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In the Matter of:

BYRON STATION
(Conference Call)

Location: Bethesda, MD

Pages: 8359-8393

Date: July 18, 1984

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Conference Call
 Room 428
 4350 East West Highway
 Bethesda, Maryland

 Wednesday, July 18, 1984

Hearing in the above-entitled matter convened at
 3:00 p.m.

BEFORE:

 JUDGE IVAN W. SMITH, ESQUIRE

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PARTICIPANTS

JUDGE I.W. SMITH
M. MILLER
S. LEWIS
D. CASSELL
D. CALLIHAN
B. BECKER

MILLERS FALLS
EZEQUIAS
COTTON CONTENT

P R O C E E D I N G S

1
2 JUDGE SMITH: I guess the first item of
3 business that we will have is everything proceeding
4 according to our discussion of last week. Did the
5 deposition go all right earlier this week?

6 MR. MILLER: Yes sir, this is Mike Miller,
7 five depositions were taken. One additional deposition
8 of Sargent & Lundy,

9 UNIDENTIFIED SPEAKER: I believe it's two,
10 isn't it Mike? French.

11 MR. MILLER: Oh. That's right. There are two.
12 We are going to go forward Friday. Mr. Laney is set for
13 Monday after the evidentiary session. The depositions
14 of Professor Cochar, Professor Erickson and Mr. Stokes
15 are set for tomorrow and Friday. I believe that will
16 conclude our deposition schedule.

17 JUDGE SMITH: Alright. I've had several
18 ex-party telephone calls with Mr. Miller and Mr. Becker
19 on late filing assistance control testimony. Would you
20 bring us up to date on that Mr. Miller or Mr. Becker.

21 MR. MILLER: Mr. Becker's not present. As I
22 explained to you on Friday, and I believe Mr. Becker
23 explained yesterday, additional time that we didn't
24 anticipate in terms of putting the last witness's
25 testimony on the Systems Control Corporation issue. Mr.

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1 Consel's (phonetic) testimony, we expect to file on
2 Friday. We hope to file Mr. Johnson's testimony Monday
3 with you in Rockford.

4 DR. CALLIHAN: Mr. Miller.

5 MR. MILLER: Yes sir.

6 DR. CALLIHAN: Callihan. Mr. Consel's, as far
7 as I'm concerned, it would be just as appropriate to
8 deliver it Monday morning.

9 MR. MILLER: Alright sir. Where will you be on
10 Monday morning?

11 DR. CALLIHAN: Here. Well, I beg your pardon.
12 I'm sorry. I mean Monday noontime at the hearing.
13 Otherwise, it will get tangled up in the mail
14 somewhere.

15 MR. MILLER: What time on Monday are we
16 commencing. Is that 2:00 p.m?

17 JUDGE SMITH: Yes. You might, just in the
18 event that we get in early, which we probably will. We
19 allow a substantial margin. You might leave, well we
20 won't need that testimony any earlier than 2:00 anyway.
21 So, deliver it at the hearing. That's assuming that the
22 order of presentation will call for Systems Control to
23 be later on in the hearing.

24 MR. MILLER: Yes sir. That's our expectation
25 onbehalf of the applicants.

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1 JUDGE SMITH: Okay. Would you please remember
2 to state your name as you speak. That was Mr. Miller.
3 Would you give me please your anticipated order of
4 presentation?

5 MR. MILLER: This is Mike Miller again. We
6 would expect to begin our evidentiary presentation with
7 a panel of three witnesses, Mr. Del George, Mr.
8 Tuetken, and Mr. Shewski. These three men will address
9 the inspector qualification issue as addressed by the
10 reinspection program.

11 JUDGE SMITH: You don't have to elaborate on
12 their testimony because we have their outlines.

13 MR. MILLER: They will be followed by Mr.
14 Hansel. Then by a panel of Sargent and Lundy
15 representatives, Mr. McClaughlin, Mr. French, Mr. Singh,
16 the branch who has adopted Mr. Leone's testimony.

17 JUDGE SMITH: Okay.

18 MR. MILLER: Judge Smith. At this point I am
19 going to have to speak in alternatives. If the Sargent
20 & Lundy panel is excused with some period of time
21 remaining on Thursday, we would like to fill in with
22 the testimony of Mr. Binder and Mr. Treece, on cable
23 overtension. If however, the Sargent & Lundy panel
24 continues through the end of the day or close to the
25 end of the day on Thursday, we would like to begin on

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1 Friday, not with Mr. Binder and Mr. Treece but rather
2 with a panel on work quality, Mr. Laney, Behnke, and
3 again, Mr. Del George.

4 DR. CALLIHAN: Who is the second one please,
5 Mr. Miller. This is Callihan. Mr. Behnke, Mr. Del
6 George and?

7 MR. MILLER: Mr. Laney.

8 DR. CALLIHAN: Thank you.

9 JUDGE SMITH: Okay.

10 MR. MILLER: Then, that would leave us for
11 either the Saturday session or the beginning of the
12 next week with Mr. Somsag. That would conclude our
13 evidentiary presentation on the reinspection program.

