

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE
ATOMIC SAFETY AND LICENSING BOARD

IN THE MATTER OF:)

TEXAS UTILITIES GENERATING)
COMPANY, ET AL.)

DOCKET NOS. 50-445-OL
50-446-OL

(COMANCHE PEAK STEAM)
ELECTRIC STATION, UNITS 1)
AND 2))

FOIA-88-37

A/3

ORAL DEPOSITION OF
W. G. COUNSIL
OCTOBER 15, 1987

RECEIVED

NOV 3 1987

WILLIAM G. COUNSIL

ORAL DEPOSITION OF W. G. COUNSIL, produced as a
witness at the instance of the Intervenor CASE, taken
in the above-styled and numbered cause on October 15,
1987, at 1:30 p.m., before James M. Shaw, RPR,
Certified Shorthand Reporter and Notary Public in and
for the State of Texas, at the Law Offices of
Worsham, Forsythe, Sampels & Wooldridge, 2001 Bryan
Tower, Suite 3200, in the City of Dallas, County of
Dallas, State of Texas, pursuant to the Federal Rules
of Civil Procedure.

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PDR FOIA
WILLIAMS88-37 PDR

ORIGINAL

A P P E A R A N C E S

FOR THE NUCLEAR REGULATORY COMMISSION:

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United States
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Washington, D.C. 20555

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FOR TEXAS UTILITIES GENERATING COMPANY:

ROPES & GRAY
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ROPES & GRAY
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BY: ROBERT A. WOOLDRIDGE

1 W. G. COUNSIL,

2 the witness hereinbefore named, being first duly
3 cautioned and sworn to tell the truth, the whole
4 truth, and nothing but the truth, testified under
5 oath as follows:

6 EXAMINATION

7 BY MS. GARDE:

8 Q. Mr. Council, as you know, I'm Billie Garde.
9 I'm an attorney representing the intervenor in the
10 licensing case, CASE, Citizens Association for Sound
11 Energy. I'm taking your deposition in connection
12 with an issue that has been on the table for some
13 time, since the fall of last year.

14 The purpose of my deposition today is to
15 ask questions regarding the CPET, not its
16 implementation, the program edict aspects of that
17 program and what it is intended to do, so that we can
18 reach some kind of a determination on whether its
19 adequacy can be litigated without the need for
20 litigating implementation.

21 (Council Exhibits 1 and 2

22 (marked for identification.

23 Q. I'm going to show you what has been marked
24 as Deposition Exhibits 1 and 2, which is the subpoena
25 that was issued to you minus Judge Bloch's signature,

1 and a notice of deposition. I would like to ask if
2 you have seen this document -- these two documents
3 before?

4 (Witness perusing document.

5 Q. Have you seen these two documents before?

6 A. Yes, I have, many months ago.

7 Q. All right. Have you brought any documents
8 with you to this deposition in response to the notice
9 of deposition?

10 A. No, I have not.

11 Q. Did your counsel ask you to bring any
12 documents?

13 A. No, he did not.

14 MS. GARDE: For the purpose of this
15 transcript, Mr. Eggeling, I would like to repeat what
16 I said yesterday, which is that we requested
17 Mr. Council to bring documents with him to this
18 deposition. We entered into a stipulation regarding
19 the nonproduction of those documents. That was not a
20 waiver of the requirement for him to produce
21 documents in response to this notice of deposition.

22 It did not turn out to be a problem with
23 Mr. Hansel. I don't anticipate it will turn out to
24 be a problem with Mr. Council. In the event that it
25 does, I'm saying for the record that I'm disappointed

1 that he was not asked to review his files and
2 identify documents responsive to the notice.

3 Do you want to respond?

4 MR. EGCELING: I will give you the
5 same response I gave you yesterday, which was there
6 was a stipulation entered into and it has been
7 complied with.

8 MS. GARDE: And as stated yesterday,
9 we disagree with that. I think --

10 MR. EGCELING: You have yet to
11 address why the stipulation hasn't been complied with.

12 MS. GARDE: I have made that very
13 clear.

14 MR. EGCELING: I disagree.

15 MS. GARDE: The stipulation does not
16 waive in any way, shape, or form your requirement to
17 have your witness search for documents responsive to
18 a subpoena. It deals with other things in terms of
19 nonproduction and how to proceed with nonproduction.

20 For this deposition, I would like to go
21 around the table and have everyone identify
22 themselves that is present in the room. I have
23 identified myself.

24 MR. WOOLDRIDGE: Bob Wooldridge.

25 MS. MOORE: Janice Moore representing

1 NRC staff.

2 MR. MARTLAND: David Martland with
3 Ropes & Gray.

4 MR. STILLMAN: Robert Stillman, Ropes
5 & Gray.

6 MR. EGGELING: William S. Eggeling.

7 THE WITNESS: William G. Council.

8 MS. GARDE: That is the witness.

9 Q. (BY MS. GARDE) All right. Mr. Council,
10 when did you go to work for Texas Utilities?

11 A. May 1, 1985.

12 Q. And prior to your actually going to work
13 for Texas Utilities, did you enter into discussions
14 with Texas Utilities officials regarding your
15 potential employment?

16 A. Yes, I did.

17 Q. When did those discussions start?

18 A. Approximately February 1985.

19 MR. EGGELING: Slow down.

20 Q. (BY MS. GARDE) Who initiated those
21 discussions?

22 A. Mr. Michael Spence.

23 Q. When was the first trip that you made to
24 Texas regarding your potential employment?

25 A. Approximately the beginning of March of

1 1985.

2 Q. During that visit, did you meet with Mr.
3 Spence and others regarding the Comanche Peak plant
4 and its current condition?

5 A. I met with Mr. Spence and others, but
6 little was discussed about the current condition of
7 Comanche Peak.

8 Q. Did you review during that first meeting
9 any documents?

10 A. No, I did not.

11 Q. Had you been sent any documents by Texas
12 Utilities to review before that meeting occurred?

13 A. No, I wasn't.

14 Q. Following the March 1985 meeting, were you
15 provided documents to review regarding the condition
16 of Comanche Peak?

17 MR. WOOLDRIDGE: Before he came to
18 work?

19 MS. GARDE: Yes.

20 Q. (BY MS. GARDE) I'm looking at before
21 March -- before May 1, 1985, after your first meeting.

22 A. There was a period of time at the
23 last -- roughly the last week in April of 1985 where
24 I was provided with newspaper clippings from the
25 local press, the media, and I believe one other

1 document which I never got around to even looking at.

