. What is your present position with Commonwealth Edison Company?

A.3. I am the Assistant Superintendent, Project Construction Department, Byron Station.

Q.4. What is the scope of your testimony?

A.4. My testimony discusses the reinspection program being implemented by Commonwealth Edison at Byron in response to the special team inspection performed by the Region III Staff in March, April and May, 1982.

Q.5. How long have you held your present position?

A.5. Since April, 1981.

Q.6. What positions did you hold before you became the assistant superintendent for construction at Byron?

A.6. Immediately prior to assuming my current position I was lead mechanical engineer with the Construction Department at Byron, from April, 1976, to April, 1981. Before that, I was an engineer in the Station Nuclear Engineering Department for the Byron and Braidwood projects, from November, 1974, to April, 1976. From November, 1973, to November, 1974, I was a staff assistant to an Edison vice president, and from February, 1970, to November, 1973, I was an engineer in the Station Construction Department assigned to various projects, including Zion, Powerton, Quad Cities, and Kincaid.

Q.7. What are your responsibilities as assistant superintendent of construction at Byron?

A.7. I am responsible for overall coordination and management of construction activities. This encompasses the expediting of design information, overseeing the delivery of equipment, components and materials, and overseeing installation and start-up activities.

Q.8. What are your responsibilities specifically with regard to Hatfield Electric Company?

A.8. As Assistant Superintendent I supervise Hatfield's activities, either directly or through the electrical engineers and other individuals who report to me.

Q.9. Are you familiar with the results of the inspection of QA/QC personnel training and certification which was conducted by the NRC's Region III Staff as a part of its special team inspection of March, April and May, 1982?

A.9. Yes, I am. Michael Stanish described these results in his testimony before the Board.

Q.10. Mr. Stanish referred in his testimony to a reinspection program that is presently being implemented in response to the results of the special team inspection. Are you familiar with this reinspection program?

A.10. Yes, I am. Commonwealth Edison is presently engaged in a reinspection program which is designed to

verify that the deficiencies in past QA/QC personnel training and certification identified by the NRC did not result in unsatisfactory work being undetected.

Q.11. Please describe the operation of the reinspection program.

A.11. Basically, the reinspection program consists of the following:

For six contractors, every fifth inspector (20%) was selected from a chronological listing based on the date of certification of each QC inspector certified since the beginning of the project. Further, a minimum of three additional inspectors for each contractor was selected by the NRC senior resident inspector. Each individual inspection performed during the first three months by the selected inspectors is being reinspected, where accessible.

For two contractors, Powers-Azco-Pope and Johnson Controls, each quality control inspector certified since the beginning of the project up to September, 1982 (when contractor certification procedures were revised and approved for use), was selected and each individual inspection performed during the inspector's first three months is being reinspected, where accessible.

These two contractors are being reinspected on this basis because of particular concern about their certification procedures. For example, these contractors utilized open book testing in qualifying inspectors, unlike the other contractors on site.

Inaccessible inspections are defined as those which would require dismantling to gain access. Examples are components embedded or buried in concrete, internal piping alignments, etc.

Additionally, inaccessible inspections are those where the process was an event which cannot be recreated. Examples are tension achieved during cable pulling operations, welding interpass temperature, etc.

The need to remove fireproofing or piping insulation does not classify an item as inaccessible, and such components are removed when necessary.

Provisions are contained in the program to make another selection if all or most of an inspector's inspections are inaccessible.

The reinspection program is designed to ensure that the work of each inspector attains a 95% quality level for objective attributes and a 90% quality level for subjective attributes. An objective attribute is one which is readily measurable or discernable, such as dimensional

configuration or type of material. A subjective attribute, on the other hand, is one which requires the interpretation of the inspector, such as weld profile and undercut.

If the reinspection program demonstrates that an inspector has failed to meet acceptable quality levels with regard to an attribute inspected by the inspector during his first three months' work, the inspector's next three months of inspections of the attribute in question is reinspected. If this sample also fails to meet acceptable quality levels, 100% of the inspector's inspections of the attribute in question is reinspected. In addition, if the inspector's work with regard to a particular attribute fails to meet acceptable quality levels for the first six months of work, the original sample of inspectors whose work is being reinspected is expanded by 50% for the attribute in question. That is, if one inspector out of an initial sample of ten inspectors fails to meet acceptability criteria with regard to one of the items he was required to inspect, the work of an additional five inspectors involving the item at issue is reinspected.

Q.12. What steps are taken if the reinspection program finds improper installation or construction?

A.12. Any improper installation or construction work is reworked or evaluated to an acceptable level.

Q.13. When is the reinspection program due to be completed?

A.13. The first phase of the program is due to be completed by the end of August, 1983. To the extent initial inspector samples for any contractors are required to be enlarged because of the results of the first phase, the additional phases of the program will be conducted in subsequent months.

Q.14. Please describe the operation of the reinspection program with regard to Hatfield Electric Company?

A.14. With regard to Hatfield, 22 inspectors were selected through the previously-described process. Eighteen of these inspectors were selected at random, and the other four were selected by the NRC senior resident inspector. This total sample represents approximately 25% of the population of Hatfield inspectors certified up to September, 1982, which is the date Hatfield's certification procedures were revised and approved for use by Commonwealth Edison.

Attributes that were inspected by the Hatfield inspectors, and thus are being reinspected, consist of equipment setting, equipment modifications, conduit and conduit hangers, cable pans and cable pan hangers, bolting, welding, and cable terminations.

Two of the 22 inspectors selected conducted inspections of equipment setting in their first three months.

Two of the ²²~~25~~ inspectors selected conducted inspections of equipment modifications in their first three months.

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Fourteen of the 22 inspectors selected conducted inspections of conduit and conduit hangers.

Two of the 22 inspectors selected conducted inspections of cable pan and cable pan hangers.

One of the 22 inspectors selected conducted inspections of bolting.

Seven of the 22 inspectors selected conducted inspections of welding.

Five of the 22 inspectors selected conducted inspections of cable terminations.

Q.15. What are the results to date of the Hatfield re-inspection program?

A.15. It appears that one inspector will fail to meet the acceptable quality level with regard to his first three months' work, ~~while another inspector apparently will fail to meet acceptability criteria for his first six months' work.~~ The attributes involved relate to weld inspection, and are all considered to be subjective attributes. The attributes include weld detail, type and profile, size, length, cracks, fusion, porosity, undercut, slag, craters, and overlap. The majority of inspection deficiencies identified to date involve weld undercut and overlap.

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It appears that the ~~first of the inspectors~~ will achieve only a 75% acceptability level for his first three months of work, but his inspections in the next three months apparently will meet the 90% acceptability criteria for subjective attributes.

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If the inspector fails to meet the 90% acceptability criteria in the second three months
~~the other inspector apparently will attain a quality level of 85% for both his first three and next three months of inspections. Therefore, it appears that all of the inspections performed by this inspector will need to be reinspected, and in addition the original sample of Hatfield inspectors will be expanded by 50% with regard to the attributes at issue. That is, the original sample of 18 inspectors (only the inspectors selected at random,~~

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and not those selected by the NRC senior resident inspector, constitute the basis for the calculation) will be expanded by nine weld inspectors.

Q.16. When do you anticipate the initial reinspection of Hatfield inspection work to be completed?

A.16. I expect the initial phase of the reinspection program to be completed by mid-August. Of the initial 22 inspectors chosen, the work of seven at this point has been entirely reinspected, and each of these inspectors exceeded the established acceptable quality level.

Q.17. What steps are being taken for Hatfield work which is found to be unacceptable as the reinspection program proceeds?

A.17. Any work found to be unacceptable is being reworked to become acceptable. In those cases where the pertinent acceptance criteria have evolved over the years to be less restrictive than those applied originally the work is being evaluated against the contemporary criteria for acceptability.

1 MR. BECKER: We tender Mr. Tuetken for cross-
2 examination, Your Honor.

3 JUDGE SMITH: You may proceed.

xxx

4 CROSS-EXAMINATION

5 BY MS. WHICHER:

6 Q First of all, with respect to the August 4th
7 meeting that you just told us about, as I understand it,
8 the state of Hatfield's records does not make participation
9 in the reinspection program impossible, right?

10 A Could you restate the last part of the question?

11 Q The state of Hatfield's records does not make it
12 impossible for them to complete the reinspection program,
13 right?

14 A It does not make it impossible, it is possible to
15 conduct a reinspection program.

16 Q It just makes it more difficult?

17 A That's correct.

18 Q Is it more difficult for Hatfield than it is for
19 the other contractors covered by the reinspection program?

20 A Not necessarily more difficult than others. It's
21 to a varying degree, probably equally as difficult with one
22 other contractor.

23 Q So, Hatfield and one other contractor are both
24 having difficulties because of the record-keeping system,
25 right?

1 A That is correct.

2 Q And is my understanding correct that it's going
3 to make the reinspection program more time-consuming?

4 A Man-hour consuming, not necessarily time-consuming.

5 Q Okay.

6 Is it your testimony that the Hatfield portion of
7 the reinspection program will be completed by the end of
8 September?

9 A At the present time, I would assess we'll be
10 complete with all the first phase of inspections by either
11 the end of the second week of August to the third week of
12 August, with the data still being accumulated through the
13 last week of August. and the statistical parameters run out
14 probably by the last week of August. That is for the first
15 phase.

16 The second phase would be that which would require
17 expansion should any inspector fail to achieve the estab-
18 lished acceptable quality level that we are working through.

End 21.

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1 Q Now, turning to your answer 15 on page 9, I take
2 it that it appears that the second phase of the program,
3 the expansion of the program, will indeed kick in with
4 respect to Hatfield; right?

5 A Could you rephrase? I'm looking for the word you
6 said -- proceed.

7 Could you restate your question?

8 Q Will kick in.

9 A Although technically not complete and therefore
10 statistics not evaluated, with what we have achieved to date,
11 it is perceived that we will go into an expansion of at least
12 one inspector's three additional months of work.

13 Q And that's a Hatfield inspector; right?

14 A That is correct.

15 Q In what area?

16 A The attribute that inspector is failing to achieve
17 an acceptable quality level is in visual weld examination --
18 excuse me, visual weld inspection.

19 Q Now, with respect to that inspector, I notice, in
20 the first sentence of your answer 15, you talk about two
21 different inspectors.

22 A That's correct.

23 Q The weld inspector that you just referred to --
24 which of the two inspectors in this answer is that?

25 A The one with the 85 percent.

1 Q Okay.

2 And this would be with respect to the first six-
3 months' work; right?

4 A No.

5 Q Okay. Then, I'm confused.

6 A My answer to that question is as follows:

7 In the first three months, he's achieved the
8 accumulated rate of approximately 85 percent passing. As an
9 intelligence-gathering feature, because of that statistic,
10 we took a picture of the next three months, just to see what
11 it would relate to. That is why a statistic is stated as such.

12 Likewise, on the inspector who has got 75 percent
13 perceived -- cumulation of the first three months, we took
14 a likewise picture, a second three months. And it appears
15 he will pass a higher than 90 percent acceptable quality
16 level.

17 Q So, Mr. Tuetken, when you talk about the second
18 phase of the reinspection program, are you talking about the
19 second three months for each of these inspectors?

20 A That is correct.

21 Q Okay.

22 And how long do you project it will take you to
23 inspect the second three months for each of these two
24 inspectors?