14 DR. CALLIHAN: Except for Systems and guest.

15 MR. CASSELL: If you would like to. This is
16 Doug Cassell speaking. If you don't have time to fit in
17 Binder and Treese Thursday afternoon, when would you do
18 that?

19 MR. MILLER: They would go at the conclusion,
20 probably just before Mr. Somsag. Mr. Somsag will
21 probably be our final witness in any event. He is
22 available in the area.

23 MR. LEWIS: Judge Smith, would you like the
24 staff to propose organization of witnesses on the
25 reinspection program.

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JUDGE SMITH: Yes, Mr. Lewis.

MR. LEWIS: We are assuming, of course, that what we would do is the reinspection program as a subject matter would be addressed both by the applicant and then the staff and then subsequently, we would proceed to the Systems Control testimony will have been filed by that point in turn, will take the applicant and staff. I assume that is how the board is intending to proceed.

JUDGE SMITH: Seems logical, Mr. Lewis.

MR. LEWIS: The staff would, first of all, put on a panel of Little, Ward, Love, Muffett and Connaughton. Do I need to spell any of those for the benefit of the reporter?

JUDGE SMITH: No. I have them right here. I'll show him. I'll give it to him. Why don't we give them a name. Let's call them Panel 1 or.

MR. LEWIS: Okay. I'll call them Panel 1.

JUDGE SMITH: Or are they the?

MR. LEWIS: The point is the second piece of testimony which is Mr. Hayes and Mr. Connaughton is also related to the reinspection program, so we could call the first panel the panel on the reinspection program. We could call the second panel the panel on allegation.

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1 JUDGE SMITH: Hayes and Connaughton are
2 allegation?

3 MR. LEWIS: That would be the second panel.

4 JUDGE SMITH: Okay.

5 MR. LEWIS: Then, Mr. Keppler would come on,
6 at the end of the staff presentation, individually.
7 That would be the conclusion of the staff's direct case
8 on the reinspection program.

9 JUDGE SMITH: You say Keppler will be the
10 third?

11 MR. LEWIS: The third one. The third and final
12 one would be Mr. Keppler.

13 JUDGE SMITH: Alright. Along that line,
14 although the board hasn't decided yet, the parties
15 might look at Mr. Keppler's testimony to see if it
16 could be stipulated. I'm not saying that the board will
17 accept that, because we haven't talked about it yet.

18 Alright. Then, that should take two days.
19 Will we be ready to go with Systems Control at that
20 time then?

21 MR. MILLER: We would plan on beginning with
22 Mr. Marcus, Mr. Maurer, and Mr. Costel (Phonetic) as a
23 panel.

24 JUDGE SMITH: Wait a minute. This is Mr.
25 Miller?

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1 MR. MILLER: Yes. I'm sorry, I beg your
2 pardon. This is Mike Miller again.

3 JUDGE SMITH: Alright. Go ahead, Mr. Miller.

4 MR. MILLER: Would be Maurer

5 JUDGE SMITH: As a panel?

6 MR. MILLER: Yes. Marcus, and Costel in a
7 panel, Mr. Johnson, alone.

8 MR. LEWIS: For the staff part we have, I
9 presume the board has received, and I assume that Mr.
10 Casell and Mr. Miller have received a copy of testimony
11 of Treece and Connaughton with respect to, with the
12 lack of a better term, the historical matters on
13 Systems Control. We would be prepared to offer them.

14 JUDGE SMITH: Alright. Then, you have some
15 more testimony coming up, though, Mr. Lewis.

16 MR. LEWIS: We do. As we stated in our
17 covering letter, when we sent the Hayes and Connaughton
18 testimony on Systems Control we are now in the process
19 of reviewing additional information that Commonwealth
20 Edison has been making available to us as a result of
21 inspection requests that we made. That information, is
22 necessary, for us to state to the board what our
23 position is with respect to the adequacy of control
24 equipment. The, in addition, the practical factor, the
25 people who will be involved in the preparation doing

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1 the additional analytical testimony for the staff on
2 Systems Control will also be involved in the hearing on
3 the reinspection program.

4 For that reason seemed that both because we
5 needed to evaluate the new information from
6 Commonwealth Edison and because of the fact that we
7 would need to be able to sit down with those witnesses
8 who would propose that we file that testimony no later
9 than August 13th, which is the date now provided to the
10 intervener for their direct testimony. Then, for that
11 additional testimony by the staff to be considered in
12 the hearing session beginning August 20th.

13 JUDGE SMITH: I think that we have sufficient
14 time to hear the witnesses of this first session. In
15 fact, I don't think it is going to be necessary to have
16 a Saturday hearing the way it looks. What do you feel,
17 Mr. Cassell?