2 Q. Are those the only documents you reviewed
3 before accepting employment?

4 A. I received those documents after I had
5 accepted employment.

6 Q. Okay. When was the first time that you
7 were provided with or read -- Let me do it twice.

8 When was the first time you were provided
9 with the January 8th, 1985 letter from the Nuclear
10 Regulatory Commission to Texas Utilities?

11 (Off-the-record discussion
12 (between Mr. Eggeling and
13 (Mr. Council.

14 A. I don't know.

15 Q. (BY MS. GARDE) Was it after you had
16 accepted employment?

17 MS. GARDE: Mr. Council, I object to
18 you turning to your counsel every time you are
19 answering a question. If you don't know, just say
20 you don't know.

21 MR. EGGELING: Let's not worry about
22 objecting to the witness' ability to consult with his
23 counsel. I'm not sure you have the right to object
24 to that.

25 MS. GARDE: Well, then, I want the

1 record to reflect that he is talking to you before he
2 answers the question.

3 MR. EGGEING: You have the ability
4 to do that.

5 MS. GARDE: So --

6 (Off-the-record discussion
7 (between Mr. Eggeling and
8 (Mr. Council.

9 MR. EGGEING: Give her the answer
10 she asks for.

11 A. I don't know.

12 Q. (BY MS. GARDE) All right. At the time
13 that you had -- Well, when did you decide to accept
14 employment with Texas Utilities?

15 A. Last week in March 1985.

16 Q. At the time that you decided to accept
17 employment with Texas Utilities, had you done any
18 site visits?

19 A. I had been to the site once in April 1984.

20 (Off-the-record discussion
21 (between Mr. Eggeling and
22 (Mr. Council.

23 Q. And your April 1984 visit was not in
24 connection with potential employment with Texas
25 Utilities?

1 A. It was not.

2 Q. Other than that April 1984 visit, did you
3 go to the site between the time you were offered
4 employment and the time you accepted employment?

5 A. No.

6 Q. Okay. Did you review any documents from
7 the Nuclear Regulatory Commission, including the
8 Atomic Safety and Licensing Board prior to your
9 acceptance of employment?

10 MR. EGGEILING: You mean, I take it,
11 documents related to Comanche Peak?

12 MS. GARDE: Yes.

13 A. No.

14 Q. (BY MS. GARDE) When was the first time
15 you reviewed the CPRT program plan?

16 A. Late May 1985.

17 Q. What was the context in which you reviewed
18 the program plan at that time?

19 A. For information.

20 Q. Were you given a briefing on the program
21 plan by any other official of Texas Utilities?

22 A. Yes.

23 Q. Who was that?

24 A. John Beck.

25 Q. Was this a formal briefing for which

1 documentation was prepared?

2 A. No.

3 Q. Was Mr. Hansel at the briefing?

4 A. No.

5 Q. Was Howard Levin at the briefing?

6 A. No.

7 Q. Was it just Mr. Beck?

8 A. Yes.

9 Q. Were you asked at the meeting between
10 Mr. Beck and yourself to make an evaluation of the
11 CPRT's adequacy?

12 A. No.

13 Q. Have you ever been asked to make an
14 evaluation of the adequacy of the CPRT?

15 A. May I ask a clarifying question?

16 Q. To me?

17 A. Yes.

18 Q. Yes. You don't understand my question?

19 A. That is correct. Are you talking formal,
20 informal?

21 Q. Formal.

22 A. Formal, no.

23 Q. Have you reviewed the CPRT independent of
24 a request for a formal review and made determinations
25 on its adequacy?

1 A. Yes.

2 Q. When did you begin the process of
3 reviewing the CPRT to determine its adequacy?

4 A. Late May of 1985.

5 Q. At the time that you began this process of
6 reviewing the CPRT to determine its adequacy, had you
7 reviewed the January 8th, 1985 NRC letter?

8 A. No.

9 Q. Had you reviewed any of the SSERs
10 published to that point by the Nuclear Regulatory
11 Commission from 7 through 10?

12 A. No.

13 Q. At what point did you review either the
14 January 1985 letter or the SSERs 7 through 11 in
15 connection with the CPRT adequacy review that you
16 were conducting?

17 MR. EGGELING: You are assuming that
18 he did?

19 MS. GARDE: I hope that he did.

20 MR. EGGELING: Well, let's ask the
21 question.

22 Q. (BY MS. GARDE) Have you ever reviewed the
23 SSERs?

24 A. Yes.

25 Q. Have you ever determined whether or not

1 the CPRT was adequate to resolve the problems of the
2 SSERs?

3 A. Yes.

4 Q. Okay. I want to understand the process in
5 which that happened. We are in late 1985, and you
6 have begun a review of the CPRT. At what point did
7 you review the NRC's SSERs or letters that were
8 generated from the technical review team?

9 A. One clarification.

10 Q. Okay.

11 A. You said "in late 1985." I said I started
12 in May of 1985.

13 Q. Okay. I meant to say "late May 1985."
14 That is what my notes say. I apologize.

15 A. Literally, over that summer.

16 Q. Was there a deliberate process that you
17 followed in the materials that you reviewed in
18 connection with your CPRT adequacy review?

19 A. No.

20 Q. Did you determine what documents to review
21 in order to reach conclusions about the CPRT adequacy?

22 A. Yes.

23 Q. Did you have any assistant that
24 specifically helped you work on your review of the
25 adequacy of the CPRT?

1 A. No.

2 Q. Did you review, in this process of
3 determining the CPRT adequacy, the Lobbin report?

4 A. No.

5 Q. Have you ever read the Lobbin report?

6 A. No.

7 Q. Did you review the report of the
8 Management Analysis Corporation?

9 A. May I ask a question?

10 Q. Yes.

11 A. I don't know if there was more than one.
12 I looked at the one dated 1978.

13 Q. Okay.

14 A. I take it that is what you are referring
15 to?

16 Q. That is what I'm referring to.

17 Did you review the decision of the Atomic
18 Safety and Licensing Board of December 1983 regarding
19 design quality assurance?

20 A. No.

21 Q. Have you ever reviewed that decision?

22 A. No.

23 Q. Did you review the proposed findings on
24 the Walsh Doyle allegations prepared by CASE in the
25 context of reviewing the CPRT's adequacy?