25 A It's a difficult question to answer, but I will

j1-3

1 attempt to.

2 The first effort is to go back, again, to the
3 records and determine what he inspected in the next 90 days.

4 In the first process, in the total population of
5 inspectors, it took us approximately an accumulation of six
6 weeks for the whole population of inspectors. That was 22
7 inspectors. We are now looking at one, theoretically. It
8 should go at a much faster rate, two to three weeks.

9 We would begin doing re-inspections upon the
10 retrieval of the first item to be reinspected.

11 I would assume and believe that we can complete his
12 second three-months' inspection in about four to six weeks.

13 Q Okay.

14 And that would be the same time frame for the
15 other inspector?

16 A That is correct.

17 Q So, we're looking at an additional four to six
18 weeks beyond the end of August; right?

19 A That is correct.

20 Q And it's true, is it not, that this difficulty in
21 reinspection is due solely to Hatfield's recordkeeping system;
22 right?

23 A No. There are other difficulties involved in the
24 reinspection process.

25 For example, during the course of the months of

1 May, June, and July, we were performing hot functional testing
2 in the Unit 1 containment building, making the environment
3 effectively inaccessible in that time frame.

4 Therefore, we were taken out of that window of time
5 to do the inspections.

6 Q Perhaps my question was not as narrow as I
7 intended it.

8 The problem with which you met with Region III on
9 August 4 and the difficulty -- the Staff's concern about the
10 cumbersome process and the fear that the conduct of the
11 inspections will not take place, that concern is due solely
12 to Hatfield's recordkeeping system; right?

13 A Yes, I would say that's correct.

14 Q Okay.

15 And Commonwealth Edison has been aware of Hatfield's
16 recordkeeping system since Hatfield first came on site; right?

17 A That is correct.

18 Q Now, Mr. Tuetken, you are Assistant Superintendent
19 for Construction at Byron; right?

20 A That is correct.

21 Q And the scope of your responsibilities is described
22 as coordination and management of construction activities;
23 right?

24 A That's correct.

25 Q One of the areas you're involved in within that

1 description is the supervision of the reinspection program
2 required by 82-05-19; right?

3 A That's correct.

4 Q Mr. Tuetken, is Assistant Superintendent for
5 Construction a quality assurance position or quality control?

6 A It would be classified as a production function.
7 However, recognize that quality control and quality
8 installation is a question of production.

9 Q Are you saying that you have responsibilities both
10 for quality assurance and for production?

11 A Not "quality assurance," "quality control."

12 Q I had meant by question to say "quality control."

13 A And I'm answering "quality control." I am
14 responsible for quality control.

15 Q You are?

16 A That's correct.

17 Q And you're also responsible for production?

18 A That is correct.

19 Q And do you have quality assurance responsibilities?

20 A I do not.

21 Q And you are the person supervising the implementation
22 of the reinspection program; is that right?

23 A Myself and others.

24 Q How many people are there that are supervising that
25 program?

1 A From the Commonwealth Edison side, there would be
2 two, myself and a supervisor who works below me.

3 Q Now, Mr. Tuetken, I'd like to develop some details
4 of the reinspection program.

5 If you would turn, please -- as soon as I find your
6 testimony here -- if you would turn, please, to answer 11, on
7 page 4.

8 A I have it in front of me.

9 Q Now, as I understand the program, there are two
10 different types of inspection levels, one applying to six
11 contractors and one applying to Powers-Azco-Pope and Johnson
12 Controls; right?

13 A With clarification. I wouldn't classify them as
14 levels. The populations are higher for the second two
15 mentioned, versus the first six.

16 Q Why is it higher for Powers-Azco-Pope and Johnso
17 Controls?

18 A I would say it in this manner. 82-05, noncompliance
19 item 19, identified varying means in the qualification-
20 certification process of inspectors. Therefore, that results
21 in a spectrum.

22 We would say that these two contractors, because of
23 the means of testing employed, were at the lower range of the
24 spectrum of all contractors on-site.

25 Q All right.

22preA?
j1-7

1 Who is responsible for the selection of each of
2 the six contractors in the group, using the 20 percent
3 sample?

4 A I don't understand what you mean, "is responsible."

5 Q Who chose those six contractors? Who identified
6 the contractors for whom a 20 percent sample would be
7 required?

8 A Commonwealth Edison.

9 Q Did Region III have anything to do with that?

10 A Region III received our proposal -- I guess I would
11 classify it as a proposal -- of which this is the means
12 communicated. From that, I believe they accepted it.

13 Q So, they approved your selection of these six
14 contractors; right?

15 A They approved the selection of all the contractors.

16 Q And there are eight contractors altogether; right?

17 A That is correct.

18 Q And just to clarify a point made in Mr. Stanish's
19 testimony, is Peabody Testing one of the contractors involved
20 in the program?

21 A Peabody is one of the eight.

22 Q Okay.

23 end
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1 Now, as to the six contractors, of which a
2 20 percent sample is taken, Hatfield is one of those
3 contractors; right?

4 A That is correct.

5 Q And 20 percent of inspectors, plus an additional
6 three inspectors selected by the NRC, will have all of their
7 work from the first three months reinspected; right?

8 A Clarification: NRC picked four with Hatfield.
9 The answer to the rest of the question is "yes."

10 Q Do you know why the NRC picked four with Hatfield?

11 A I'd be speculating if I answered.

12 Q Okay.

13 Now -- so, there are a total of 22 Hatfield
14 inspectors whose work is being reinspected; right?

15 A That is correct.

16 Q And some of that work is inaccessible; right?

17 A That is correct.

18 Q Now, as I understand the reinspection program, if
19 most or all of an inspector's program is inaccessible, another
20 inspector is selected to be included in the sample; right?

21 A That is correct.

22 Q And how is it determined whether most of an
23 inspector's work is inaccessible?

24 A We established a minimum quantity of attributes
25 to be inspected in the first 90 days.

1 Q What is that minimum quantity?

2 A 50 items.

3 Q So, is it correct, Mr. Tuetken, that unless an
4 inspector has 50 items which are inspectable within the first
5 three months of that inspector's work, that another inspector
6 will be selected instead of that one?

7 That was very confusing. I'm sorry.

8 A Yes, it was.

9 I will restate your question for you.

10 Q All right.

11 A If an inspector does not achieve 50 items in the
12 first 90 days, the next succeeding inspector is selected.

13 Q Thank you.

14 Now, as to most of the inspectors who work for
15 Hatfield, their work is not being reinspected in this program,
16 is it?

17 A Restate that question.

18 Q Most of the inspectors have worked for Hatfield.
19 As to their work, that work is -- that's still confusing, I'm
20 sorry.

21 Most of the inspectors who have worked for Hatfield
22 are not included in the sample, are they?

23 A 20 percent of all inspectors certified from the
24 beginning of the project till September '82 are included.

25 Q So, we have 80 percent of those inspectors who are

1 not included; right?

2 A That is correct.

3 Q And the work of those 80 percent will not be
4 inspected; right?

5 A Not necessarily so.

6 The program is designed to expand upon failure.

7 Q Okay.

8 And at what point would the Hatfield program
9 expand? What would have to happen?

10 A After any individual inspector fails the second
11 three months -- in other words, we've got an accumulation of
12 six months -- they hope to achieve the acceptable quality
13 level for the attribute. The initial population of
14 inspectors is expanded 50 percent.

15 Q So, is it correct that if this welding inspector
16 about whom you spoke earlier fails his second three months,
17 an additional 11 inspectors from Hatfield will be selected?

18 A Not correct.

19 I think you're looking at my direct testimony.

20 Q Okay.

21 A Page 9, answer 15, beginning second paragraph,
22 about halfway down.

23 Q Okay.

24 Looking specifically, Mr. Tuetken, at the language
25 that reads: "In addition, the original sample of Hatfield

1 inspectors will be expanded by 50 percent with regard to the
2 attributes at issue."

3 A That's correct.

4 Q So, there will not be -- what does that mean? Can
5 you translate that into what that means?

6 A The population of inspectors that ran -- the
7 18 percent was 20 percent of -- is approximately -- what is
8 it, four times that? Five times that? It's 90 inspectors.

9 We selected one out of every fifth, which results
10 in 20 percent. Should any inspector -- and in this case, in
11 this example -- should a visual welding inspector fail the
12 acceptable quality level at the accumulation of six months,
13 we will expand the population nine more for visual welding
14 inspectors.

15 Again --

16 JUDGE SMITH: For visual welding inspectors?

17 THE WITNESS: That's correct.

18 We have already established the methodology. We
19 have established the chronological basis for every inspector
20 certified. We know every area the inspectors were certified
21 in.

22 Should a visual welding inspector fail at the end
23 of six months, we'll do the same randomness, one out of every
24 five, and select nine more inspectors who had performed
25 visual welding inspections.

1 I hope I'm clear.

2 BY MS. WHICHER:

3 Q Now, let me make sure I understand this.

4 The figure 9 comes from -- that's a 50 percent
5 increment from the 20 percent sample, excluding the four
6 picked by Region III; correct?

7 A Correct.

8 Q Okay. Thank you.

9 Now, Mr. Tuetken, assuming that it is necessary
10 to select an additional nine inspectors, how much of the work
11 of those nine inspectors will be reinspected?

12 A Likewise. The first 90 days.

13 Q Now, even given the hypothetical next step, the
14 selection of the additional nine inspectors, even if that
15 were to occur, most of the inspectors who have worked for
16 Hatfield will not be included in the reinspection program;
17 right?

18 A At the point we are at that point, we have
19 30 percent of the original population. But at the point we
20 are at that point, we have 100 percent of the visual welding
21 inspectors.

22 Q Is that because there are fewer visual welding
23 inspectors?

24 A That is correct.

25 JUDGE SMITH: It just turns out that way?

1 THE WITNESS: That is correct.

2 BY MS. WHICHER:

3 Q So, it's likely, is it not, Mr. Tootken, that
4 100 percent of the visual welding inspections will have to
5 be reinspected at Byron?

6 A I disagree.

7 Q And can you tell me why you disagree?

8 A 100 percent of the visual welding "inspectors" --
9 not "inspections."

10 Q Okay. The first three months, 100 --

11 A Correct.

12 Q Now --

13 (Board conferring.)

14 BY MS. WHICHER:

15 Q Now, Mr. Tuetken, I think we're agreed that if the
16 second phase of the reinspection program occurs, 100 percent
17 of the first three months of all the visual weld inspectors'
18 work will be reinspected; right?

19 A That's correct.

20 Q But, in fact, that may well be -- they may well
21 not be most of the inspections done by those inspectors;
22 right?

23 A Could you restate that question?

24 Q That may not be most of the total inspections
25 performed by those inspectors; right?

1 A That's correct.

2 Q Mr. Tuetken, what proportion of the total work
3 done by Hatfield is being reinspected under the first phase
4 of the program?

5 A I have not run those statistics. Therefore, I
6 can't provide a response.

7 Q Okay. You don't know? Okay.

8 A No.

9 JUDGE COLE: Could you make an estimate?
10 We know it's less than 20 percent; right?

11 THE WITNESS: Yes.

12 JUDGE COLE: Do you know what the average length
13 of time a quality control inspector has been on-site?

14 THE WITNESS: Nominally, it's about six to nine
15 months. But we have some who have been there since day one.
16 So, it's difficult to assess.