18 MR. CASSELL: I would agree with that Judge.
19 There is one additional witness that the intervener
20 might like to request to be scheduled earlier than the
21 August 20th session. Professor Erickson, who is our
22 witness and whose deposition will be taken tomorrow
23 evening is either unavailable or has difficulty being
24 available after August 20th. We would like, therefore,
25 if it is acceptable to the board and the parties to

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1 anticipate that after filing his prefiled testimony
2 with enough advance notice from the company to prepare,
3 and of course they will have the deposition tomorrow
4 night; we would like to put in Mr. Erickson somewhere
5 toward the end of the second week of these initial set
6 of hearings.

7 If this is acceptable to the parties, I would
8 like to leave that, at least for the time being, a
9 little uncertain as to exactly which days, because I
10 haven't been able to discuss with him what his schedule
11 is that week.

12 MR. MILLER: Judge Smith. This is Mike Miller.
13 We will do our best to accommodate Mr. Erickson's
14 scheduling problem, but I just can't make a commitment
15 before we, number 1, take his deposition, number 2,
16 see his testimony to see whether it is possible to
17 prepare for the hearings and to cross examine the
18 witness. I hope it will be, but I can't say.

19 JUDGE SMITH: Okay. How are you coming along
20 on your search for Consel, Mr. Cassell?

21 MR. CASSELL: Judge, we have found him and he
22 is made.

23 JUDGE SMITH: You are going to take over, huh?

24 MR. CASSELL: The bad news is that Mr. Guild,
25 who was our last person with whom we had curious

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1 negotiation, was advised by NRC licensing board in the
2 other case that he has been working on, he has a
3 deadline next Friday for his findings of fact. There
4 was no room for movement on that date. Consequently, he
5 was unavailable. As early as Friday, it was clear to us
6 that Mr. Guild would not be available this week for the
7 purpose of the depositions.

8 So, beginning last Friday, and of course, as
9 you know, we had seen this coming for some time. We had
10 been getting everyone in the office to adjust their
11 schedule to make it possible. We have had four
12 attorneys, including myself working full time on this
13 case since Friday. Between the four of us, we have
14 taken the depositions that Mr. Miller referred to. We
15 will be ready to begin the hearings on Monday. We do
16 not need additional time. We wouldn't be ready to begin
17 them on Saturday. We probably wouldn't be ready to
18 begin them on Sunday. But, by Monday, we will be ready.

19 JUDGE SMITH: Okay. Fine.

20 DR. CALLIHAN: Callihan here. Mr. Cassell.
21 When do you anticipate Dr. Erickson's testimony to be
22 filed?

23 MR. CASSELL: I don't have a specific date in
24 mind, Judge. I would hope that we could prepare it next
25 week and serve it on the parties no later than Monday

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1 of the second week. We will try to do it sooner if at
2 all possible.

3 DR. CALLIHAN: That's the 30th, then.

4 MR. CASSELL: I believe that is correct. He is
5 a witness who will testify on a very particular
6 subject, namely statistical sampling techniques. While
7 I have not been the lawyer who has worked specifically
8 on Mr. Singh's testimony, it is my understanding that
9 Edison's witness Mr. Singh is roughly the opposite side
10 of the coin from our witness Professor Erickson. The
11 general scope of their testimony is at least in the
12 same ball park. I am not all that familiar with the
13 details of it, but I think Professor Erickson will be
14 able to give the parties a pretty clear indication of
15 his areas of concern and interest at the deposition
16 tomorrow night.

17 DR. CALLIHAN: Very good. Thank you.

18 MR. CASSELL: Yes sir. There is a related
19 question to that, Judge. I noticed that one of Edison's
20 panels, I believe it is the second panel, the one that
21 follows Mr. Hansel has Mr.'s McClaughlin, French, and
22 Singh. Mr.'s McClaughlin, French, and Branch, as I
23 understand essentially testified on issues relating to
24 safety significance, design significance, and so forth.
25 Mr. Singh, as I indicated, tends to focus on issues of

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1 statistics. We have based on Professor Erickson's
2 advice, been preparing a set of questions and issues
3 that we would want to address particular to Mr. Singh.
4 Is it appropriate within the context of your panel
5 practice for us to direct our questions on that subject
6 or a particular witness in this case, Mr. Singh?

7 JUDGE SMITH: Yes. In fact, you are free to
8 direct questions to any witness on a panel.

9 MR. CASSELL: Thank you Judge.

10 JUDGE SMITH: Moreover, our practice is for
11 individual panel members, when they testify as a panel,
12 to, we don't have panel testimony here so it doesn't
13 matter. Even when we have joint testimony, each panel
14 member is individually responsible for the particular
15 portions of it. So, that is perfectly appropriate.

