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January 23, 1995

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Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Attention: Docketing and Service Branch

OFFICE OF THE SECRETARY
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In the Matter of
KENNETH G. PIERCE
Docket No. 55-30662-EA; IA-94-007; ASLBP No. 94-694-05-EA

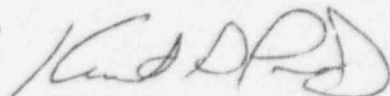
In accordance with the request in the Memorandum and Order issued by the Atomic Safety and Licensing Board on January 18, 1995, I will attempt to clarify the identified "problems with the record."

The document marked "Exhibit 9" is exhibit 9 of 46 to the NRC Office of Investigation's Report and was entered as evidence.

Mr. Ciuffini's testimony was indeed 15 questions and answers totaling four pages which were also entered as evidence. I have included all four pages with this response.

DOA 300-12 Revision 1 and associated training records were included in my December 30, 1994 filing because this is the revision I believed to be in effect on September 18, 1992. As Operators, we were required to memorize the Immediate Operator Actions. This section states (C.2.b.) "Immediately contact a Qualified Nuclear Engineer (QNE) for evaluation of subsequent actions." This revision does not require any subsequent actions to be executed unless the QNE deems them necessary following his evaluation of the specific event. This explains why many Operators (including myself) believed DOA 300-12 was not applicable while a QNE was present providing direction. In light of what has transpired since September 18, 1992, I should have made some sort of Unit Log entry regarding the inadvertent control rod insertion, although none was required by DOA 300-12 Revision 1.

Sincerely,



Kenneth G. Pierce, Jr.
21013 South Sarver Drive
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3503

L. Ciuffini

1. When did you become employed by Commonwealth Edison (CECo)?

A: November 7, 1977.

2. What is your current position with CECo?

A: Licensed Reactor Operator (NSO).

3. How long have you held that position?

A: Took NRC exam on Jan. 25, 1983, obtained NSO title July 25, 1983.

4. Prior to September 18, 1992:

a) Did you receive any training or guidance from CECo management requiring you to follow DOA 300-12 while a Qualified Nuclear Engineer (QNE) is present directing control rod movements?

A: No.

b) Who Routinely directed control rod movements?

A: The QNE.

c) Did you know of the existence of 10CFR50.54.1 ?

A: No.

d) Would a Senior Reactor Operator (SRO) necessarily pre-approve all individual control rod movements?

A: No.

e) Were all individual control rod movements documented?

A: Definitely not.

f) What was your understanding of the purpose of DOA 300-12?

A: In the absence of a QNE, method of correcting a mispositioned control rod.

g) Under what circumstances would you have entered DOA 300-12?

A: If a rod was mispositioned or found mispositioned and a QNE was not present.

5. Subsequent to September 18, 1992:

a) Did you receive any training or guidance from CECo management requiring you to follow DOA 300-12 while a QNE is present directing control rod movements?

A: Yes. Classroom with a QNE teaching, simulator scenarios with a QNE providing oversight, and Heightened Level of Awareness (HLA) meetings prior to any rod evolutions for a time after discovery of the alledged September 18 event. The training on DOA 300-12 had to go through several iterations because of the complexity of all the possible combinations of events, the definitions of "Mispositioned Rod", "in-sequence", "intended position", "target position" etc. One thing for sure-anxiety of rod movement definitely went up.

L. Ciuffini(continued)

5. Subsequent to September 18, 1992:(continued)

b) Who routinely directs control rod movements?

A: The QNE. However, the control room unit supervisor or shift manager now pays closer attention to what the QNE does.

c) Do you know the content of 10CFR50.54.1 ?

A: Yes. SRO directs licensed activities.

d) Does an SRO necessarily pre-approve all individual control rod movements?

A: No. They still approve movements, scram tests, pulls and inserts as a block beforehand, and any departure from the original request is usually reviewed prior to that action taking place.

e) Are all individual control rod movements documented?

A: No, at least not manually. The process computer of course recognizes each movement but STEPS are documented upon completion of all moves within the step.

f) What is your understanding of the purpose of DOA 300-12?

A: DOA 300-12 is for rectifying any rod moved or found in any position other than that specified by the sequence at that point.

g) Under what circumstances would you enter DOA 300-12?