17 You're right, it's less than 20. And I would be
18 totally speculating if I said any kind of number. I couldn't
19 justify 5 to 10 either.

20 JUDGE COLE: Well, I think, for estimating
21 purposes, you have provided enough information already -- for
22 me anyway.

23 BY MS. WHICHER:

24 Q Can we agree, Mr. Tuetken, it's a very small
25 percentage that will be reinspected?

1 A No, I can't agree it's going to be a very small
2 percentage. It could be as high as 19. I doubt that.

3 Q I think I'll move on.

4 JUDGE COLE: I don't know where you got that
5 19 percent. Don't you think that's highly unlikely based upon
6 what you said previously?

7 THE WITNESS: Highly unlikely, but --

8 JUDGE COLE: Wouldn't it tend to be closer to
9 5 to 10 percent than 19?

10 THE WITNESS: I would agree.

11 BY MS. WHICHER:

12 Q Closer to 5 to 10 percent; correct?

13 A That's correct.

14 JUDGE COLE: On page 10 of your testimony, where
15 you list the categories of inspectors, the first two categories,
16 the phrase ends "in their first three months." But the last
17 of them, you don't have that phrase. Is that a difference?

18 THE WITNESS: No, it was not. It was a
19 nonrepetitive basis.

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BY MS. WHICHER:

Q Now, Mr. Tuetken, it is the case, isn't it, that this reinspection program does not involve reinspecting some work from every inspector, at least at this first phase?

MR. BECKER: Your Honor, I think is all been asked and answered.

MS. WHICHER: No, this is a different one. This is every inspector.

JUDGE SMITH: I can't help you, because my memory is that every conceivable question has been asked and answered.

(Laughter.)

But I don't specially recall this one.

So, let's do it anyway.

THE WITNESS: Could you restate it?

BY MS. WHICHER:

Q It's true, isn't it, that this reinspection program does not involve reinspecting some work from all inspectors? Not every inspector's work is looked at under the first phase of the program; right?

A That's correct.

Q Even under the second phase of the program, not every inspector's work will be looked at; right?

A That's correct.

Q So, there are some inspectors whose work will not be reinspected at all under this program; right?

1 A That is correct.

2 Q So, some inspector who did not happen to appear
3 in the sampling -- as to an inspector who did not happen to
4 appear in the sampling, no one is going to reinspect that
5 inspector's work; right?

6 A Not as a function of the reinspection program;
7 that's correct.

8 MS. WHICHER: That's all I have for Mr. Tuetken.

9 MS. YOUNG: Staff has no questions.

10 BOARD EXAMINATION

11 BY JUDGE COLE:

12 Q Mr. Tuetken, how do you go about getting the
13 information necessary to reinspect the first 90 days of
14 inspection work of those selected quality control inspectors?

15 A As I said, it's a very difficult process, and in
16 varying degrees with different contractors, on how we set up
17 the records.

18 Recognize that the records never expected this to
19 have to occur, and they were not structured in that manner.

20 The methodology is as follows:

21 First, from the records we had, we spread the
22 chronological listing of dates of certification of each
23 inspector.

24 We selected every fifth inspector. The senior
25 resident inspector selected his additional population, which,

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1 in this case, with Hatfield, was four.

2 From that, we determined what areas -- well, we
3 knew at that time what areas the inspectors were certified in,
4 such as Procedure 9.

5 We then go through all the files involving the
6 forms, inspection forms associated with Procedure 9, and find
7 the inspector's name, because they are filed not by name.
8 They are not sorted by name; they are sorted by report and
9 number. Likewise with visual welding inspectors; the same
10 process had to be undertaken on down the line.

11 Now, with other contractors, it's different. But
12 I don't know if that's relevant.

13 Q Okay. Well, let's stick to Hatfield.

14 The inspection records are filed by procedure
15 number; is that what you said?

16 A I said the type of inspection which then results
17 from procedure numbers creating the filing system.

18 Q Are they, in fact, filed by procedure number or
19 not?

20 A No, not necessarily.

21 Conduit inspections or cable pan hanger inspections
22 -- cable pan hanger is under Procedure 9. There's a filing
23 system on cable pan and cable pan hangers, and we have to sort
24 through that method.

25 Q So that it's by area, inspection?

1 A Yes.

2 JUDGE COLE: Okay. No further questions.

3 Thank you.

4 Oh, yes, excuse me.

5 BY JUDGE COLE:

6 Q With respect to the end of the first phase of the
7 reinspection program and the beginning of the second phase,
8 I believe you indicated some time estimates for the end of
9 the first phase, but I did not hear any estimates for the end
10 of the second phase of the reinspection program.

11 Have you made any estimates for that, sir?

12 A I will restate it. I believe I tried to answer that
13 with Jane's question.

14 The first phase is the first 90 days of all
15 selected inspectors.

16 The second phase is the expansion of an individual
17 inspector for another three months.

18 For Hatfield, I'm assessing, if we get to that
19 situation, it will take us four to six weeks, beginning the
20 first of September. Therefore, the second phase would be
21 complete around the first to mid-September.

22 MR. BECKER: October.

23 THE WITNESS: Excuse me, October.

24 Then, I didn't go into dialogue. I classified
25 Phase III, which would be inspector population expansion, and

1 I cannot make an assessment at this time.

2 BY JUDGE COLE:

3 Q Does it look like there will be a Phase III, sir?

4 A I do not believe so.

5 Q Could you tell me what conditions would exist for
6 you to go into the Phase III?

7 A An inspector would have to fail to achieve the
8 acceptable quality level for the attribute being inspected
9 through the second three-month period.

10 Q Any inspector?

11 A Any inspector who has to go through Phase II.

12 In other words, if he achieves the acceptable
13 quality level at the end of his first three months, we look no
14 further at his work, because therefore he's established
15 credibility that the process is accurate and valid.

16 If an inspector fails to achieve the acceptable
17 quality level at the end of that three-month period, we,
18 however, look at his three-month period and evaluate it.

19 If at the end of that period he has achieved the
20 acceptable quality level we have determined that he now --
21 we're verifying that he is an acceptable, capable inspector
22 and would not expand any further.

23 JUDGE COLE: All right.

24 Thank you.

25

1 BY JUDGE CALLIHAN:

2 Q Continuing on that point, primarily to see if I
3 understand it, an inspector -- the work of an inspector is --
4 the work of one of the inspectors chosen is found, in the
5 first phase, to be unacceptable and, because of that, the
6 number of inspectors whose work is to be reviewed is
7 increased?

8 A Not at that point.

9 We don't expand the population of inspectors to be
10 looked at until we have a failure of an inspector through the
11 second three-month period.

12 Q I see.

13 Does -- what effort is made to avoid a participant
14 in this reinspection program -- an inspector, if I may so say,
15 in the reinspection program from reinspecting that which he
16 inspected the first go-round and which has now been found --
17 well, let's leave it at that.

18 A Being sensitive to the issue, as the items to be
19 reinspected are pulled from the original files, no inspector
20 is reinspecting his own work. In order to try and minimize
21 that, we're using people who, in effect, are not included in
22 the population we even looked at. Although I have to agree
23 that we have some inspectors who we have to use those
24 as reinspectors in the reinspection effort, and they do not
25 reinspect their work. That's by control, by assignment of

1 inspectors.

2 Q So, it is recognized?

3 A Yes, sir.

4 Q Very good.

5 BY JUDGE SMITH:

6 Q Does the inspector know whose work he's reinspecting?

7 A Yes, he does.

8 BY JUDGE CALLIHAN:

9 Q I don't know when you prepared this testimony, but
10 in question 6, on page 10, you expressed the expectation that
11 the first go-round would be completed by mid-August.

12 And as of today, is that still a good number?

13 A All the inspections, the physical inspections,
14 should be complete by the second week of August, possibly
15 going over to the third week.

16 The accumulation of the statistics and analysis
17 of the statistics probably will not be complete until the
18 last week of August.

19 JUDGE CALLIHAN: Thank you very much.

20 JUDGE SMITH: Mr. Becker, do you have redirect?

21 MR. BECKER: Yes, Your Honor.

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(Pause.)

REDIRECT EXAMINATION

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BY MR. BECKER:

Q Mr. Tuetken, let me begin asking you about Hatfield's recordkeeping.

First of all, there has been testimony pertaining to the difficulties in conducting the reinspection program with regard to the recordkeeping of Hatfield and at least one other contractor.

What was the purpose of the recordkeeping system devised by Hatfield Electric Company?

A To maintain records of inspection associated with the type of inspection.

Q In your view, was that purpose commensurate with the requirements of a reinspection program generally?

A They are not commensurate with any type of reinspection program focused through any basis other than what they were established for which is the type of inspection.

Q Is it your view that that is part of the difficulty involved in trying to conduct a reinspection program?

A Yes.

Q With regard to the recordkeeping at Hatfield, has Commonwealth Edison taken any steps to modify the recordkeeping system?

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1 A Not modify, but enhance. Because of the difficulties
2 created by the effort of the reinspection program data search
3 we are putting every effort now on electronic data processing
4 such that we can cross-correlate and lay out for components
5 or any type of basis we want to sort it from this day forward.

6 Q Will that data system be used to verify or
7 review reinspection performed prior to completion of that
8 system?

9 A Yes. In fact, as data is entered into the
10 hardware today, we are using that tool to identify whether or
11 not inspections are still valid to be included in the popula-
12 tion basis.

13 Q And you're referring to inspections that were
14 done earlier; is that right?

15 A That is correct.

16 Q So that by the time the reinspection program is
17 complete, the electronic data system will have double-checked
18 each of the reinspections?

19 A That is correct.

20 Q Ms. Whicher asked you a number of different
21 questions about the fact that the inspection program does
22 not encompass all inspections and all inspectors. If any
23 inspector at any point in the program, phase one, phase
24 three, phase whatever, does not meet the acceptability levels
25 in the first six months, are subsequent steps with regard

1 to that inspector's additional months on the job?

2 A Yes. Thank you. If an inspector fails to
3 achieve an acceptable quality level at the end of the second
4 three-month period, not only is the population of inspectors
5 increased to be reinspected, but all that inspector's work
6 is reinspected.

7 Q On a 100 percent basis?

8 A That is correct.

9 Q You mentioned it is conceivable that not all
10 inspectors' work will be inspected as a part of the
11 reinspection program. Are there other programs at Byron
12 that encompass reinspection of inspections performed by
13 inspectors?

14 A Yes, there are. There are numerous surveillances,
15 programmatic means. I'll give the name of one unit, the
16 Concept Programs, wherein the independent testing laboratory
17 working for our quality assurance department does product
18 testing for acceptability, regardless of inspector.

19 Q I believe you testified earlier that it now
20 appears that a phase three will not be necessary with regard
21 to Hatfield, and I would note in your prefiled testimony
22 you state on page 9, in answer 15, that it appears that
23 the original sample of inspectors at Hatfield will be
24 expanded by 50 percent.

25 Since filing your prepared testimony, have you

1 accumulated additional data that has caused you to modify
2 your written testimony?

3 A Modify it from the perspective that we are
4 closer to achieving that acceptable quality level through the
5 accumulation of additional data than we were when I prepared
6 the testimony.

7 JUDGE COLE: I'm sorry, the what level?
8 Acceptable?

9 THE WITNESS: I used the term "acceptable
10 quality level." We have established a percent of passing.

11 BY MR. BECKER:

12 Q Can you specify as to what you have learned
13 even in the past week that has caused you to come to the
14 opinion that phase three may not be necessary?