16 Okay. Anything else on the order of
17 presentation?

18 MR. CASSELL: I don't believe so, Judge.

19 JUDGE SMITH: Alright. The board would like to
20 have better graphic demonstration of some of the
21 concepts that we are working with. For example, perhaps
22 drawings or better narrative description of the types
23 of welds that we talk about. Socket welds and fillet
24 welds, some of the terms that are used in connection
25 with some of these welds. We can infer what they mean,

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1 but it is not clear in the record what they mean. For
2 example, overlap, undercut, the leg in lengths of a
3 weld. I think it would be helpful if we had pictures or
4 drawings or something that we could look at to get a
5 better idea of it.

6 Now, this is just my request. The technical
7 members of the board didn't know I was going to ask for
8 this. They probably could draw it out quite well for
9 me. Nevertheless, I believe that the record would be
10 helped along by that kind of demonstration too. Also,
11 the concept of weld travelers which is documentation,
12 comes up so often that I think I would like to look at
13 a specimen weld traveler.

14 See what it is. Is it a single document, a
15 group of documents, or whatever. So, I think it would
16 be helpful if we had something like that here. Mr.
17 Miller.

18 MR. MILLER: Judge Smith. This is Mike Miller.
19 I don't have all of the prepared testimony in front of
20 me. It is my recollection that there are some sketches
21 attached to Mr. McClaughlin's testimony.

22 JUDGE SMITH: Yes. Right.

23 MR. MILLER: Let us review those. We believe
24 there are photographs, I know, that we have that
25 display the characteristics that you discussed.

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1 JUDGE SMITH: Mr. McClaughlin's testimony is
2 very helpful. He shows welding points on the cable
3 trays and hangars and that type of thing. That is very
4 helpful and that type of thing.

5 MR. MILLER: Okay. My recollection is that
6 having taken a plant tour and observed some of the
7 welds, it is very difficult when somebody who is
8 skilled says oh, there is an example of undercut or a
9 lay person to be able to observe it also. Let me
10 discuss this with our witness, but I think, perhaps,
11 the combination of the photographs and perhaps the AWS
12 standard itself which has sketches of the various kinds
13 of discrepancies that are referred to, might provide
14 the necessary information for the board. As far as well
15 travelers are concerned, Mr. Tuetken is really quite
16 familiar with those. I will make certain that he has
17 representatives of a well traveler with him.

18 JUDGE SMITH: Alright. Then, along that line,
19 we are not making the request yet. We might request
20 another site visit. It would not be a tour, which we
21 have already had. I have had one, and the other two
22 members have had two. We might want to actually look at
23 perhaps, some visual welds that have failed, have been,
24 have no design significance yet have failed the test,
25 the examination, that type of thing.

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1 Yes sir. I am sure that that could be
2 arranged. I forget I will just tell you from personal
3 experience that I have taken such a visit that I
4 strongly suggest that you bring blue jeans or other
5 kinds of casual clothes that you don't mind getting
6 dirty. There is a lot of climbing and trampling around
7 that is required.

8 JUDGE SMITH: We also might want to look at
9 cable trays and hangars and supports for it, conduits
10 and the type of things that are involved in that aspect
11 of it. We would probably want to look at Systems
12 Control mainboards and remote panels and that type of
13 thing. We are not making the request yet, I'm just
14 saying that that is something that we have thought
15 about, and we are wondering if that might be helpful.

16 MR. MILLER: Alright. I think that we can
17 arrange such a visit on very short notice.

18 JUDGE SMITH: Alright. Thank you.

19 DR. CALLIHAN: Speaking of that, Mr. Miller,
20 Callihan here, it is your case, obviously, but I think
21 within limits the board would not be opposed to
22 looking to small pieces of metal and tubing and so
23 forth in the courtroom. I emphasize small, if you want
24 to have some examples.

25 MR. MILLER: Alright, sir.

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1 DR. CALLIHAN: But, this is your problem.
2 Don't let me influence you.

3 MR. MILLER: Thank you.

4 JUDGE SMITH: Mr. Miller. Since I would have to
5 carry back any such specimen.

6 MR. MILLER: I'm not to identify the specimen.

7 MR. CASSELL: This is intervener's counsel,
8 Judge. We will waive your objection to carrying them
9 back.

10 DR. CALLIHAN: I said small.

11 JUDGE SMITH: Alright. Callihan said small and
12 Cassell said he would waive any objection.

13 DR. CALLIHAN: I want to mention miscellaneous
14 items.

15 JUDGE SMITH: Yes. That would be a good time.
16 Mr. Cassell, are you in a position to tell us now
17 whether and when you would be raising other issues, the
18 so called miscellaneous items that have been discussed
19 by the interveners?

20 MR. CASSELL: Maybe I could, sorry Judge, I
21 don't have my copy with me of the list of all the
22 issues under consideration, but lets take them one by
23 one. I am not sure what you would characterize as
24 miscellaneous.