1 A. No.

2 Q. Did you review the proposed findings on
3 the harassment and intimidation issues from the ASLB
4 Docket 2 in determining the CPRT adequacy?

5 A. No.

6 Q. Did you review the quality assurance
7 audits conducted by Texas Utilities since the time
8 construction at the site began in determining the
9 CPRT adequacy?

10 A. No.

11 Q. Did you review any of the special NRC
12 inspection reports, the document that is referred to
13 as the SIT team report? Do you know what I mean when
14 I say the "SIT team report"?

15 A. Yes, to the latter question.

16 Q. Do you know what I mean when I say the
17 "SIT team report"?

18 A. Yes.

19 Q. Did you review it in the context of the
20 determining the CPRT adequacy?

21 A. No.

22 Q. Do you know what the CAT team report is?

23 A. Yes, I do.

24 Q. Did you review the CAT team report in the
25 context of determining the CPRT adequacy?

1 A. No.

2 Q. Did you review the Region IV inspection
3 and enforcement inspection reports for the Comanche
4 Peak site from the time those inspections began until
5 May 1985 in the process of your determining the CPRT
6 adequacy?

7 A. No.

8 Q. Did you review summaries of any of the
9 documents that I have just asked you about prepared
10 for you by someone else at Texas Utilities?

11 A. No.

12 Q. Okay. Were you given oral briefings on
13 any of the documents that I have just asked you if
14 you reviewed by anyone in Texas Utilities in the
15 process we have been discussing?

16 A. No.

17 Q. Other than the CPRT document itself, what
18 did you review beginning in late May 1985 and over
19 the summer to determine the adequacy of that program
20 plan?

21 A. Nothing.

22 Q. At the end of the time period that you
23 have specified you spent reviewing the CPRT to
24 determine its adequacy, did you reach a conclusion on
25 whether or not it was adequate?

1 A. Yes.

2 Q. What was the basis of that conclusion?

3 A. My experience.

4 Q. In the industry?

5 A. Yes.

6 Q. Okay. What was that conclusion?

7 A. That it was in fact adequate.

8 Q. That it was adequate?

9 A. Correct.

10 Q. What in your opinion was it adequate to
11 tell you about the plant?

12 A. Two very basic things. One, whether
13 design had been accomplished appropriately. And
14 secondly, whether the hardware as constructed was
15 built properly.

16 Q. Did you reach a conclusion on whether the
17 CPRT would identify all deficiencies in the hardware
18 at the site?

19 A. No.

20 Q. No, you did not reach an opinion on that?

21 A. No, I did not reach a conclusion.

22 Q. When you reviewed the CPRT to determine if
23 it was adequate, did you look at whether or not the
24 CPRT was adequate to find deficiencies?

25 A. Yes.

1 Q. But you reached no conclusion on that,
2 okay. Then I don't understand your testimony. I
3 want to understand your testimony. Let me ask the
4 question again.

5 Did you reach a conclusion on whether or
6 not the CPRT was an adequate program to identify all
7 existing deficiencies at the Comanche Peak site?

8 A. Yes.

9 Q. What was that conclusion?

10 A. That through its self-expanding nature, it
11 would in fact identify deficiencies at the
12 Comanche Peak site.

13 Q. All deficiencies?

14 A. No.

15 Q. Was that of concern to you?

16 A. No.

17 Q. Why not?

18 A. Predominantly, one cannot be assured that
19 all, quote, deficiencies have been found until the
20 start-up test program has been completed. Obviously,
21 the plant would not have completed the start-up test
22 program.

23 Q. Are you familiar with the term of art that
24 the CPRT will not be the results of record for the
25 Comanche Peak project?

1 MR. EGCELING: I'm not familiar with
2 the term. Can you put it to some specific place it
3 comes from?

4 MS. GARDE: Well, it is what I was
5 reading yesterday from its page in the -- often used
6 phrase in the CPRT.

7 MR. EGCELING: Well, I respectfully
8 suggest that it is not used, but I may be wrong. Why
9 don't you get whatever you want? I think you
10 misquoted it.

11 Q. (BY MS. GARDE) Let me try to ask it a
12 different way, and if I can't do that, I will get off
13 the CPRT.

14 Are the results of the CPRT inspection
15 program going to be included in the permanent records
16 of the site?

17 A. Yes.

18 Q. Are the permanent records of the site that
19 your previous answer went to all of the documents
20 upon which the plant is going to be certified as safe
21 to the NRC?

22 A. I don't understand the question.

23 MS. GARDE: Okay. Let me get the
24 CPRT. All right. We should probably go off the
25 record for a minute and see if I can find it.

1 I have this paper pulled, so we are just going to
2 have to wait until I dig through a lot of paper, so
3 we might as well stretch our legs.

4 (Off-the-record discussion.

5 Q. (BY MS. GARDE) Mr. Counsil, I still
6 haven't found the page that I'm looking for. If I
7 change my question to ask you whether or not the
8 CPRT will be the program of record, do you understand
9 the question?

10 A. No.

11 MS. GARDE: Okay. We can go off the
12 record.

13 (Off-the-record discussion.

14 MR. EGGELING: Counsel, shouldn't we
15 reflect that Mr. and Mrs. Ellis have joined us?

16 MS. GARDE: Oh, yes.

17 MRS. ELLIS: Hi.

18 Q. (BY MS. GARDE) If I ask you if you
19 recognize the phrase that the CPRT will not perform
20 inspections, calculations, or designs of record for
21 Comanche Peak, do you recognize that phrase?

22 A. Yes.

23 Q. Okay. What does that mean?

24 A. That they will not perform inspections of
25 record, calculations of record, or designs of record.

1 Q. Okay. What does "of record" refer to?

2 A. Meaning that it would substitute for that
3 which was done previously.

4 Q. Meaning that it will not substitute for
5 that which was done previously?

6 A. As a permanent plant record.

7 Q. It will not substitute for that which was
8 done permanently as a permanent plant record?

9 A. Correct.

10 MR. EGGEING: Listen to the question
11 again. Done permanently?

12 MS. GARDE: Why don't you just
13 testify, Mr. Eggeling?

14 (Off-the-record discussion
15 (between Mr. Eggeling and
16 (Mr. Council.