15 A The inspector who was accumulating an 85 percent
16 rate in his first three months is returning inspections
17 through the reinspection effort that are coming back 100
18 percent, and that extrapolation would indicate he will pass
19 the 90 percent acceptable quality level at the end of his
20 first three months' period.

21 JUDGE SMITH: Really, I think his written
22 testimony should be altered to conform with the oral
23 testimony.

24 MR. BECKER: That's what I'm trying to accomplish
25 on the record, and he is modifying his testimony.

1 MS. WHICHER: But he's sworn to this testimony,
2 and he did update it with respect to the August 4 meeting.
3 I'm very confused.

4 JUDGE SMITH: I think it's quite clear when
5 you look at everything. My concern is not everybody looks
6 at everything.

7 Well, go ahead.

8 MR. BECKER: Whatever your Honor likes. I
9 thought we could do it by Mr. Tuetken explaining it on the
10 record. I can submit a new page of written testimony; whatever
11 the Board desires.

12 JUDGE SMITH: I recognize there are two different
13 ones, but the propensity of people sometimes is just to
14 pick up the written testimony and go away with it, or just
15 read it and not be --

16 MR. BECKER: Your Honor, I will modify the
17 written testimony and resubmit it.

18 MS. WHICHER: How about we use the same
19 procedure we used for Mr. Smith's affidavit, is you write
20 over the top of this paragraph "modified oral testimony"?

21 MR. BECKER: I prefer not to be affiliated
22 with Mr. Smith's affidavit in any way.

23 MS. WHICHER: Bruce, really.

24 JUDGE SMITH: Well, perhaps the better way would
25 be for -- I think we are just about done with Mr. Tuetken.

1 Why don't you just write over your testimony what you believe
2 the case to be, and then pass it around and that will be
3 the version bound it. You can leave the original -- leave
4 the original, but write in the correct. Strike through
5 so the original is still legible. That will take care of it.

6 MR. BECKER: The final thing, from our point of
7 view, Judge Cole, Mr. Tuetken is available to answer your
8 questions with regard to the audit on the issue of bolt
9 torque, the inspection of bolt torque. My impression is
10 Mr. Tuetken is more versed in that than Mr. Stanish is, and
11 if you'd like to direct your concerns to him, I think you
12 might be able to get a better response.

13 JUDGE COLE: You mean about the origin of the
14 10 percent statistical basis?

15 BOARD EXAMINATION

16 BY JUDGE COLE:

17 Q Mr. Tuetken, you heard the conversation that I
18 had this morning or this afternoon with Mr. Stanish concerning
19 the wisdom of determining that it was not recreatable and
20 therefore it wasn't worth doing. And I articulated my
21 concern about that this way:

22 That the 10 percent probably had some statistical
23 basis for it in that sampling at 10 percent would likely be
24 a decent representative of the whole population, and the
25 results of an examination of 10 percent would then be an

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1 indication that the whole population was satisfactory,
2 provided the results of the 10 percent examination was
3 satisfactory.

4 Now it seems to me that then a reinspection of
5 that group -- a similar inspection of 10 percent -- would
6 provide similar results to the first, if it was in fact --
7 if the first result was a true representation of the mean,
8 and to make a determination that since we couldn't reproduce
9 it, it wasn't worth doing, I guess I was concerned that -- I
10 guess it depends on what the ultimate goal is. If you had
11 some questions about the reliability of the inspection, and
12 in fact the test was designed from a statistical viewpoint, if
13 then a reinspection of any other 10 percent should provide
14 similar results and should be an indication if the inspection
15 was done improperly, it should come out statistically
16 reliable. In fact, whether it was done properly or improperly.

17 A I have a two-part answer to that question:

18 One is because we tried to maintain the
19 credibility of the statistics in the inspection program, it
20 was difficult for us under a critical eye of whoever would
21 have reviewed the data to prove what we were actually
22 reinspecting was not the work the inspector originally
23 inspected. Therefore, we could be biasing it either way.

24 It is for that reason, since we cannot maintain
25 rigid control as to what we actually inspected the first

1 time, and for the concern of biasing the statistics, we're
2 not reinspecting it as a population basis associated with
3 the inspector reinspecting effort.

4 Second part of the answer:

5 As I had said earlier, other inspections or
6 overview inspections are performed by the independent testing
7 laboratory of which bolt torque and cable pans is included
8 to ensure proper quality from that standpoint.

9 I hope that attempts to relieve you of your
10 concern.

end 23

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1 Q All right, sir. Well, the second part of the
2 answer tends to satisfy me more than the first part. So I
3 won't pursue that further.

4 MS. WHICHER: I have one or two additional
5 questions on recross.

XXXXXXX

REXCROSS EXAMINATION

6 BY MS. WHICHER:

7
8 Q On redirect by Mr. Becker, you spoke about other
9 reinspections and numerous surveillances; right? Do you
10 recall that?

11 A Yes.

12 Q Those other reinspections and numerous surveillances
13 did not uncover the failure of the two inspectors noted on
14 page 9 of your testimony to meet acceptable levels, did they?

15 A They were not reinspecting on a statistical
16 basis to determine inspectors' performance. They were
17 inspecting on a plant basis, not inspector basis.

18 Q But those surveillances or inspections did not
19 uncover the fact that these two inspectors were performing
20 at this level, did it?

21 MR. BECKER: The question was answered, Judge
22 Smith.

23 MS. WHICHER: I don't think it was answered.

24 MR. BECKER: Perhaps we can have the question
25 read and the answer read back. I think it was very

1 responsive.

2 (The reporter read from the record as requested.)

3 JUDGE SMITH: I think the problem is that
4 although the answer is a very good explanation, Ms. Whicher
5 is entitled to and is seeking a yes or no answer.

6 MR. BECKER: But it looks like we are dealing
7 with apples and oranges, and this is one of those questions
8 that ought not be answered yes or no.

9 JUDGE SMITH: I think it can be answered
10 yes or no. It screams for an explanation.

11 MS. WHICHER: The explanation is in the record.
12 I would like to get a yes or no answer from the witness.

13 JUDGE SMITH: Do you agree it can be answered
14 yes or no?

15 THE WITNESS: I agree it can be answered yes or
16 not; and, no, they did not find the statistics.

17 JUDGE COLE: I think it's yes, it's true they
18 did not find, the way the question was phrased.

19 (Laughter.)

20 MS. WHICHER: No more questions.

21 MS. YOUNG: No questions.

22 JUDGE SMITH: You are excused, Mr. Tuetken.

23 When you finish your testimony, would you
24 provide for your counsel or whoever to circulate it among the
25 people so that they can conform their copies.

1 (Witness excused.)

2 Whereupon,

3 WILLIAM FORNEY,
4 KEVIN CONNAUGHTON
5 and
6 D. HAYES

7 were called as witnesses on behalf of the NRC Staff and,
8 having been previously duly sworn, were examined and
9 testified further as follows:

10 MS. WHICHER: Judge Smith, I neglected or forgot
11 to move for the entry of Exhibit 29 and I do that at this
12 time.

13 JUDGE SMITH: It hasn't even been identified,
14 actually.

15 MS. WHICHER: I think it has been. It's
16 the audit report that I received from Mr. Stanish.

17 JUDGE SMITH: Well, in any event, the Joint
18 Intervenors Exhibit No. 29 is a Commonwealth Edison Company
19 Quality Assurance Manual Audit Report dated August 4, 1981,
20 dated by Mr. Stanish July 21, 1983.

21 Are there objections?

22 MS. YOUNG: No objection.

23 MR. BECKER: No objection.

24 JUDGE SMITH: The exhibit is received.
25

1 (The document previously marked
 2 Joint Intervenors Exhibit No.
 3 29 for identification was
 4 received in evidence.)

XXXXX

5 JUDGE SMITH: This panel has already been
 6 sworn.

DIRECT EXAMINATION

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8 BY MS. YOUNG:

9 Q Could each member of the panel state your
 10 names for the record?

11 A (Witness Connaughton) Kevin Connaughton.

12 A (Witness Hayes) D.W. Hayes.

13 A (Witness Forney) William L. Forney.

14 Q Do you have before you a copy of the document
 15 entitled "Testimony of NRC Region III Regarding Reopened
 16 QA/QC Record," which consists of 22 pages and has attached
 17 to it Statement of Professional Qualifications of William
 18 L. Forney and Attachments A through H?

19 A (Witness Hayes) Yes, we do.

20 Q Did each of you prepare your respective
 21 portions of the document?

22 A (Witness Forney) Yes, I did.

23 A (Witness Hayes) Yes, I did.

24 A (Witness Connaughton) Yes, I did.

25 Q Do you have any corrections to make to your

1 testimony?

2 A (Witness Hayes) Yes, we do.

3 On page 2, on the first line of Question 4,
4 between 82-05-19, the "and" should be a-n-d, not a-n.

5 JUDGE SMITH: Are there going to be many of these?

6 WITNESS HAYES: Just two.

7 On page 8, Answer 9, fourth line down, near
8 the end of that line, 31 should be 30.

9 BY MS. YOUNG:

10 Q Mr. Forney, I believe you had one more correction
11 on page 2.

12 A (Witness Forney) It would be Answer 3, the
13 ninth line down, the word "consists" should be "consist."

14 MS. YOUNG: For the record, the corrections
15 have been made on the copies of the testimony supplied to
16 the reporter.

17 BY MS. YOUNG:

18 Q With the corrections noted, is the testimony
19 as prepared true and correct?

20 MS. WHICHER: I'm sorry, the last correction
21 from Mr. Forney?

22 (Pause.)

23 BY MS. YOUNG:

24 Q With the corrections you have noted, is your
25 testimony true and correct?

1 A (Witness Hayes) Yes, it is.

2 A (Witness Connaughton) Yes, it is.

3 A (Witness Forney) Yes, it is.

4 Q Do you adopt it as your testimony for the
5 purposes of this proceeding?

6 A (Witness Hayes) Yes, we do.

7 A (Witness Forney) Yes, we do.

8 A (Witness Connaughton) Yes, we do.

9 MS. YOUNG: I move the testimony and attachments
10 be received into evidence and bound into the record as if
11 read.

12 JUDGE SMITH: Are there any objections?

13 MS. WHICHER: Yes, Judge Smith. I'd like to
14 make a motion to strike a portion of the testimony beginning
15 on page 16, the seventh line up from the bottom, the
16 sentence begins with, "Mrs. Darlene Lee," and continues
17 through the sixth line of page 17. It's hearsay, it was
18 done entirely in preparation for this testimony. Therefore,
19 it stands on the same footing as the testimony of Mr. Don
20 Pope, which during the March phase of this hearing was
21 properly stricken by the Board. That testimony concerned
22 hearsay as to purported repairs or lack of repairs to
23 certain cement silos.

24 JUDGE SMITH: I'll tell you what, instead of doing
25 that, you call up that lady yourself and confirm it. If this

1 information is necessary to the Board's concern, we'll just
2 give you an opportunity to confirm it.

3 WITNESS HAYES: Your Honor, I made the phone
4 call myself.

5 MS. YOUNG: Judge Smith, I might just say on
6 behalf of the Staff, this is information relied on in the
7 course of performing the inspections, and I believe Mr. Hayes
8 did find this out as he inspected.