25 JUDGE SMITH: Well, go ahead. I have that

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1 list.

2 MR. CASSELL: Oh. You do. If you want to just
3 pick them off one by one, that might be the best way
4 then. Or, if you want me to, whichever.

5 JUDGE SMITH: Well, alright. Number one,
6 information disclosed under protective order of April
7 17, 1984.

8 MR. CASSELL: If I understand it, or as I
9 recall, Judge, there are, if I am referring to the
10 proper information here, I believe there were two very
11 distinct sets of allegations by two different allegeders
12 in that particular order. Well, I am ommitting a third,
13 but I recall, specifically, at least two off the top of
14 my head. The two that I am familiar with, a third that
15 I will have to become familiar with.

16 One of them is the potential witness who, has
17 been subject to some discussion in the conference call
18 that we had, I believe, either last week or the week
19 before. We are still attempting to evaluate whether to
20 call that individual as a witness, but we have notified
21 Edison that he is definitely a potential witness on our
22 list.

23 Our understanding is that the investigation
24 of his allegations is currently underway and in
25 progress. We are not certain to the timing of

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1 completion of that investigation. Maybe we will have to
2 have some investigation with the investigators who I
3 understand are not directly the staff, or to find out
4 when they expect that investigation to be complete.

5 I am not certain that it would make sense for
6 us to make a definite decision on this witness until
7 the investigation is complete. On the other hand, if it
8 is not going to be complete for a long time, I assume
9 that we will have to go ahead and make a decision one
10 way or the other. As of now, we have not decided on
11 him. We have decided that the investigation will move
12 along promptly.

13 The other witness that I am familiar with in
14 that protective order had direct conversations, as I
15 believe you know, with that witness which covered a
16 range of items. I believe the particular aspect of the
17 protective order, extensively covered only one of many
18 areas that that person raised. We are still reviewing
19 that one, Judge. I don't know whether we will pursue
20 that issue at this point. I would hope to be able to
21 tell you something more on both of these items than any
22 other items in the miscellaneous category at the
23 commencement of the hearing on Monday.

24 JUDGE SMITH: Your proposed issue Number 2,
25 related to the circumstances surrounding Mr. Secoca

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1 (phonetic) departure from the company. I don't regard
2 that as a miscellaneous item. I think that was
3 included.

4 Issue Number 3 is rejected. That was the
5 preoperational testing.

6 Issue Number 4 was rejected. That was the
7 civil penalties.

8 The intervener's Number 5 was just a catch
9 all series of staff reports, would not be germane.

10 Number 6 was overstressed cables.

11 Number 7 was a miscellaneous item. That was
12 Mr. Ross's April, 1984 board notification of the
13 issuance of the final Salp report. You said you would
14 renew your request to have that litigated.

15 Number 8, was hopelessly broad. It was all
16 iony reports issued.

17 The integrated design issue was Number 9.

18 MR. CASSELL: On that one, Judge. I know that
19 is one that we are taking a look at with reference to
20 raising is, I don't recall the specifics that the
21 timing on that. The impression is that either there was
22 a recently released or a soon to be released, is
23 relevant to that issue.

24 JUDGE SMITH: Number 10 was overstressing of
25 steel beams that correct and corrections. That was

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1 withdrawn by the, withdrawn by the, they said at the
2 prehearing conference that you do not now advance this
3 item as an issue, but they are developing the
4 information with the intention of moving to reopen the
5 record. I don't know what that is all about.

6 MR. CASSELL: I think that I am familiar with
7 that issue, Judge. We are taking a look at it. But, I
8 don't have a judgement at it, at this point. I should
9 add that the obvious, given the scheduling here,
10 approximately 99% of our time in the last several days
11 has been focused on the reinspection program and
12 Edison's witnesses related to that, and the staff's
13 witness. I have deferred the extent of consideration on
14 these miscellaneous. I will definitely be getting to
15 this.

16 MR. MILLER: Judge. This is Mike Miller. It
17 seems to me that we are, if we haven't already passed
18 it, we really are at the point where the interveners
19 should be reheard.

20 JUDGE SMITH: Do not infer from our asking, Mr.
21 Miller, that we don't agree with you. We are simply
22 trying to touch base with you and find out what the
23 future holds for us.

24 MR. LEWIS: I think that the one from the
25 whole list that you have been over, Judge, based on

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1 what now know, and stressing that I have not had to
2 time to review each of these issues in detail as I
3 would like. But, the two that most clearly strike me
4 ashigh on our potential list are the first of the two
5 items that I mentioned with the protective order and
6 the integrated design inspeciton.

7 JUDGE SMITH: Okay.

8 MR. MILLER: As I understand it, Judge Smith.
9 We are going to hear from Mr. Cassell on Monday, at
10 least those issues.