17 A. The answer --

18 MR. EGGEING: Read back the question.

19 THE WITNESS: Read the question.

20 (Record read back.

21 Q. (BY MS. GARDE) If that question is
22 changed to reflect the word "previously" instead of
23 "permanently," is your answer the same?

24 A. Yes.

25 Q. Where previous inspections or calculations

1 or designs were performed and the CPRT finds no
2 deviations when they conduct their re-inspection work,
3 will those original calculations, inspections, or
4 designs be the permanent record for Comanche Peak?

5 A. Not necessarily.

6 Q. Why not?

7 A. Primarily, because we have expanded in
8 many areas at the end of the corrective action
9 program. And some of those records we will then
10 substitute for the permanent plant records.

11 Q. So if the CPRT does not identify any
12 deviations on a particular inspection, that
13 inspection may still be changed by the corrective
14 action program so that there is another inspection of
15 record; is that correct?

16 A. Yes.

17 Q. And that inspection of record that is
18 generated out of the corrective action program, is
19 that fed back into the CPRT?

20 MR. EGGELING: Do you understand the
21 question?

22 THE WITNESS: No.

23 MR. EGGELING: Ask her to rephrase it
24 and explain what she means by "fed back."

25 Q. (BY MS. GARDE) Corrective action program,

1 as I understand your testimony, may perform
2 inspections that become the inspections of record
3 substituting for previous inspections done at the
4 plant; is that correct?

5 A. Yes.

6 Q. Okay. And that process does not
7 necessarily come from a CPRT conclusion about a
8 certain inspection; is that correct?

9 A. Yes.

10 Q. And your corrective action program
11 inspection, which becomes the permanent record of the
12 plant -- permanent inspection of record, is that
13 inspection of record given or provided to in any way
14 the CPRT for its evaluation?

15 A. No.

16 Q. Did the CPRT program provide a basis for
17 the decision to embark on a corrective action program?

18 A. Yes.

19 Q. Was that decision to embark on a
20 corrective action program -- Strike that.

21 The CPRT program always envisioned that
22 the project would do the corrective action; isn't
23 that correct?

24 A. Yes.

25 Q. And the project refers to Texas Utilities

1 and any of its subcontractors separate from the CPRT
2 function, doesn't it?

3 A. Yes.

4 Q. And the procedures by which the corrective
5 action program does its work is not a part of the
6 CPRT, is it?

7 A. It is not.

8 Q. Is the project bound by the
9 recommendations of the CPRT regarding what corrective
10 action to take?

11 A. Can you rephrase that question?

12 Q. To date, the CPRT has not provided to the
13 project the final report on VII.c., have they?

14 A. No.

15 Q. They have, however, provided to the
16 project all the results reports that have been
17 completed and are published and available even to
18 CASE, haven't they?

19 A. Yes.

20 Q. They have also provided information not
21 yet available to CASE covered under the in process
22 definition; isn't that correct?

23 A. May I get clarification on "in
24 process"?

25 Q. Yes, okay. This isn't a trick question.

1 Mr. Council.

2 A. It is just -- I would like some
3 clarification on "in process."

4 Q. Well, it is a legal definition the lawyers
5 have used to keep CASE and the board from having
6 access to documents that don't -- so that their work
7 is not disturbed by having to provide information to
8 us and stop the work.

9 A. Now can I have the question repeated,
10 please?

11 Q. Okay. I'm trying to find the classes of
12 information. There is a class of information we all
13 have. There is a class of information you don't even
14 have yet from the CPRT. Is there a class in the
15 middle that you have but CASE doesn't?

16 A. Yes.

17 Q. All right. The corrective action program
18 that is described in the CPRT program plan in
19 Appendix -- I think it is Appendix H, are you
20 familiar with that appendix, the corrective action
21 program appendix of the CPRT?

22 A. No.

23 Q. Okay. You are familiar with your
24 corrective action program, but not the CPRT chapter
25 that describes it?

1 A. I have to have it in front of me.

2 Q. It is Appendix H. Mine has writing on it,
3 and I don't have a clean copy. I would ask your
4 counsel if he has a clean copy of Appendix H of the
5 CPRT.

6 MR. EGGELING: I don't know.

7 MS. GARDE: Do you have it?

8 MR. EGGELING: Yes.

9 MS. GARDE: Okay. Could you give it
10 to the witness?

11 MR. EGGELING: (Indicating).

12 Q. (BY MS. GARDE) All right. Mr. Council, I
13 would draw your attention to page 1 of Appendix H,
14 under Introduction and Purpose, first paragraph, last
15 sentence that starts with "Corrective action."

16 MR. EGGELING: Excuse me. The
17 document we are looking at does not have anything
18 called Introduction and Purpose.

19 MS. GARDE: Then we have a different
20 program.

21 MR. EGGELING: You were looking at
22 Revision O. Revision 1 is a current revision.

23 MS. GARDE: Is that included in
24 Revision 4?

25 MR. EGGELING: All I'm telling you is

1 what I have --

2 MS. GARD: Are you looking at
3 Revision 4?

4 MR. EGDELING: Yes, ma'am.

5 MS. GARDE: Okay. I have Revision 1
6 also, so I do have a clean copy. Well, that doesn't
7 help.

8 Q. (BY MS. GARDE) I'm going to have to show
9 you my copy then, and I'm going to show you
10 Revision 0 of Appendix H, Introduction and Purpose,
11 and draw your attention to the last line in the first
12 paragraph which is yellowed in starting with
13 "Corrective Action." Do you see that?

14 A. Yes.

15 Q. Okay. Could you read that sentence,
16 please, to yourself?

17 (Witness perusing document.)

18 Q. Have you read it?

19 A. Yes.

20 Q. Okay. That statement says that the
21 corrective actions will be prospective in nature.
22 Let me ask you first: Whether the revision has
23 changed the corrective action program so that it is
24 no longer prospective in nature?