9 JUDGE SMITH: She does have a valid point, however,
10 and that is, it is not information that he gathered in the
11 course of a routine inspection. It was information he
12 gathered for the purpose of his testimony.

13 MS. YOUNG: No, sir, I'm sorry to disagree. It
14 was for the purpose of a special inspection attached to this
15 testimony.

16 JUDGE SMITH: But that special inspection was a
17 product of this adjudication, as I understand it; or was it
18 an inspection he would have made, anyway?

19 MS. YOUNG: They're both related. The inspection
20 would not have been performed and the report would not have
21 been done, had Mr. Hughes' allegations not been received
22 by the NRC.

23 JUDGE SMITH: I mean had it not been for the
24 Board -- give us the circumstances. Why did you do it?

25 WITNESS HAYES: We would have conducted that

1 inspection because Mr. Hughes made certain allegations,
2 both before and during his deposition, and regardless of
3 what actions the Board might have taken, we would have to
4 clear that with our regional procedures.

5 JUDGE SMITH: And that phone call would have been
6 made in any event?

7 WITNESS HAYES: Yes, it would have.

8 JUDGE SMITH: All right. Now what do you think?

9 MS. WHICHER: Well, I think if the phone call
10 would have been made in the regular course of an inspection
11 -- I'm not convinced that it would, but --

12 JUDGE SMITH: I think you're going to have to
13 accept that.

14 MS. WHICHER: If Mr. Hayes believes that that
15 same call would have been made, then it is indeed a part of
16 the Staff's normal investigatory practice, and I withdraw
17 my motion.

18 WITNESS HAYES: It certainly is a part of our
19 practice. We routinely verify not only GED certification
20 but high school diplomas, college diplomas, and so forth.

21 JUDGE SMITH: Okay. Proceed.

22 MS. YOUNG: The testimony is received?

23 JUDGE SMITH: Well, let's wait and see if she
24 has any other objections.

25 MS. WHICHER: No.

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JUDGE SMITH: All right, the testimony is
received.

(The NRC Staff Region III testimony follows:)

August 1, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
COMMONWEALTH EDISON COMPANY
(Byron Station, Units 1 and 2)

}
}
}
Docket No. 50-454
50-455

TESTIMONY OF NRC REGION III
REGARDING REOPENED QA/QC RECORD

Q1. Would each of the panel members please reintroduce themselves by stating their names, employment affiliation, and professional qualifications.

A1. (Mr. Forney). My name is William L. Forney. I am employed by the U. S. Nuclear Regulatory Commission as Chief, Section 1, Office of Special Cases in the Region III Office. A copy of my professional qualifications is attached.

(Mr. Hayes). My name is D. W. Hayes. I am employed by the U.S. Nuclear Regulatory Commission as Chief of a Reactor Projects Section in the Region III Office. A copy of my professional qualifications has been previously submitted. (ff. Tr. 3586)

(Mr. Connaughton). My name is Kevin A. Connaughton. I am employed by the U. S. Nuclear Regulatory Commission as a Resident Inspector in the Region III Office. A copy of my professional qualifications has been previously submitted. (ff. Tr. 4078).

Q2. Please describe the purpose of this testimony.

A2. (Mr. Hayes). The purpose of this testimony is to address the matters upon which the Board requested further testimony in its June 21, 1983 Memorandum and Order Reopening Evidentiary Hearing.

Q3. Could you briefly describe the contents of this testimony?

A3. (Mr. Hayes). The testimony which follows discusses: (1) inspection findings 82-05-19 and 82-04-19 which are documented in Inspection Report Nos. 50-454/82-05, 50-455/82-04 (Applicant Exhibit 8) (hereinafter Inspection Report No. 82-05) and the resulting reinspection program; (2) allegations, including those of Mr. Hughes, concerning Hatfield Electric Company's (HECo) quality assurance program and their relationship to inspection findings 82-05-19 and 82-04-19, and (3) a summary and conclusion relative to the issues. Accompanying this testimony are 8 attachments which consists primarily of entire NRC Inspection Reports or selected pages from inspection reports as indicated on the cover page of each attachment. (see Attachments A through F). Attachments G-1 through G-5 consist of 5 HECo QA/QC Memoranda and Attachment H is a HECo QA/QC personnel indoctrination checklist for John Hughes.

Q4. Please summarize inspection findings 82-05-19 and ^d82-04-19 documented in Inspection Report No. 82-05 (Applicant Exhibit 8) and provide an explanation of the notation "QA/QC supervisors and inspectors not adequately qualified and/or trained" on page 38 of Attachment A to the Region III written testimony (ff. Tr. 3586).

A4. (Mr. Forney). The notation in Attachment A of the Region III written testimony is a summary of the item of noncompliance (82-05-19, 82-04-19) identified in the appendix section of the report transmittal letter as Violation Number 2. The specific details associated with this violation are discussed on pages 65 through 69, Tables 2 and 3, of Inspection Report No. 82-05. (See Attachment A). The findings indicated that there was a wide variation in implementation of requirements for QC inspector certification and training by contractors. The root cause of these variations was attributable to the failure of Commonwealth Edison Company (CECo) to establish a formalized program for contractors to follow.

The findings could be typified as substantive and non-substantive. A non-substantive finding would be exemplified by incomplete or missing documentation which could be obtained and entered into the individual's certification package without further action being required. A substantive finding would be exemplified by inadequate experience, lack of training, failure to properly examine the individual by written and/or capability demonstration which would require the Applicant to identify and perform corrective measures, such as reinspection, to determine the condition of as-built installations.

Q5. Please explain how Region III determined that the Applicant's training, qualification and certification program for QC inspectors was inadequate as documented in inspection findings 82-05-19 and 82-04-19?

A5. (Mr. Forney). A review of training, qualification and certification records was performed for a minimum of 10 percent of the QA/QC personnel

working for contractors performing safety related work at the site during the inspection period. The contents of the records were reviewed against FSAR commitments, Regulatory Guide 1.58 (Rev. 1), ANSI Standard N45.2.6-1978, and 10 CFR 50, Appendix B, to determine if the program was adequate.

Q6. Please explain the Region III position regarding the significance of Violation Number 2 documented in Inspection Report No. 82-05.

A6. (Mr. Forney). Although the Region had not identified specific hardware problems during the Construction Assessment Team Inspection, the Region was concerned that conditions adverse to quality might exist in the plant which had not been identified as a result of the use of inadequately qualified inspectors. The Region III concern regarding this violation was expressed in the report transmittal letter to the Applicant. The pertinent language from the letter is as follows:

The activities that appeared to be in noncompliance with NRC requirements are specified in the enclosed Appendix. A written response is required. In responding to noncompliance Item #2, please describe the action taken or planned to assure that: (1) other quality control inspectors are properly trained and certified, (2) quality control inspectors working for contractors that have completed safety-related work and no longer have personnel on site were properly trained and qualified to perform the inspection functions assigned, and (3) inspections performed by quality control inspectors that were improperly trained and qualified were valid.

Q7. Please explain the considerations which lead Region III to conclude that the reinspection program addresses inspection findings 82-05-19 and 82-04-19?

A7. (Mr. Forney). The Region recognizes a difference between the certification and qualification of inspectors. Specifically, if an inspector has

all of the requisite qualifications but is not properly certified, the consequences to quality are minimal, if any, and do not pose a safety concern. However, if certification fails to ensure that the inspector has the requisite qualifications, the consequences to quality can be significant and would pose a safety concern. Because the informal program used by contractors concerning the requirements for QC inspector certification and training may have resulted in the existence of either improperly qualified or certified inspectors and because the NRC had not identified significant hardware problems during the construction assessment inspection, the Region considered it appropriate for the Applicant to initiate a reinspection program to determine if the inspections were inadequate and if any hardware problems existed.

Correspondence and meetings were conducted between the Applicant and Region III personnel for an extensive period of time in order to establish a comprehensive program to address the concerns identified in the report transmittal letter cited in A6. above. The Region considered that detection of inadequate inspections performed by improperly or inadequately certified inspectors could be achieved by selecting a sample number of QC inspectors from the total population for each contractor and reinspecting work the inspectors originally inspected during their first few months of their inspection activity. The Region also considered it essential that the sampling reinspection program include all contractors performing safety-related work, which required inspector certification in accordance with ANSI N45.2.6. since the start of construction.

The basic features of the sampling reinspection program are as follows. For six of the contractors including Hatfield Electric Company, every fifth inspector (20%) is selected from a chronological listing based on the date of certification of each QC inspector certified since the beginning of the project. In addition, a minimum of three additional inspectors from each of the six contractors was selected by the NRC senior resident inspector. Each individual inspection performed by the selected contractor inspectors during the first 90 days is to be reinspected where the hardware is accessible. For two contractors, due to problems previously identified by the Applicant, each individual inspection performed during the first 90 days of every QC inspector certified since the beginning of the project is to be reinspected where the hardware is accessible. Inaccessible inspections were defined as those which would require dismantling to gain access (e.g. embedded or buried in concrete, internal alignments, etc.) or where the process was an event which could not be recreated. The existence of fireproofing, insulation or similar features would not make the item inaccessible and would be removed where necessary to conduct the reinspection.

Other contractors performed safety-related work but no reinspections are being performed because their work: (1) is now inaccessible (incased in concrete and buried); (2) was inspected by another contractor such as Pittsburgh Testing Laboratory or the Authorized Nuclear Inspector; (3) involved nondestructive examinations by inspectors certified to SNT-TC-1A, which were not in question; or (4) could not be recreated, such as rigging, lifting and transportation of safety-related equipment.

The program also provides for variations in the basic parameters where necessary. For example, if all or most of an inspector's inspections are inaccessible, another selection would be made under the program. The program also provides that the sample size, both as to the number of inspections made by a selected inspector or the number of inspectors selected to have their initial work reinspected, would be increased if an unacceptable number of rejectable defects are identified during the reinspections.

At the time the program was proposed, Region III understood the reinspection program would be completed in early July 1983 and results would be available at that time for NRC review and evaluation to determine the adequacy of the reinspection program. It is Region III's current understanding that the reinspection program should be completed by late September, 1983. However, if the Applicant's review determines a need for expansion of the program, the inspection program will be completed at a later date.

Region III inspectors have conducted three inspections, documented in Inspection Report Nos. 50-454/83-16; 50-454/83-15, 50-455/83-13 and 50-454/83-26, 50-455/83-19 (see Attachment B), to monitor the progress of the reinspection program. As of this date, Region III has not made a final determination that the reinspection program will prove successful towards alleviating the problems addressed in the findings of Inspection Report No. 82-05. The Staff will reserve this determination until its receipt and evaluation of the reinspection results from the Applicant. The Staff estimates that its review will require up to three months to complete and will report the results of this review in subsequent inspection report(s).