A: Any time a rod is moved or found mispositioned.

h) Are control rod movements executed differently?

A: Yes. All rod movements are verified regardless of Rod Worth Minimizer operation. The verifier is designated by the SRO, and any problems with rod movements are documented in the Control Rod Drive System Abnormality Book.

6. How would you describe the Station Manager's "Empowerment" philosophy in effect on September 18, 1992?

A: "Empowerment" was basically: You're responsible for getting results via whatever means you can devise but also responsible for acquiring the resources and living with the results of the success or failure of your actions. i.e. it's better to ask forgiveness than beg for permission.

7. What would you have done under the same circumstances Mr. Pierce encountered on September 18, 1992?

A: I've said all along, that for the sake of dumb luck, I could have been in trouble rather than Ken. I know this feeling is shared by others. I would have followed the direction of the QNE unless my instruments told me the plant was responding in a manner strange or unfamiliar to me.

8. Do you beleive Mr. Pierce did anything wrong?

A: With regard to his actions following the movement of rod H-1, I feel Mr. Pierce did nothing wrong.

L. Ciuffini(continued)

9. How would you describe Mr. Pierce's knowledge of procedure content?

A: Ken's knowledge of procedure content was very extensive. Often he would remind others of little-known procedural requirements including managers much to their consternation at times.

10. How would you describe Mr. Pierce's adherence to procedural requirements?

A: He was insistent on procedure adherence-meticulous.

11. Did you ever witness Mr. Pierce raising concerns regarding the interpretation of a procedure's content or it's applicability to CEC management?

A: Yes. At times the interpretation of procedures and Technical Specifications becomes the difference between the Unit being on line or not. This was the case once in the interpretation of the statements in the Tech Spec Interpretation (3.1)? regarding Limiting Conditions for Operations(LCOs) and shutdown time intervals. Ken and I both thought the requirement was to shut down.

12. Did you ever witness Mr. Pierce voicing concerns regarding safety issues to CEC management?

A: Yes. Ken often reminded management of safety issues both nuclear and personnel. One such event was the previously mentioned T.S. LCO situation. Many other situations come to mind but at this time I can't differentiate between those which I witnessed and those I heard about.

13. Did CEC management seem pleased with Mr. Pierce's insistence upon strict procedural compliance?

A: No. With Ken around, the CEC penchant for volumes and volumes of procedures became the two-edged sword because of his literal interpretation and consistent application. Where some may be swayed or convinced by explanations or justifications by ever-higher managers, Ken stuck with what was in black and white. With this, management was not pleased.

14. Did Mr. Pierce always seem to place safe plant operations and the health and safety of the Public ahead of CEC management's priority of electrical generation?

A: Yes. His technical knowledge, procedural knowledge, and commitment to safe plant operation were beyond reproach. His point-blank approach didn't create a loyal fan club, but this was not a popularity contest. Those who disliked Ken did so from personal standpoints, overlooking the more important issue of Nuclear Safety, and their own weaknesses which Ken would expose without hesitation.

L. Ciuffini(continued)

15. Is there anything else you would like to add?

A: Yes. Ken was railroaded by a Company in trouble and wanting to appease a Regulator, a "management" team wanting to remove "non-players" from their ranks, and a scared young engineer already in trouble with his tyrant boss and grabbing desperately for a coat tail to ride on through the latest storm. The NRC's investigation was hindered by the initial prejudiced notification, followed by a prejudiced CECO investigation and shotgun solutions implemented so quickly as to arouse suspicion themselves. The NRC should reconsider their conclusions and take a good, long look at the sources of their information.

In the matter of:

KENNETH G. PIERCE

License No. OP-30277-02

Enforcement Action IA-94-007

Docket No. 55-30662-EA

ASLBP No. 94-694-05-EA

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CERTIFICATE OF SERVICE

I hereby certify that copies of the enclosed documents have been served upon the following persons by U.S. mail, first class.

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Attention: Docketing and Service Branch

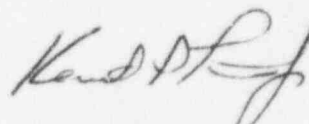
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