25 A. No.

1 Q. It is still prospective in nature?

2 A. Yes.

3 Q. And the CPRT is still recommending
4 proposed corrective actions to the Comanche Peak
5 project?

6 A. Yes.

7 Q. And those corrective actions are still
8 prospective in nature; is that correct?

9 MR. EGGELING: Within the meaning of
10 that sentence?

11 MS. GARDE: Within the meaning of
12 that sentence.

13 MR. EGGELING: Excuse me.

14 THE WITNESS: The report is that.

15 MS. GARDE: Then I want him to tell
16 me that on the record.

17 MR. EGGELING: Answer her question.
18 Let her ask you the question.

19 THE WITNESS: Yes.

20 Q. (BY MS. GARDE) All right. Are they only
21 prospective in nature?

22 A. No.

23 Q. They are also retroactive, retrospective;
24 is that true?

25 A. Not necessarily.

1 Q. Does the corrective action program
2 actually dictate rework of hardware?

3 A. Yes.

4 Q. Does the corrective action program
5 actually dictate redesign?

6 A. Yes.

7 Q. Does the corrective action program
8 actually dictate changes in FSAR or licensing
9 commitments?

10 A. It may.

11 Q. Okay. Was the retrospective aspect of the
12 program considered at the time Revision 0 was -- of
13 Appendix H was prepared?

14 MR. EGGEILING: The question, please?

15 MS. GARDE: Very confusing.

16 MR. EGGEILING: Can you define what
17 you mean by "retrospective aspect"?

18 MS. GARDE: I just asked him. He
19 just testified about things that are retrospective in
20 nature.

21 MR. EGGEILING: He never used that
22 term. I never used that term. The program doesn't
23 use the term. If you are going to define them as
24 that, please do so. I don't think we have
25 established that yet on the record.

1 MS. GARDE: Okay. I won't use that
2 term then, yet, if that is offensive to you.

3 MR. EGDELING: I don't know if it is
4 offensive. I don't know what it means.

5 MS. GARDE: All right.

6 Q. (BY MS. GARDE) What does "prospective"
7 mean in the context of the sentence in Revision 0?

8 A. Corrective to the future.

9 Q. Hypothetically, does that mean that if a
10 procedure is identified that is flawed, that that
11 procedure will be corrected for all future use of
12 that procedure? Is that a bad hypothetical?

13 A. The term "flawed" --

14 Q. All right. Could you give me an example,
15 or do you want me to come up with another one? I
16 want to make sure I understand "prospective."

17 A. I would rather you propose them.

18 Q. Okay, fine. Hypothetically, if the CPRT
19 has identified a deficiency or a deviation, and I
20 know those are two terms that have different meanings,
21 does the corrective action program dictate corrective
22 action which only goes into the future either use of
23 the procedure or solving the deficiency or the
24 deviation identified?

25 A. No.

1 Q. Okay. What else does it do?

2 A. Considers preventative actions immediately,
3 and also evaluates whether anything must be done to
4 correct what was done in the past.

5 Q. All right. The consideration of what must
6 be done to correct things that were done in the past
7 is what I understand "retrospective" means.

8 Using that definition of "retrospective,"
9 did the first revision of Appendix H contemplate
10 retrospective action?

11 A. Yes, to the best of my knowledge.

12 Q. All right. Did you write Appendix H?

13 A. No.

14 Q. Did you review Appendix H?

15 MR. EGGELING: Prior to something?

16 MS. GARDE: Ever.

17 Q. (BY MS. GARDE) Have you ever reviewed
18 Appendix H?

19 A. Yes.

20 Q. Did you review it at the time that it was
21 published with CPRT Revision 3?

22 A. Yes.

23 MS. GARDE: Mr. Eggeling, I have seen
24 you look at your watch a couple of times. Is it
25 lunch?

1 MR. EGCELING: Yes. I promised we
2 would go to lunch about now.

3 MS. GARDE: Okay. This would be a
4 good stopping point.

5 (Lunch recess.)

6 Q. (BY MS. GARDE) All right. Before the
7 lunch break, Mr. Council, we had a discussion about
8 your judgment on the CPRT program plan adequacy being
9 based on your experience in the industry. Do you
10 recall that testimony?

11 A. Yes.

12 Q. Okay. I want to go back and briefly put
13 on the record at this deposition what your experience
14 in the industry is. I'm sure at some point we are
15 going to have a resume of you, if there isn't one
16 already available, so it doesn't have to be very
17 specific, but how long have you worked in the nuclear
18 power industry?

19 A. Since 1962.

20 Q. All right. Has it always been in the
21 commercial side of nuclear power production?

22 A. No. The first five years was Navy nuclear
23 power.

24 Q. Was it on a Navy submarine?

25 A. Yes.

1 Q. And then what did you do?

2 A. In May of 1967, I joined Northeast
3 Utilities in a subsidiary that at that point in time
4 was called the Millstone Point Company.

5 Q. And who was your actual employer?

6 A. The Millstone Point Company.

7 Q. How long did that job last?

8 A. I was employed by the Millstone Point
9 Company until 1972 when the name was changed to
10 Northeast Nuclear Energy Company. And I stayed with
11 Northeast Nuclear Energy Company at the Millstone
12 site until January of 1976 when I joined the
13 Northeast Utility Service Company.

14 Q. How long were you with Northeast Utility
15 Service Company?

16 A. Well, until I left and came to Texas.

17 Q. During your experience that you have
18 roughly outlined, have you ever been involved with a
19 re-inspection program such as the CPRT?

20 A. Yes, but not as extensive as the CPRT
21 program.

22 Q. And what program -- Was there more than
23 one re-inspection program?

24 A. Yes.

25 Q. How many were there?

1 A. Oh, there have been numerous in my career
2 for limited type re-inspections, but two of the most
3 major were the system -- major evaluations of
4 Millstone One and Connecticut Yankee.

5 Q. Were those programs dictated by the NRC?

6 A. Yes.

7 Q. Were those programs dictated by the NRC
8 because of a quality control, quality assurance
9 program breakdown?

10 A. No.

11 Q. What were the problems at the Millstone
12 facility that gave rise to the re-inspection?

13 A. There weren't any. It was a program by
14 the Nuclear Regulatory Commission to assess the ten
15 old plants in the United States to today's standards.

16 Q. Was it the same program at Connecticut
17 Yankee?

18 A. Yes.

19 Q. Have you ever been involved in any of the
20 re-inspection efforts that you have had something to
21 do with with the program that is initiated because of
22 quality assurance, quality control programmatic
23 defects?