- Q8. Has the Applicant taken any actions to establish a formalized program for contractor training, qualification and certification of inspectors?
- A8. (Mr. Forney) Yes. The Applicant provided minimum features and methodologies for training, qualification and certification of inspectors to site contractors on April 27, 1982. These features and methodologies were reviewed by me and, after further dialogue with CECO personnel, revised and redirected to contractors in writing on June 9, 1982. Contractor procedures were revised and implemented beginning in September 1982.
- Q9. Could someone on the panel describe the NRC staff inquiries into the allegations received from the three individuals referred to in the Staff written testimony (ff. Tr. 3586, at 6) regarding Hatfield Electric Company's quality assurance program and its implementation as presented in the Board's June 21 Order?
- A9. (Panel) Yes. The three individuals referred to in the Region III testimony made a total of 86 allegations over a six month period. Of the 86, 64 were found to be unique or nonrepetitive of other allegations. To date, 34 allegations have been investigated and 3⁰ have not been investigated. Of the total number investigated, 32 have been cleared or a noncompliance issued and 2 are open and await further action by the Applicant and follow-up by the NRC. Nine of the the uninvestigated allegations have been referred to OI.

Individual "A" contacted the NRC Region III Office on August 2, 1982 by telephone and provided several allegations. He was subsequently interviewed on August 16, 1982 by Region III representatives. Individual "A" elaborated on his August 2 allegations and

provided additional allegations. Further details of these allegations, NRC investigations of these allegations, and NRC findings relative to these allegations are documented in NRC Inspection Report Nos. 50-454/82-17, 50-455/82-12; 50-454/83-07, 50-455/83-03; 50-454/83-09, 50-455/83-07; 50-454/83-13, 50-455/83-11; and 50-454/83-18, 50-455/83-15. Pertinent portions of these reports are included as Attachment C to this testimony. A total of 39 allegations were received and documented by NRC Region III personnel on these two occasions. Of these 39 allegations, 8 were considered duplicative either because they were made by Individual "A" on both occasions or because they dealt with the same quality assurance policies or procedures.

Four of the 31 unique allegations were substantiated by NRC investigations including: one concerning quality control inspector certification, one concerning separation between production and quality assurance functions, one concerning corrective action, and one concerning procedures. One item of noncompliance was issued as a result of the quality control inspector qualification allegation. The substance of the allegation concerning corrective action had been previously identified by NRC inspectors and documented as a noncompliance in NRC Inspection Report No. 82-05 (finding 82-05-13b). Routine follow-up of this noncompliance subsequent to receipt of this allegation included verification that the problem was corrected and that measures were established by the Applicant and Hatfield Electric Company to preclude repetition. One open item was issued for each of the remaining two substantiated allegations and will remain open pending additional actions by the Applicant and follow-up inspection by NRC Region III personnel.

Of the remaining 27 unique allegations, four are uninvestigated. Twenty-three have been dispositioned as being either without substance, unsubstantiated or of no safety significance. These allegations included: one allegation each in the areas of the qualifications of a HECO engineer, design control, document control, storage and handling of safety-related cable, and welding; four allegations concerning corrective action; three allegations concerning separation of production and quality assurance functions; three allegations concerning quality control inspector certification; two allegations concerning drawing control; four allegations concerning procedures; and two allegations concerning cable installation. No further action by NRC Staff with regard to these allegations is planned.

On November 23, 1982, Individual "A" and two of his co-workers (Individual "B" and John Hughes) contacted the resident inspectors by telephone and all three individuals were interviewed together later that same day. The individuals made allegations, jointly and separately, regarding what they perceived to be deficiencies in Hatfield Electric Company's quality assurance program and/or its implementation. A total of 33 allegations were provided to the inspectors. Four of the 33 allegations were identical to allegations Individual "A" had provided earlier. Of the 29 unique allegations, one concerning quality control inspector certification was substantiated by NRC investigation and an item of noncompliance was issued. Five were investigated and dispositioned as unsubstantiated or of no safety significance and 23 are uninvestigated. The five allegations that were investigated and dispositioned included: two allegations concerning HECO engineering personnel qualifications, one allegation concerning design control, one

allegation concerning procedures and one allegation concerning quality control inspector independence. No further action by NRC Staff regarding these allegations is planned. Further details of the dispositioned allegations and NRC inquiries into, and findings relative to, the allegations are documented in NRC Inspection Reports Nos. 50-454/83-07, 50-455/83-03; 50-454/83-09, 50-455/83-07; and 50-454/83-13, 50-455/83-11. Pertinent portions of these reports are included as Attachment D to this testimony.

On January 10, 1983, Individual "A" came to the NRC resident inspector's office and provided additional information relative to six allegations made previously on November 23, 1982. Individual "A" made two new allegations. Individual "A" also delivered a handwritten and signed allegation from Individual "B". Of the three allegations received on this date, none have been investigated by the NRC Staff.

On January 17, 1983, Mr. John Hughes contacted the NRC resident inspector by telephone and made three allegations. Two of the allegations had been received previously from Individual "A" on January 10, 1983. In addition, on January 18, 1983, Mr. John Hughes was interviewed by representatives of the NRC Office of Investigations relative to the one new allegation he had made on January 17, 1983, which concerned his own certification as a Level II QC inspector. This allegation has been referred to the NRC Office of Investigations and has yet to be dispositioned.

Q10. Have any of the three alleged mentioned in the Region III testimony in April 1983 raised any further matters pertaining to Hatfield Electric Company?

A10. (Panel) Yes, On April 25, 1983, Mr. Hughes prepared a sworn statement to accompany the Intervenor's Motion to Reopen the Record to Admit Further Testimony of John Hughes, dated April 27, 1983. Mr. Hughes' statement contained approximately six allegations: (1) his training consisted of reading procedures and being tested; (2) he failed a written exam and was retested about one half hour later after reviewing the failed exam and after being provided the correct answers; (3) he signed off documentation for inspections he did not perform; (4) he saw brace welded to pressure pipe; (5) welding to cable trays was performed while cable was laying in the tray; and (6) he saw welds with uneven profile, excessive undercut, and peening of welds. A special inspection was conducted by the NRC Region III Office between April 27 and May 10, 1983, to determine whether or not the allegations could be substantiated. Based on the results of the special inspection and information obtained from earlier interviews with Mr. Hughes and others concerning certain of these matters, the Staff could not ascribe safety significance to any of the allegations, as stated, in Mr. Hughes' handwritten statement.

On May 26, 1983, Mr. Hughes was deposed before the Atomic Safety and Licensing Board. Based on additional information elicited from Mr. Hughes during the deposition and the stipulated testimony of Intervenor witnesses, Junius Ogsbury and Irvin Souders, the Board deemed that further inquiry into Mr. Hughes' inspector certification was warranted. Specifically, the Board was interested in (1) an examination of the training actually provided to Mr. Hughes and possibly others based on the apparent discrepancy between dates contained in training records and Mr. Hughes' assertion as to when he was certified and

(2) whether or not cheating on QC inspector certification exams was encouraged by allowing the inspectors to refer to written answers to exams during retesting as implied by Mr. Hughes' testimony that corrected test answers were available to him during retesting even though he did not use them. These issues were never raised in the form of allegations prior to Mr. Hughes' deposition of May 26, 1983. The question relating to Mr. Hughes' training was investigated by the NRC Region III Office between June 23 and July 1, 1983. The results of this special inspection are documented in NRC Inspection Report Nos. 50-454/83-29, 50-455/83-22 (Attachment E). The question regarding QC inspector certification test administration has been referred to the NRC Office of Investigations.

Q11. Please explain what actions have been taken by NRC Region III to verify Mr. Hughes' training and certification as a Level II QC inspector?

A11. (Mr. Hayes). A special inspection was conducted by the NRC Region III Office between June 23 and July 1, 1983, as reported in Inspection Report Nos. 50-454/83-29, 50-455/83-22 (see Attachment E), to supplement Inspection Report Nos. 50-454/83-21, 50-455/83-16 (see Attachment F) and to acquire additional information relative to Mr. Hughes' training and certification as a Level II QC inspector for HECO. The focus of the inspection was to determine whether or not Mr. Hughes' assertion that he was certified to perform, and did perform, inspections as a Level II QC inspector within two weeks of his employment at Hatfield Electric could be substantiated.

The inspection consisted of a detailed review of Mr. Hughes training, qualification/certification and inspection records to determine:

(1) whether he received the required training, (2) on what specific date he was certified as a Level II inspector at Byron, (3) what activities he was certified to inspect, and (4) whether he conducted official inspections prior to his certification. The results of the inspection establish the following:

(1) Training

Mr. Hughes received the required classroom training between the dates of October 12 and October 28, 1982. This training is documented on Hatfield Electric Company Memo Nos. 434, 435, 436, 437 and 447 (see Attachments G1 through G5), which are signed and dated by Mr. Hughes. Mr. Hughes initialed a QA/QC personnel indoctrination checklist, dated October 29, 1982 (see Attachment H), indicating he had received indoctrination training on such items as: organization, responsibilities and authorities; safety practices; building nomenclature and location; tool and instrument familiarization; and Sargent and Lundy drawings, standards and specifications.

Records indicate that Mr. Hughes received 64 hours of "on-the-job" training on Procedure 9A (Class 1E Cable Pan Hangers); however, only 48 hours could be verified. A certified Level II inspector accompanied Mr. Hughes on each of the "on-the-job" training inspections and his name along with Mr. Hughes' appears on each of the reports. The 16 hours that could not be verified involved hangers which were reinspected because of installation deficiencies or engineering changes, subsequent to Mr. Hughes employment at Hatfield. The original inspection records, which would bear Mr. Hughes name, were inadvertently lost or destroyed as a result of the reinspection/rework operations. The inspector concludes

that the training represented by the eight reports (i.e. 16 hours) was received by Mr. Hughes. Further, even if the 16 training hours represented by these eight reports is excluded, Mr. Hughes' "on-the-job" training more than meets the requirements for HECO Procedure 9A (Class I Cable Pan Hanger Installations). For additional details of inspections performed see Attachment E, pages 5 and 6.

Six closed book examinations were given to Mr. Hughes to demonstrate his basic knowledge and understanding of the training he received. The last of these six examinations was given on October 28, 1982. During the May 26, 1983 deposition, Mr. Hughes could not recall which test he allegedly failed and was retested on the same test about a half-hour later with the corrected original test still in his possession. This allegation is still under investigation by the NRC Office of Investigations.

The six examinations administered to Mr. Hughes consisted of the following:

(1) A 20-question examination on HECO Procedures 22 and 24, a 40-question examination on Procedures 5, 6, 14 and 30 and a 40-question examination on Procedures 1, 4, 7 and 29. The questions on these three examinations were designed to determine basic knowledge of these procedures which are common to most QA/QC activities. Mr. Hughes took the first two tests on October 11, 1982, and the third on October 12, 1982. He received scores of 95%, 82.5% and 90% respectively.

(2) A 20-question examination designed to determine the general knowledge of the Hatfield Electric Company QA program. Mr. Hughes took this examination on October 14, 1982 and received a score of 85%.

(3) A 50-question examination designed to examine the basic knowledge of the QA program, QA/QC inspector and/or the capabilities of a Level II inspector (per ANSI N45.2.6). Mr. Hughes took this test on October 18, 1982, and received a score of 90%.

(4) A 40-question examination designed to demonstrate the required features of the inspections as delineated in cable pan and hanger inspection examination Procedures 9A, 9B and 9E. The knowledge and capabilities of the inspector are examined with this examination. Mr. Hughes took this test on October 28, 1982, and received a score of 86.5%. It should be noted that although Mr. Hughes passed the test for inspection Procedures 9A, 9B and 9E, he was only certified to conduct inspections per Procedure 9A because he had not completed the required on-the-job training for Procedures 9B and 9E.

