

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; 50-455
Byron Station, Units 1 and 2)

Affidavit of William L. Forney
Regarding the Reinspection Program

I, William L. Forney, being duly sworn, state as follows:

1. I am employed by the U. S. Nuclear Regulatory Commission as Chief, Reactor Project Section 1A in Region III, Division of Reactor Projects. In this capacity, I am currently responsible for coordinating inspection and enforcement activities related to construction and operation of the Braidwood, Callaway, Zimmer and Marble Hill nuclear plants.
2. I received a B.S. degree in Management Science from California State University, Hayward, California in 1974.
3. I was assigned as the Senior Resident Inspector (SRI) at Byron from October 5, 1981 until July 10, 1983, at which time I was promoted to my current position. In my capacity at Byron, I performed inspections of construction and preoperational test phases to ascertain licensee conformance with NRC regulatory requirements, Final Safety Analysis Report (FSAR) commitments, and procedures. Prior to assignment at Byron, I was the SRI at the LaCrosse Boiling Water Reactor Facility, Genoa, Wisconsin.
4. Prior to joining the Commission in January, 1980, I worked for 13 years for the Department of Defense, U. S. Navy, Mare Island Naval Shipyard, Vallejo, California. I held the positions 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 in the Naval Nuclear Propulsion Program and was Nuclear and Submarine Qualified.
5. As part of my responsibilities while serving as Byron SRI, I participated in the Region III Construction Assessment Team (CAT) inspection which was documented in Inspection Report 50-454/82-05; 50-455/82-04. I wrote noncompliance finding (82-05-19/82-04-19) regarding the lack of proper qualification and certification of some contractor quality control inspectors and was involved in the discussions with the applicant regarding the development of the reinspection program.

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- 6. The purpose of this affidavit is to provide information on my position on the acceptability of the reinspection program, since during my earlier testimony I had expressed certain reservations regarding that program. My reservations regarding the program's acceptability centered around the fact that the inspection scope was not known at the time of my testimony. I also stated that the 90-95 acceptance criteria might not prove to be acceptable because it was not yet known whether deficiencies would be identified which had safety significance such that a higher acceptance criterion would be warranted.
- 7. I reviewed the reinspection program report (final) and Region III inspection Report 50-454/84-13, 50-455/84-09 and found them to be acceptable.
- 8. I reviewed staff testimony on the reinspection program as it was under development, and provided comments where I considered the testimony to require modification or clarification. The comments which I provided were resolved to my satisfaction except for the conclusion(s) which may be drawn regarding the "capability" or qualification of a particular inspector(s). See "Testimony of NRC Staff on Remanded Issues with Respect to the Reinspection Program," question and answer 6, p. 4. I believe that the statement can be made that the overall quality of the work of the contractors is acceptable whether it is by inference of good workmanship or capable inspectors.
- 9. In my view, while the reinspection program was not intended to, and did not directly determine whether CECO contractors at Byron always used qualified inspectors, it provided a good basis to evaluate whether inspectors had overlooked significant safety-related deficiencies. I agree with the staff position to this effect. I agree that the conclusions of the reinspection program are valid for both accessible and inaccessible work. Based on the safety importance of the elements inspected, the importance of each inspection attribute, and the type of deficiencies that were identified, I further agree that the acceptance criteria, of 95% for objective inspections and 90% for subjective inspections, are acceptable.
- 10. In conclusion, I agree that the reinspection program achieved the purpose I understood it to have, namely, to determine whether prior to September 1982 inspectors overlooked significant safety related hardware problems.

This answer is true and accurate to the best of my knowledge and belief.

William L. Focney
 William L. Focney

Subscribed and sworn to before me this 12th day of July, 1984.

Marcia J. Smith
 Notary Public

My Commission Expires: February 8, 1986