24 A. Partly. .

25 Q. And which program was that?

1 A. I consulted as a member of a three-person
2 team at the Pilgrim Nuclear Station in early 1980.

3 Q. What were the problems at Pilgrim that
4 gave rise to that effort?

5 A. Largely reliability based type problems;
6 that, and management.

7 Q. Document reliability?

8 A. No. Reliability of the plant itself.

9 Q. How does the reliability of the plant
10 itself translate into QA/QC aspect?

11 A. Predominantly through challenges to safety
12 systems.

13 Q. Were those challenges raised by the
14 Nuclear Regulatory Commission?

15 A. No.

16 Q. Who were they raised by?

17 A. The plant itself.

18 Q. Okay. What was that utility?

19 A. Boston Edison Company.

20 Q. Did that audit have anything to do with
21 the -- Strike that.

22 Other than the experience that you have
23 just described, is there any other experience that
24 you have had that provided the base of your work in
25 reviewing the CPRT in the summer of '85 for its

1 adequacy?

2 A. Literally hundreds of examples on the
3 day-to-day workings of a nuclear power plant.

4 Q. Your experience with an operating plant?

5 A. And construction plants.

6 Q. But those are what is covered by the time
7 period that you kind of broke down?

8 A. Yes.

9 Q. Have you ever been a part of a
10 professional organization that looked at or was
11 looking at quality assurance, quality control
12 problems in the nuclear industry?

13 A. Yes.

14 Q. Okay. What was that?

15 A. I served on the policy committee of the
16 Atomic Industrial Forum for a number of years. In
17 addition to that, I was the chairman of the industry
18 review at the Institute of Nuclear Power Operations,
19 entry review group of the analysis and engineering
20 division of the Institute of Nuclear Power Operations.

21 Q. Did your work at INPO look at quality
22 control, quality assurance at plants under
23 construction?

24 A. Not at quality control, per se. That was
25 quality assurance.

1 Q. What was that time frame?

2 A. 19 -- Early 1980 through spring of 1983,
3 plus a few ad hoc type committees at the same
4 organization.

5 Q. At INPO?

6 A. Correct.

7 Q. Capital I-N-P-O. Are you a member of the
8 American Society of Quality Assurance Engineers?

9 A. No.

10 Q. Are you a certified engineer?

11 A. I don't understand the question.

12 Q. Do you have a degree in engineering?

13 A. Yes.

14 Q. Are you certified in any state?

15 MR. EGGELING: Do you mean licensed?

16 Q. (BY MS. GARDE) Are you licensed in any
17 state?

18 A. No.

19 Q. Did you review the attribute checklists of
20 the CPRT program plan for any of the ISAPs?

21 A. No.

22 Q. Have you ever reviewed them?

23 A. No.

24 MR. EGGELING: Were those different
25 questions?

1 MS. GARDE: I have asked him has he
2 ever reviewed them.

3 MR. EGGELING: I understood, but I
4 thought that was the same as the first one.

5 MS. GARDE: It might have been.

6 MR. EGGELING: Okay.

7 Q. (BY MS. GARDE) Do you have a direct
8 interface role with the CPRT review team leaders?

9 A. No.

10 Q. Do you have a direct interface role with
11 the senior review team?

12 A. On occasion.

13 Q. On what occasion would you have a direct
14 interface with the senior review team?

15 A. When they invite me to a meeting and/or
16 invite me to make a presentation to them.

17 Q. Have you done any such presentations in
18 the last year?

19 A. Yes.

20 Q. What were the approximate times of those
21 presentations? Let me start by asking: What is the
22 approximate number?

23 A. The last year, approximately a dozen times.

24 Q. Did you make a presentation to the senior
25 review team in March of 1987?

1 A. I don't know.

2 Q. Did you make a presentation in the spring
3 of 1987 on the subject of the corrective action
4 program?

5 A. I, and I believe several others.

6 Q. You and several others made a presentation
7 on the corrective action program?

8 A. Yes.

9 Q. Okay. Was your presentation on the
10 corrective action program the reason that
11 Appendix H was revised?

12 A. I don't know.

13 Q. Okay. Did you have anything to do with
14 the revision of Appendix H?

15 A. No.

16 Q. Do you have any idea whether
17 Appendix H accurately reflects the corrective action
18 program that has subsequently been described at
19 public meetings by yourself and others?

20 A. Could you reword that question, please?

21 Q. Yeah. There is an Appendix H which you
22 looked at before, okay?

23 MR. EGGELING: He has looked at --

24 MS. GARDE: Well, he had it open, but
25 I will let him look at it again.

1 MR. EGCELING: You had him look at a
2 different -- You had him look at a previous
3 nonexistent noncurrent revision.

4 MS. GARDE: Well, not exists, but
5 noncurrent.

6 MR. EGCELING: Noncurrent.

7 A. Can I have a moment? Would you like me to
8 read the whole thing?

9 Q. (EY MS. GARDE) Let me ask you the
10 question first, okay?

11 The question is: Whether Appendix H,
12 Revision 1 -- Appendix H, Revision 1 accurately
13 summarizes what the corrective action program is as
14 envisioned by the CPRT?

15 (Witness perusing document.

16 A. Can I have the question back?

17 Q. Have you reviewed it?

18 A. Yes.

19 (Record read back.

20 A. It accurately states the CPRT and SRT
21 responsibilities for their portions of the corrective
22 action program.

23 Q. It does not outline what Texas Utilities'
24 corrective action program is or does?

25 MR. EGCELING: Is that a question?

1 Q. (BY MS. GARDE) Is that true?

2 A. Yes.

3 Q. Will the corrective action program
4 referred to in Appendix H rely on the results of the
5 CPRT for any purpose?

6 A. I'm sorry. I don't understand the
7 question.

8 Q. Okay. Excuse me. Texas Utilities has
9 created a corrective action program; is that correct?

10 A. Correct.

11 Q. And that corrective program is referred to
12 in Appendix H; isn't that correct?

13 A. No.

14 Q. Okay. Appendix H of Revision 4,
15 development and overview of corrective actions for
16 CPRT identified discrepancies. Corrective actions as
17 referred to in Appendix H, are those corrective
18 actions done by the CPRT, or are they done by Texas
19 Utilities?

20 A. The CPRT has as one of its arms the
21 project personnel of TU Electric and the nuclear
22 division. They are part of the CPRT.

23 Q. All right. What involvement is there in
24 the corrective action program?

25 A. They are involved with carrying out the

1 corrective actions associated with and identified by
2 the CPRT.

3 Q. All right. Is there an additional
4 corrective action program of Texas Utilities beyond
5 that generated by the CPRT efforts?