To be certified as a Level II inspector for Class 1E cable pan hangers, Mr. Hughes also had to take an eye examination and possess a high school diploma or a GED certificate. Mr. Hughes took and passed an eye examination for near and far acuity and color perception on October 14, 1982. Mr. Hughes received a GED certificate from the Rockford, Illinois Regional Office of Education on October 29, 1982. Mrs. Darlene Lee of the Office of Education was contacted in regard to Mr. Hughes' GED. In response to questioning, Mrs. Lee stated that an applicant is required to successfully complete examinations in six general areas to receive a GED certificate in the State of Illinois. This includes a test in the U.S. and Illinois Constitutions. Mrs. Lee also stated that Mr. Hughes failed a GED test given by the Armed Forces Institute in November 1967, but was given credit for three of the

examinations and successfully completed the other three required tests in Rockford, Illinois (two on October 13, 1982 and the third on the evening of October 28, 1982). Mrs. Lee stated that no official verification or document would have been given by the Rockford Regional Office of Education prior to Mr. Hughes completing all State of Illinois requirements for a GED certificate.

(2) Date and (3) Activities Certified

Based on the date he completed the requirements for a GED certificate and on CECO records, Mr. Hughes was certified on November 1, 1982 to perform inspections to Procedure 9A (see Attachment F, at attachment A).

(4) Date of Official Inspections

Approximately 1800 inspection reports were reviewed by Region III for the period Mr. Hughes was employed by Hatfield (see Attachment F, page 8, paragraph 4). The reports reviewed were predominately those concerned with Class 1E cable pan hanger inspections (Procedure 9A) but also included those involving inspections of cable pan installations and identification (Procedures 9B and 9E). Based on these reports and discussions with Hatfield QC inspectors who worked with Mr. Hughes, no evidence could be found to substantiate his contention that he performed inspections or reviewed and evaluated inspection results as a Level II QC inspector prior to his certification. Following his certification on November 1, 1982, Mr. Hughes did review and evaluate results of inspections which had been performed by others prior to November 1, 1982.

Q12. What were the Staff's conclusion in regard to Mr. Hughes' training certification and inspection activities?

A12. (Mr. Hayes). Based upon the results of the special inspection, Mr. Hughes' allegation that he was certified to perform, and indeed did perform, inspections as a Level II QC inspector within two weeks of his employment with Hatfield Electric was not substantiated (see Attachment F, page 8, paragraph 4). In addition, the inference that HECO may have not properly certified QC inspectors by documenting training not actually provided to the inspectors, which arises from Mr. Hughes' allegation that he was certified as a Level II inspector by means of a brief certification memo and a preliminary notification card that he had passed the GED test, was also not substantiated (see Attachment F at pages 7-8).

Q13. Have there been other allegations apart from those raised by Mr. Hughes and Individuals "A" and "B" regarding Hatfield Electric?

A13. (Panel) Yes. The Staff has received allegations from other HECO employees since Hatfield Electric began work activities at the Byron Site. The first allexer contacted the NRC Region III Office on June 7, 1979. Details of the allegations developed through contacts with this individual, NRC inquiry into these allegations, and NRC findings relative to these allegations were documented in NRC Region III Investigation Report Nos. 50-454/79-18, 50-455/79-18 (Intervenor Exhibit 4). Two items of noncompliance (50-454/79-18-01, 50-455/79-18-01 and 50-454/79-18-02, 50-455/79-18-02) were identified. The Applicant's responses to these findings, dated February 26, 1980 and May 21, 1980, were considered adequate. These two items were followed up and closed out by Region III representatives in subsequent inspections documented in NRC Inspection Report Nos. 50-454/81-12, 50-455/81-10 and 50-454/81-07, 50-455/81-06.

On March 10, 1983, a single allegation was received by the resident inspectors from an individual (Individual "C") regarding the handling of quality assurance documents. This matter was referred to the Office of Investigations because it involves potential wrongdoing and is part of an ongoing investigation.

Q15. Could someone on the panel please summarize the status of NRC investigations into allegations received from Individuals "A", "B", John Hughes and Individual "C" from August 2, 1982 to the present?

A15. (Panel) Yes. A total of 65 unique allegations (64 plus one) were received from these individuals. Of these 65 allegations, 34 have been inspected by NRC Region III personnel and dispositioned (32 are closed and 2 remain open pending verification of corrective action) and 31, including the 10 allegations referred to OI, have not been investigated. As a result of Region III inspection efforts completed to date, only five allegations have been substantiated. Two substantiated allegations remain open pending completion of corrective action by the Applicant and verification by the NRC. These allegations concern (1) the utilization of former craft personnel as quality control inspectors without having established measures to assure that such inspectors were not inspecting their own work and (2) the acceptance of cable pan hanger connection detail based upon information provided on weld card travelers. The latter matter remains open pending completion of a review by the Applicant to determine whether or not verification of connection detail has been accomplished as part of the weld inspection and will be followed up by NPC Region III personnel prior to closure. With respect to the other three allegations

substantiated, two concern improper certification of two QC inspection personnel. The last allegation involved the closing of Discrepancy Reports (DRs) and Nonconformance Reports (NCRs) based on the issuance of Field Change Requests (FCR). This practice did occur, however, as a result of previous NRC findings regarding improper closure of DRs and NCRs, procedures were in place requiring that items subject to an FCR be reinspected if the FCR is disapproved. This matter has been closed based on NRC inspector follow-up of the NRC findings and verification that this mechanism was in place subsequent to the receipt of this allegation.

Q16. What relationship, if any, do the inspection findings 82-05-19 and 82-04-19 in Inspection Report No. 82-05, have to the allegations received from Mr. Hughes and Individuals "A" and "B" concerning Hatfield Electric Company inspector training and certification?

A16. (Panel). Inspection findings 82-05-19 and 82-04-19 identified broad deficiencies in training and certification practices among Byron site contractors including Hatfield Electric Company. These deficiencies concerned failures to establish and document formal certification programs which included consideration of certain parameters and employment of specific methodologies identified in ANSI Standard N45.2.6, as modified by NRC Generic Letter 81-01 and NRC Regulatory Guide 1.58 (Rev. 1), to determine whether or not an individual was qualified to perform quality control inspections for any given area(s) of construction activity. Allegations received from Individuals "A" and "B", as well as Mr. John Hughes, included allegations that HECO's QC inspector training and certification practices

were deficient. These allegations were based on observations made by the alleged long after the cited NRC findings were made and after the Applicant began implementing corrective actions to assure that certification practices meeting applicable requirements were uniformly implemented by site contractors. The alleged deficiencies noted by the Hughes and Individuals "A" and "B" are much narrower in scope than those identified in the NRC findings. This was probably due, in part, to the efforts made by the Applicant and HECO to achieve compliance with applicable requirements after the NRC findings in Inspection Report No. 82-05. Thus, fewer aspects of certification procedures were left to the discretion of HECO personnel.

Q17. Would someone on the panel please summarize the Region's conclusions relative to the issues on reopening?

A17. (Mr. Hayes) The NRC Construction Assessment Team Inspection documented in Inspection Report Nos. 82-05, identified, among other things, deficiencies in programs implemented by certain contractors, including HECO, regarding the qualification and certification of QC inspectors. Although the Applicant had implemented corrective action to remedy the cause for the deficiencies, a reinspection program has commenced to verify that no unsatisfactory work remains undetected because of past deficiencies in the qualification and certification of QC inspectors.

The Region is reserving judgment on the adequacy of the reinspection program until the results are available for review and evaluation including any necessary corrective actions and verification inspections. Properly conducted, the program should establish the adequacy of com-

pleted work and provide information as to the validity of a number of the allegations by Individuals "A" and "B" and alluded to by Mr. Hughes concerning welding by HECO.

In addition, the Region did not substantiate Mr. Hughes' assertions that he did not receive the requisite training, that he was certified and conducted official inspections as a Level II inspector in mid-October 1982 and that he received verification of his GED certificate in mid-October 1982.

To summarize the status of the allegations concerning HECO, as of July 31, 1983, 65 unique allegations had been received from Individuals "A", "B", "C" and Mr. Hughes. Thirty-two (32) of the 65 have been closed and two have been investigated but require NRC follow-up. Five allegations, were substantiated and 29 were unsubstantiated. Investigation of the remaining 31 allegations (including the 10 referred to OI) and any resulting corrective action should be completed by January, 1984 and certainly prior to plant operation.

It is the opinion of Region III that most of the allegations remaining to be investigated do not involve significant hardware problems and those that have the potential to involve hardware problems, with few exceptions, would be encompassed in the reinspection program. If any of the remaining allegations are substantiated, however, the Region believes that any safety significance will be encompassed by the reinspection program which addresses the quality of the inspections conducted and the work completed.

WILLIAM L. FORNEY

REGION III

U.S. NUCLEAR REGULATORY COMMISSION

I am employed as Chief, Section 1, Zimmer, Office of Special Cases, in Region III.

I received a B.S. degree in Management Sciences from California State University, Hayward, California in 1974.

I was assigned as Chief, Section 1, Zimmer, on July 10, 1983. In this capacity I am responsible for coordinating and controlling inspection and enforcement activities related to construction and testing activities of an assigned nuclear power plant. I supervise seven employees. I represent the NRC before state and local officials and the news media.

I was assigned as the Senior Resident Inspector at Byron from October 5, 1981 to July 9, 1983. In this capacity I performed inspections of construction and testing activities during the construction and preoperational test phases to ascertain Licensee conformance with NRC regulatory requirements, FSAR commitments, and locally prepared administrative and technical documents. Prior to assignment at Byron, I was the Senior Inspector at the LaCrosse facility. In this capacity I performed inspections of operational, testing, refueling, security, rad-chemistry, and facility modification activities to ascertain Licensee conformance with NRC regulatory requirements, FSAR commitments, technical specification requirements and locally prepared operational, administrative and technical documents.

Prior to joining the Commission in January 1980, I worked 13 years for the Department of Defense, U.S. Navy, Mare Island Naval Shipyard, Vallejo, California. I held the position of Senior Nuclear Ship Superintendent, Senior Refueling Engineer and Reactor Plant Test Manager. From September 1959 to January 1967, I was in the United States Navy. While in the Navy, I was nuclear and submarine qualified.

ATTACHMENT A

(Pages 65 through 69
from Inspection Report
Nos. 50-454/82-05, 50-455/82-04)

U.S. NUCLEAR REGULATORY COMMISSION

REGION III

Report Nos. 50-454/82-05(DETP); 50-455/82-04(DETP)

Docket Nos. 50-454; 50-455

License Nos. CPPR-130; CPPR-131

Licensee: Commonwealth Edison Company
P. O. Box 767
Chicago, IL 60690

Facility Name: Byron Station, Unit 1 and 2

Inspection At: Byron Site, Byron, IL

Inspection Conducted: March 29-31, April 1-2, 5-9, 12-14, and May 11, 1982.