11 JUDGE SMITH: I heard him say that, yes.

12 MR. CASSELL: I will give you what I can at
13 that point, based on my review. Both of those, the
14 first one, as I indicated is an ongoing investigation.
15 I will have to try and find out what I can about the
16 status of that investigation and when it is expected to
17 be concluded. The other one, I don't have the details
18 in my head, but Mr. Lewis nodded when I indicated that
19 integrated design inspection was related to either a
20 document either recently or soon to be released.

21 MR. LEWIS: I think you are referring to, I
22 think you are referring to the Bechtel report,
23 Independent science. Which is issued in May.

24 MR. CASSELL: May and then June, the
25 supplement.

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1 MR. LEWIS: I don't know if you are referring
2 to something else. This is the document that I am aware
3 of.

4 MR. CASSELL: In any event, I will be
5 reviewing that matter and prepared to speak on a more
6 informed basis by Monday, Judge.

7 JUDGE SMITH: Alright, Mr. Cassell. Alright,
8 then the final item that I have on the agenda for this
9 afternoon is the documents that the parties expect us
10 to have in our possession and expect each other to have
11 as far as that is concerned. Mr. Cassell, we truly
12 appreciate that we will be arriving at the hearing with
13 a clean slate, as far as evidence is concerned.

14 But, so if the parties want anything into
15 evidence, it either has to be attached to testimony or
16 presented as an exhibit. The custom has been for each
17 party to bring to the hearing any document that they
18 want into evidence, even though that document has
19 already been served on the record of the case.

20 However, some of these documents are rather
21 elaborate. I wonder if there is any documents that the
22 board and the party could be prepared to bring along
23 that will either be referred to in cross examination or
24 offered as exhibits.

25 MR. LEWIS: This is Steve Lewis. I think that

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1 there are a number of inspection reports, portions of
2 which are attached to staff testimony.

3 JUDGE SMITH: Yes, and I liked that. I liked
4 that message rather than having the entire report. So
5 long as noone objects. It reduces the size of the
6 record, and it is much easier to work with.

7 MR. LEWIS: Maybe, we would decide to offer
8 certain inspection reports into, as exhibits. Those
9 would be basically the inspection reports that are
10 referenced in the testimony.

11 JUDGE SMITH: That would be, probably, the
12 final inspection of 8413 and 8409 which was the
13 inspection reports on the applicants report of the
14 reinspection program.

15 MR. LEWIS: That would certainly be the most
16 obvious one. There are others as well.

17 JUDGE SMITH: At any rate, you will be
18 prepared to supply those. We don't have to bring
19 anything then.

20 MR. MILLER: Judge Smith. This is Mike Miller.
21 The board is planning on bringing. Well, let me ask the
22 quesiton. Does the board wish additional copies of the
23 pre-filed testimony available for its use in Rockford?

24 DR. CALLIHAN: I do not. Callihan. I will
25 bring my own.

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1 JUDGE SMITH: No. We will bring those. But, I
2 guess you will want us to have, to bring in the formal
3 reinspection report. Don't you, Mr. Miller. You will be
4 offering that as evidence.

5 MR. MILLER: No. Sir. We were not planning on
6 offering the document into evidence. We regard the
7 testimony of the witnesses as supplemented by the
8 exhibits attached to their testimony as sufficient with
9 respect to the burden of proof. The reinspection report
10 itself deals with, as you know, many additional
11 factors.

12 JUDGE SMITH: Well, okay. Then we don't really
13 have to bring that .

14 MR. CASSELL: Judge, if I may. This is Doug
15 Cassell. I would anticipate that we would be, very
16 likely, I'm not certain but very likely want to have
17 that report in evidence. Because, it has certain
18 overall methodologies and approaches. It would be very
19 difficult to go through it paragraph by paragraph and
20 try and figure out which sentences are absolutely
21 necessary and which are not for the scope of the
22 hearing. I think we are going to be wanting to refer to
23 it quite a bit and I would just as soon have it in
24 evidence.

25 JUDGE SMITH: I think we, we may not be able

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1 to accomplish getting it into evidence. But, you
2 certainly, I think you have notified us that you had
3 better bring it along to hear your arguments and to
4 have it available as you use cross examination.

5 DR. CALLIHAN: Callihan here. Mr. Cassell.
6 Give us the number on that one, please.

7 MR. CASSELL: That is the February 1984 report
8 as to reinspection program that Edison put out.

9 DR. CALLIHAN: It's a bound copy.

10 MR. CASSELL: Excuse me?

11 DR. CALLIHAN: It's a bound copy.

12 MR. CASSELL: That's correct.

13 DR. CALLIHAN: I apologize. I thought you were
14 talking about inspection report. Yes. sir. One thing,
15 Callihan still. Mr. Lewis.

16 MR. LEWIS: Yes sir.

17 DR. CALLIHAN: If it is convenient. Only if it
18 is convenient. Bring to me, please, a copy of the
19 Hughes report, OI. I can't put my finger on mine.