6 A. Yes.

7 Q. Okay. What is the source of that program?

8 A. Could you rephrase the last part of that
9 question?

10 Q. Okay. What is the -- What is that other
11 effort?

12 A. The other effort is the hundred percent
13 design validation of all safety-related systems
14 associated with Comanche Peak.

15 Q. And that is not -- The hundred percent
16 design validation of all safety systems does not stem
17 from any of the work by the CPRT; is that correct?

18 A. No.

19 Q. Okay. What efforts of the CPRT feed into
20 the hundred percent design validation of all safety
21 systems?

22 A. The findings of both the design adequacy
23 program as well as, if they are concerned with design,
24 those coming out of the quality of construction
25 program.

1 Q. So to the extent that any design QA/QC
2 issues are -- emerge from VII.c. or the collective
3 evaluation report or the collective significance
4 report, they will feed into the hundred percent
5 design validation of all safety systems; is that a
6 correct statement?

7 A. Yes.

8 Q. Is there non-CPRT work that also has
9 provided a basis for the creation of the design
10 validation re-inspection?

11 A. Yes.

12 Q. What was that?

13 A. By and large, an informal review of some
14 work had commissioned starting in May of 1986 by
15 Stellar Webster Engineering Corporation, in addition
16 to my own observations and those of Larry Nace and
17 other findings by the NRC doing findings and
18 inspection reports by the Nuclear Regulatory
19 Commission.

20 Q. Is the informal review by SWEC written upon
21 any documents?

22 A. No.

23 Q. Did you create any documents after that
24 review?

25 A. Yes.

1 Q. Okay. Were any of the documents that you
2 created fed back to the CPRT?

3 A. Not to my knowledge.

4 Q. What was done with those documents?

5 A. The document.

6 Q. Okay, the document?

7 A. Was placed in the file.

8 Q. Well, what file? Are we talking about
9 CPRT results files, are we talking about corrective
10 action report files, your file? Is this a secret?

11 A. No.

12 Q. Okay.

13 MR. EGGELING: Wait, and ask him a
14 question.

15 MS. GARDE: He has his fingers over
16 his mouth. I guess it is a secret.

17 Q. (BY MS. GARDE) Is the location of this
18 document a secret?

19 A. No.

20 Q. Is it a public document?

21 A. Yes.

22 Q. What document is it?

23 A. Sole source determination as to who is
24 going to carry out the hundred percent design
25 validation.

1 Q. Is the CPRT reviewing design QA/QC
2 issues?

3 A. Yes.

4 Q. What aspect or part of the CPRT is doing
5 that?

6 A. Largely, the SRT, assisted by review team
7 leaders.

8 Q. Is the effort that the SRT is performing
9 in regards to design QA/QC being done in accordance
10 with any procedures of the CPRT?

11 A. I don't know.

12 Q. Have you been in on any of the meetings
13 where the SRT reviewed or discussed in any way design
14 QA/QC issues?

15 A. I have to ask you to give me a definition
16 of "design QA/QC" and what you mean by it, and then I
17 can answer the question.

18 Q. All right. When I use the term "design
19 QA/QC" -- And let me clarify that, and if that
20 changes any of your previous answers, please, let's
21 do that at this point.

22 A. Okay.

23 Q. By that, I mean any evidence that the
24 quality control or the quality assurance of the
25 design process did not work or was -- or worked

1 during the time period before your involvement in the
2 site.

3 A. The original question was, did I sit in on
4 any of these?

5 Q. Well, I asked you if the CPRT was
6 reviewing design QA/QC, and I'm meaning, as I just
7 defined, historical compliance with the QA/QC program
8 as to design. And you said the -- the SRT assisted
9 by RTLs is doing that. Is that answer still correct?

10 A. Yes.

11 Q. Okay. Have you been in on any of those
12 meetings?

13 A. No.

14 Q. How do you know those meetings occurred?

15 A. I know that the SRT has sat and discussed
16 and has had presentations given to them on large bore
17 and small bore pipe supports and the design of the
18 same, as well as on cable tray supports, as well as
19 on conduit supports. And I know that members of the
20 SRT have sat in on public meetings concerning same
21 subjects.

22 Q. It is your belief that these
23 meetings -- It is your understanding that these
24 meetings also looked into the QA/QC aspects of the
25 different systems that you have just identified?

1 A. Looked into the design aspects?

2 Q. The QA/QC aspects of the design.

3 MR. EGDELING: Is there such a thing?

4 A. There are quality assurance aspects of
5 design, and they do look into those quality assurance
6 aspects of design.

7 Q. (BY MS. GARDE) But that is a -- Well,
8 strike that.

9 Is the source of the information
10 considered by the SRT the CPRT work that is being
11 done?

12 A. Partially.

13 Q. Okay. What else factors into that?

14 A. The hundred percent design validation
15 being carried out by the architect engineering
16 organizations on site.

17 Q. So the SRT of the CPRT is also considering
18 information from the corrective action program in its
19 work?

20 A. Yes.

21 Q. Is it your understanding that when the SRT
22 finally releases the report of the CPRT, that it will
23 address those aspects of the design validation
24 program that it reviewed?

25 A. In its collective significance report.

1 MS. GARDE: Off-the-record comment.

2 (Off-the-record discussion.

3 Q. (BY MS. GARDE) All right. Back on the
4 record.

5 Mr. Council, I'm going to show you an
6 August 16th, 1985 letter signed by you to
7 Mr. Vince Noonan regarding subject: CPRT quality
8 aspects. It has a few pencil markings on it which
9 are mine, and in the upper right-hand corner, a
10 handwritten note which is also mine.

11 Did I say the wrong date?

12 MR. EGDELING: I don't believe so.

13 A. I think you did, but I'm not sure. Can I
14 have the date?

15 Q. (BY MS. GARDE) Well, just say the correct
16 date on it.

17 A. August 16th, 1985.

18 Q. Well, whatever.

19 (Council Exhibit Number 3

20 (marked for identification.

21 (Witness perusing document.

22 Q. Have you reviewed the letter?

23 A. Yes.

24 Q. Is that your signature on the last page of
25 the letter?

1 A. Yes.

2 Q. Do you recall preparing that letter?

3 A. No.

4 Q. Did you prepare that letter, or did
5 someone prepare it for your signature?

6 A. It was prepared for my signature.

7 Q. By who?

8 A. A number of people.

9 Q. Was it a collaborative effort?

10 A. I'm sure.

11 Q. Can you tell by looking at the document
12 that is marked as Exhibit 3 who prepared it? Is
13 there any indication that -- on the letter that tells
14 you who prepared it?