Inspectors: <i>D. H. Danielson</i> D. H. Danielson	<u>6/16/82</u>
<i>G. M. Peschel</i> G. M. Peschel	<u>6/16/82</u>
<i>R. S. Love</i> R. S. Love	<u>6/21/82</u>
<i>H. M. Wescott</i> H. M. Wescott	<u>6/16/82</u>
<i>E. H. Nightingale</i> E. H. Nightingale	<u>6/31/82</u>
<i>W. Forney</i> W. Forney (SRI Byron)	<u>6/16/82</u>
<i>P. Keshishian</i> P. Keshishian (IE Headquarters)	<u>6/16/82</u>
Approved By: <i>D. H. Danielson</i> D. H. Danielson, Chief Materials and Processes Section	<u>6/16/82</u>

Inspection Summary

Inspection on March 29-31, April 1-2, 5-9, 12-14, and May 11, 1982 (Reports No. 50-454/82-05(DETP); 50-455/82-04(DETP))

Prepared By: W. Forney

b. QC Inspector Effectiveness

(1) Objective

The objectives of this assessment were to determine if:

- (a) any problems exist that inhibit an inspector from properly executing his assigned functions.
- (b) the training, qualifications, and certification of QA/QC personnel working for contracting organizations to the licensee are in compliance with 10 CFR 50, Appendix B, ANSI N45.2.6-1978; ANST SNT-TC-1A, USNRC Regulatory Guides 1.58, USNRC Generic Letter 81-01; CECo Quality Assurance Program Manual; CECo Response to Generic Letter 81-01 (L. O. DalGeorge to D. G. Eigenhut-August 17, 1981); and Contractor Quality Assurance Manuals.

(2) Discussion

Individuals selected for interview were chosen at random by the NRC inspector. All contractors utilizing QA/QC personnel to monitor and accept production activities at the site were selected. The organizations selected, production function monitored by the inspectors, number of inspectors in the organization, number of inspectors interviewed and percentages are identified in Table 2. Each inspector interviewed was asked a standard set of questions. The answers provided were summarized and are provided as Table 3.

Individuals selected for QA/QC inspector interview were requested to provide the record of their training, qualification and certification to the inspector. The inspector reviewed each of the training, qualifications and certification records to verify compliance with applicable regulatory requirements, standards and commitments. In verifying the implementation of the approved requirements emphasis was placed on (1) determination of initial capability by suitable evaluation (2) evaluation of performance/reevaluation (3) written certification in appropriate form (4) physical requirements identified and examined yearly, and (5) qualification criteria followed and (6) records of qualification established and maintained.

Table 3 is provided as a summary of inspector answers to the standard set of interview questions. Answers to questions 1, 2, 4, 5 are self evident and do not require further definitions. However, the answers to remaining questions require further clarification and conclusions.

Question 3 - relates to the number of inspectors that indicated during their answer to Question 2 that they had prior inspection experience. Of the 30 inspectors interviewed 47% indicated prior inspection experience; however, only 27% had prior inspection experience in nuclear work related activities.

Question 6 - of the 19 inspectors interviewed that regularly worked frequent or excessive overtime one worked less than 8 hours weekly, fourteen worked from 8 to 16 hours weekly, and four work greater than 16 hours weekly. The two inspectors that provided qualified answers indicated the overtime was intense at times based upon fluctuations of production activities. All of the inspectors that answered yes or qualified their answer were asked if the frequent or excessive overtime caused the accuracy of their inspections to be diminished. Without exception, none of the inspectors felt the accuracy of their inspections were affected.

Question 7 and 8 - the inspectors that provided a qualified answer to these questions indicated that the lack of adequate staff and/or failure to conduct inspections promptly were a result of fluctuations in production activities.

Open Item (454/82-05-18; 455/82-04-18)

Question 9 - indicates that inspectors generally do not feel they have the authority to stop an activity in their contractor's work that is not being properly performed, nor have they been provided written management policy in this area. The inspectors that provided qualified answers indicated that they would inform the area supervisor. The inspectors were also asked if they felt they could immediately stop the work activity of another contractor worker who was performing work that was hazardous to safety related equipment. The majority of inspectors indicated they did not have that authority.

The licensee management committed to take actions to re-emphasize to all inspectors their responsibility to stop an activity which does not conform to applicable quality requirements. This item will be examined during a future inspection.

Question 10 - the majority of inspectors interviewed indicated that the training they received was adequate for the work activity they are required to perform. One inspector did not feel his training was adequate and the remaining inspectors felt that although their training was not the best, that if they needed additional guidance or clarification that management would provide the information immediately.

Question 11 - indicates that inspectors do not feel that a lack of inspection personnel is the cause for construction activities to come to a stop and is consistent with the answers provided in Question 8.

Question 12 - the inspectors that qualified their answer generally indicated that their activity did not require a check list but was normally accomplished utilizing a combination of installation plans and/or procedures.

Question 13 - the inspectors that qualified their answer indicated that they would have to follow the chain-of-command which could be untimely.

When asked to discuss their opinion of how their management portrays the relationship of quality to production the majority of inspectors stated that quality was first and production second, a number of inspectors stated that quality and production were on an equal basis, and a few of the inspectors (predominately from one contractor) stated that production was first and quality second.

When asked to discuss their opinion of the overall finished product of their contractors activities the majority of inspectors stated that the work generally exceeded minimum acceptable standards, a few stated the work generally met minimum standards, and no inspectors felt that the work did not meet minimum acceptable standards.

Noncompliance (454/82-05-19; 455/82-04-19)

Based on a review of training qualification and certification records of a minimum of ten percent of the QA/QC personnel working for contractors performing safety-related work it is apparent that an effective program does not exist to ensure that a suitable evaluation of initial capabilities is performed, that written certification is provided in an appropriate form, and that qualification criteria is established.

Certain contractor QA/QC supervisors and inspectors were not adequately qualified and/or trained to perform safety-related inspection functions. The following examples of apparent non-compliance were identified:

a. Contractor - Reliable Sheet Metal Works, Inc.

- (1) The contractor Quality Assurance Manual did not require inspection personnel to be trained and certified to ANSI N45.2.6-1978.
- (2) The certification record for the QA/QC supervisor did not contain a satisfactory basis for certification.
- (3) The certification record for the QA/QC supervisor did not contain the level of capability.

b. Contractor - Johnson Controls, Inc.

- (1) The certification records reviewed did not contain a determination of initial capability.
- (2) The certification records reviewed did not contain a copy of the individuals high school diploma or verification of prior work history.
- (3) The certification records reviewed did not support adequate testing prior to certification. It is noted that testing was accomplished by oral examination consisting of 25 questions to determine the individuals knowledge of 26 procedures. The oral examination noted the individual was weak in ability to work with drawings. However, there is no record to indicate additional training was provided or that the individual was subsequently tested and found to be proficient in his ability to work with drawings.

c. Contractor - Powers-Azco-Pope

- (1) The certification records for the QC Supervisor did not provide an adequate determination of initial capability.
- (2) The certification records for the QC Supervisor did not contain a high school diploma, or verification of previous employment.
- (3) The certification records for the QC Supervisor did not contain adequate evaluation and justification for certification to Level I or subsequent certification to Level II Supervisor.
- (4) The certification records for three (3) QC inspectors did not contain a high school diploma.
- (5) The certification folder for three (3) QC inspectors did not contain verifications of prior employment.
- (6) The certification records for the QC Supervisor and three (3) QC inspectors contain open book examinations that do not provide an adequate level of knowledge prior to certification. The records did not contain results of a capability demonstration to support certification.
- (7) The certification records for three (3) QC inspectors did not contain adequate evaluation and justification for certification to Level I and subsequent certification to Level II inspector.

d. Contractor - Hunter Corporation

- (1) The certification records for two (2) of the seven (7) QC inspector qualifications reviewed did not provide determination of equivalent inspection experience to support the level of certification.

e. Contractor - Hatfield Electric Company

- (1) The certification records for three (3) of the nine (9) inspector qualifications reviewed did not contain a Certification Evaluation Sheet.
- (2) The certification record for one (1) of the nine (9) QC inspector qualifications reviewed did not have records of examinations or work samples.
- (3) The certification records for two (2) of the nine (9) QC inspector qualifications reviewed did not provide complete evaluation and justification for certification to perform the level of inspection identified.

f. Contractor - Blount Brothers Corporation

- (1) The certification record for one (1) of the two (2) QC inspector qualifications reviewed did not indicate the expiration date of certification as a Level I lead auditor.

g. Contractor - Midway Industrial Contractor, Inc.

- (1) The certification record for the QC inspector qualifications reviewed did not indicate the activities certified to perform.

h. Contractor - Pittsburgh Testing Laboratory

- (1) The certification record for one of the three (3) QC/QA inspector qualification records reviewed did not have an evaluation of prior work experience.

Based on a sample review of CECO audits conducted in the area of training qualification and certification for the period 1975-1981 it was determined that a program exists to routinely review the acceptability of QA/QC personnel. It was noted that many audit findings were identified and resulted in notable improvements of contractor adherence to ANSI N45.2.6-1978. During the meeting conducted April 9, 1982, CECO management committed to develop an alternate plan for certification of contractor QC inspectors when the recommendations of ANSI N45.2.6.-1978, Section 3.5 are not complied with. Additionally, a commitment was made to require each contractor to verify inspectors education and experience.

TABLE 2

QA/QC INSPECTOR INTERVIEW SUMMARY

<u>Organization</u>	<u>Function</u>	<u>Total Inspectors</u>	<u>Inspectors Interviewed</u>	<u>%</u>
EBASCO Services	Inservice Inspection	2	1	50
NISCO	Erect miscellaneous mechanical equipment, final setting and erection of NSSS equipment.	2	1	50
Reliable Sheetmetal	HVAC	2	1	50
Johnson Controls	HVAC Controls	2	1	50
Powers Azco Pope (PAP)	Instrumentation	11	4	36.36
Hunter Corporation	Piping System	71	7	9.86
Hatfield	Electrical Installation	83	9	10.84
Mount Brothers	Plant Structures	5	2	40
Midway	Field Finish Coating	2	1	50
Pittsburgh Testing Lab	Onsite NDT	28	3	10.71
TOTALS		208	30	14.42

TABLE 3

SUMMARY OF QUESTIONS ASKEDQC/QA INSPECTORS DURING INTERVIEWS

1. How long employed as an inspector onsite?	<u>3 mo.</u>	<u>6 mo.</u>	<u>6 mo.-1 yr.</u>
		2	4
	<u>1-2 yr.</u>	<u>2-3 yr.</u>	<u>4 yr.</u>
	7	4	5
		<u>Yes</u>	<u>No</u>
2. Prior inspection experience?		14	16
		<u>Nuclear</u>	<u>Non-Nuclear</u>
3. What discipline(s)?		8	6
	<u>Yes</u>	<u>No</u>	<u>Qualified</u>
			<u>Implemented Qualified Answer</u>
4. Is there a sense of intimidation based upon the need/requirement to keep up with construction?	29		1
5. Is there a reluctance to make adverse findings if they will impact on the construction or audit schedule?	29		1
6. Is it routine for QC inspectors to be working frequent and/or excessive overtime?	19	9	2
7. Do the inspectors feel that their particular section is adequately staffed?	19	2	9
8. Do they feel the required inspections are being conducted promptly?	18	2	10
9. Do the QC inspectors have stop work and/or stop process authority?	13	3	14
Have they ever used this authority?	13	9	
If so do they feel they were supported or will have the support of management in the event of a stop work?	19	1	3
			8
			7

ATTACHMENT B

**(Inspection Report Nos. 50-454/83-26,
50-455/83-19 and Transmittal Letter)**

**(Page 3, second paragraph from
Inspection Report Nos. 50-454/83-15,
50-455/83-13)**

**(Page 10, Paragraph (2), from
Inspection Report No. 50-454/83-16)**