20 MR. CASSELL: Of the already issued OI report?

21 DR. CALLIHAN: The chairman said he had his

22 MR. CASSELL: No. I don't believe. If he does,
23 I don't. I believe that the OI report on the Hughes
24 matter is the one which we are awaiting.

25 DR. CALLIHAN: Alright. Then I don't have it

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1 and I am not supposed to have it.

2 JUDGE SMITH: Alright. I am glad that this
3 came up. Because, I have in my possession a memorandum
4 to me from Ben Hayes. A memorandum dated July 10, 1984.
5 Subject, Byron, Hatfield Electric alleged improper
6 certification testing of Quality Control inspectors. I
7 just assumed that it had been served. Apparently, it is
8 not.

9 MR. LEWIS: I am not sure that I totally
10 understand Mr. Chairman. You have a copy of an OI
11 report.

12 JUDGE SMITH: Yes, indeed. That is the one, we
13 may have been waiting for. I am surprised that that
14 was, that was Mr. Lewis who said chairman just now.

15 It is the report on the Hughes allegations
16 and as far as I can see, it probably is intended to be
17 the final product of the Office of Investigation. For
18 Byron, I haven't examined it with that in mind. I
19 assumed that everybody had it.

20 MR. LEWIS: You said, Mr. Chairman, that this
21 was by way of memo to you?

22 JUDGE SMITH: Yes. Well, it came into my
23 possession.

24 MR. LEWIS: Does it have a cover memorandum to
25 Mr. Keppler on it?

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1 JUDGE SMITH: That was Mr. Lewis. This is Mr.
2 Lewis.

3 MR. LEWIS: This is Mr. Lewis speaking. Does
4 it have a covering memo in region 3 on it? That is how
5 a report of that type is normally transmitted to the
6 NRC>

7 JUDGE SMITH: Well, I'll tell you Mr. Lewis. I
8 am familiar myself with several ways that these reports
9 are transmitted.

10 MR. LEWIS: If I can say, Mr. Chairman. At the
11 time I left the office yesterday, I had not received a
12 copy of the report and therefore, had not been able to
13 serve it on anyone. I intended to do that once I
14 received it.

15 MR. CASSELL: Judge. I don't mean to take
16 advantage of Mr. Lewis in any way, but, that relates to
17 the issue of inspector qualifications which will be the
18 subject of citizens, I believe, either their first or
19 their second panel next week. The sooner we could get
20 that, the better position we would be in to evaluate
21 to use it on that subject cost.

22 JUDGE SMITH: Well, I will. After this
23 telephone onversation, Mr. Lewis, I will cooperate with
24 your office and report our cooperation on the record
25 when we begin Monday in identifying exactly what we

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1 have and making sure that whatever should be done is
2 done.

3 MR. LEWIS: Could you please call Mr. Wilco on
4 that?

5 JUDGE SMITH: Mr. Wilco is on the line right
6 now.

7 MR. LEWIS: Okay. Fine.

8 JUDGE SMITH: Aren't you, Mr. Wilco?

9 MR. WILCO: I'm on the line, right.

10 JUDGE SMITH: Okay. We will follow through on
11 that. I have to confess to some negligence here. I just
12 assumed that the matter was being served. I can see
13 that I have no basis to believe that it was served. We
14 will follow through on that and make sure it gets out
15 as fast as possible.

16 Okay, how did that come up?

17 DR. CALLIHAN: I brought it up. This is
18 Callihan. I just asked for a copy.

19 JUDGE SMITH: I'm glad you did.

20 DR. CALLIHAN: Sorry.

21 JUDGE SMITH: Okay. I think that that is about
22 it. Oh, yes, Dixon, Callihan. There are two documents
23 on the reinspection program. There is a June, 1984
24 supplement. So, it is a bound, rather attractive
25 looking index document entitled report on the Byron QC

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1 inspection program dated February, 1984 and June 1984
2 supplement. We will, I see these are serially numbered,
3 Mr. Miller.

4 MR. MILLER: Yes sir.

5 JUDGE SMITH: Does that have any significance?

6 MR. MILLER: They are serially numbered?

7 JUDGE SMITH: Yes. They are not proprietary
8 are they?

9 MR. MILLER: Oh no. I guess my copies don't
10 have a serial number. I was unaware of that, sir. To my
11 knowledge, it has no significance.

12 JUDGE SMITH: Well mine has, yeah. I think
13 that might just be our own document control number. SO,
14 there are two documents there. We will bring those
15 along. That will be it. If anybody else wants us to
16 know anything, they will have to give it to us at the
17 bench.

18 DR. CALLIHAN: Callihan. Let's come back to
19 better testimony. I told Mr. Miller I would bring my
20 own but I don't want to speak for the other members of
21 the board.

22 JUDGE SMITH: I'm not aware of anything that
23 we don't have. I am pretty sure that we have everything
24 that we are supposed to have. We of course, will bring
25 it along.

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1 MR. MILLER: Judge Smith. This is Mike Miller
2 again. On the subject of testimony. Inevitably, in our
3 review after the testimony was filed we found some
4 missing questions, some dropped lines and so on. What
5 we will have available before each witness takes the
6 stand are such pages that are necessary to correct
7 those kinds of gross errors and then the witness will
8 indicate any minor typographical errors that appear
9 elsewhere.

10 JUDGE SMITH: That would be fine. That is
11 consistent with our previous practice. May I ask in
12 this instance, Mr. Miller, if you can remember. That
13 they be punched for three hole punch.

14 MR. MILLER: Yes sir.

15 JUDGE SMITH: Anything further?

16 MR. LEWIS: This is Steve Lewis. Do you know
17 how many copies are being required by the reporter for
18 submission for binding into record. I don't know what
19 the practice has been in this case.

20 JUDGE SMITH: One.

21 MR. LEWIS: No. I mean for providing for
22 whatever number of people have ordered the transcript.
23 If you don't know, we will just make an estimate.

24 JUDGE SMITH: Well, no, the practice has been
25 that the reporter has access to duplicating service. We

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1 have been able, I don't know what the contract says. We
2 have been able as this hearing has been going on to get
3 a single document bound into the transcript for next
4 day service. I will check on that point, but, as a
5 matter of fact, I don't know what the practice has
6 been. Mr. Miller, what have you been doing?

7 MR. MILLER: I am ashamed to say that I don't
8 remember.

9 JUDGE SMITH: I think that that is a. I have
10 been trying to get the contract reformed in that it is
11 only a single item and everybody has to have
12 duplication capability at the hearing sites for
13 overnight. It makes everyone's burden a lot easier and
14 it makes correction a lot easier. It makes spontaneous
15 inserts a lot easier, and I think that that is the way
16 that we have approached it. We will check with the
17 reporter and see what their memory of the practice has
18 been. Anything further?

19 MR. LEWIS: Just one small point, Judge. You
20 asked Mr. Miller to have certain pages three hole
21 punched. In general, do you want any pieces of paper
22 that we give you at the hearing to be three hole
23 punched.

24 JUDGE SMITH: No. But this, no. We haven't
25 asked for that before, but this time I'm proud that I

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1 am so organized that I have this testimony all bound
2 and I would like to keep my organization. No. That is
3 the first time that we have ever requested that. It is
4 not that important. We can always do it later.

5 MR. MILLER: Judge Smith. This is Mike Miller.
6 I just have one final matter, too. I don't want my
7 silence with respect to interveners miscellaneous
8 issues to be construed in any way as agreement that if
9 Mr. Cassel comes in on Monday and says that he has one,
10 two or four additional issues to litigate, we have
11 somehow waived our objection that may out of time.

12 JUDGE SMITH: You are absolutely right, Mr.
13 Miller. The same thing goes with the board. We are not
14 by asking suggesting that even if he comes in now,
15 anything is timely. We are asking simply to know in
16 advance, if, for example we begin Monday afternoon with
17 a series of motions we wanted to know about it.

18 It is simply a scheduling consideration, not
19 a ruling consideration at all.

20 I think that that is all that I have. Do you
21 have anything Dr. Callihan.

22 DR. CALLIHAN: I am finished, thank you.

23 JUDGE SMITH: Anybody else?

24 MR. WILCO: Could I ask Mr. Lewis to call me
25 when he gets a chance after the call.

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MR. LEWIS: Yes.

JUDGE SMITH: Okay. In fact, if you don't mind. Well, you can stay on here not anyone who wants to. I want to have a conversation with Lewis and Wilco about the OI inspection report solely for the purpose of the logistics involved, getting it, and how are we going to get it out. That's all. So, we will go off the record on that. Everybody can stay on if you wish.

MR. CASSELL: Judge. This is Doug Cassell. I will sign off for that one.

MR. MILLER: Right. I am going to excuse myself for that, too. This is Mike Miller.

MR. LEWIS: Alright. I'll stay here for this one. This is Pete.

JUDGE SMITH: That concludes, then, the transcript portion of the telephone conference, and it concludes the telephone conference.

(Whereupon, at 3:49 p.m. on Wednesday, July 18, 1984 the hearing adjourned.)

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CERTIFICATE OF PROCEEDINGS

1
2
3 This is to certify that the attached proceedings before
4 the NRC.

5 In the matter of: BYRON STATION

6
7 Date of Proceeding: JULY 18, 1984

8 Place of Proceeding: BETHESDA, MD

9 were held as herein appears, and that this is the original
10 transcript for the file of the Commission.

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12
13
14 JOE NEWMAN

15 Official Reporter - Typed

16
17 Joe Newman / JNB

18 Official Reporter - Signature

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