15 A. No. Other than it is under John Beck's
16 direction.

17 Q. All right. Do you recall Mr. Beck
18 providing you that letter for your signature?

19 A. No.

20 Q. Is the letter true?

21 A. Yes.

22 Q. When you signed the letter, did you make a
23 determination on whether the facts in that letter
24 were true?

25 A. I don't understand your question.

1 Q. Okay. Do you recall signing that letter?

2 A. Yes.

3 Q. Okay. Do you recall discussing the
4 contents of that letter with Mr. Beck or anyone else
5 before you signed it?

6 A. I can recall discussions on the letter
7 with Mr. Beck. The letter normally would come from
8 my licensing organization, but I do not remember
9 talking to them about it.

10 Q. Okay. Let me draw your attention to a
11 particular paragraph. Page 3 of the letter, the
12 second to the last paragraph which is bracketed and
13 penciled by me, so the record will reflect that, I
14 want to ask you: What is the basis of the statement
15 contained in that paragraph? Do you need to review
16 it again?

17 A. No.

18 Q. Okay. What is the basis of that statement?

19 A. The basis of the statement, as we made in
20 several public meetings -- I believe before this
21 letter was even sent to Mr. Noonan, at his
22 request -- was that we at Texas Utilities did not
23 want to apply our QA program to third party
24 investigations ongoing because our QA program at that
25 point in time was in question.

1 But consequently, we enforced upon the
2 third party personnel, whether it be ERC or Tenera
3 Corporation, that they in turn established their QA
4 program and have their QA programs conduct audits of
5 their work, and that we in turn would hire
6 independent third party people called the overview
7 quality team, and they in turn would audit the SRT to
8 insure that the SRT as well as the two organizations
9 -- QA organizations were carrying out their functions.

10 Q. And their functions in that sentence
11 refers to what in -- what you just said in your
12 answer, their functions?

13 A. The program requirements of the CPRT
14 program plan.

15 Q. What about compliance with 10CFR50 B?

16 A. It included compliance with the
17 appropriate aspects of 10CFR50, Appendix B.

18 Q. Okay. Does the CPRT in your view meet the
19 requirements of 10CFR50, Appendix B?

20 A. Yes.

21 Q. And it does so through the QA/QC programs
22 of ERC and Tenera; is that correct?

23 A. As well as procedures established by the
24 SRT themselves as overviewed by the OQT.

25 Q. Okay. I will get to the OQT in a minute.

1 Right now, I just want to ask you about the actual
2 program in place in the CPRT that meets the
3 requirements of 10CFR50, Appendix B. And those are
4 the programs of ERC and Tenera individually; is that
5 correct?

6 A. Yes.

7 MF. EGGELING: Why are you carving
8 the answer?

9 MS. GARDE: I want to ask him --

10 Q. (BY MS. GARDE) The OQT is an overview,
11 right, that is what you just said? It overviews the
12 SRT's insuring compliance with --

13 MR. EGGELING: But he also said it
14 was an ingredient that formed the basis of his
15 conclusion that it met Appendix B.

16 MS. GARDE: I --

17 MR. EGGELING: I want to know how you
18 can carve that out?

19 MS. GARDE: Because they are two
20 different things. One is the program for -- ERC has
21 its own program, whether it is OQT or not.

22 MR. EGGELING: I agree.

23 MS. GARDE: Tenera has its own program,
24 whether there is an OQT or not.

25 MR. EGGELING: We understand that.

1 MS. GARDE: Before I go on to the OQT,
2 I want to make sure there isn't any other program out
3 there besides Tenera's and ERC's own QA/QC program.

4 MR. EGDELING: Okay.

5 Q. (BY MS. GARDE) So you don't have your own
6 program out there?

7 A. Yes, we did.

8 Q. Okay. Then what is your own program that
9 was being used within the CPRT?

10 A. Point of clarification, once again. CPRT
11 included the project. We applied to the project our
12 full QA plan.

13 Q. Okay. I don't understand your answer, so
14 I'm going to ask you to explain again. What is the
15 basis of the statement as contained in the letter
16 that the CPRT met 10CFR50, Appendix B requirements?

17 A. As far as that statement in the letter, it
18 refers to third party aspects of the CPRT program
19 plan for the third party aspects of the CPRT program
20 plan and the very limited work that they did. Those
21 pieces of the Tenera quality assurance program that
22 applied to their work were -- It was in fact enforced
23 on their portion of the work, and they were audited
24 to that work by their own QA organization.
25 Similarly, for the ERC portions of the work, their

1 QA program applied for that work that was in progress.

2 Now, in both instances, that was
3 overviewed by the overview quality team, initially
4 reporting to me, to see that both the SRT and they
5 were carrying out their QA functions.

6 Q. That answer does not include any
7 discussion of the site work that was done at the CPRT?
8 That is what I didn't understand about your previous
9 answer. You testified there was also work done by
10 the project under the CPRT. What covered that work?
11 What QA program covered that work?

12 A. For any of the corrective actions carried
13 out by the project in carrying out their
14 responsibilities to the CPRT, the TU Electric QA
15 program was in full force.

16 Q. All right. Mr. Council, what about the
17 work that was done before ERC and Tenera came on to
18 the scene and got involved in the CPRT?

19 A. I don't know.

20 Q. So to the extent that that letter applies,
21 it only applies to ERC and Tenera work and project
22 work done under the corrective action program
23 subsequent to your involvement with the CPRT program;
24 is that correct?

25 (Witness perusing document.

1 A. Would you read it back now, please?

2 (Record read back.

3 A. Not completely. The letter does not
4 address the project portion that was under the TU
5 Electric QA program. It does address the OQT
6 portions and the quality assurance requirements
7 placed upon ERC and Tenera Corporation.

8 Q. All right. Where in the letter is that
9 clarification made?

10 (Witness perusing document.

11 A. Page 2 of Attachment 1, you have
12 underlined, "The SRT has required the design adequacy
13 and quality of construction review team leaders to
14 develop procedures, using Appendix B as a guide, to
15 control their operations."

16 Next paragraph, "Additionally, all
17 inspection personnel used in the CPRT effort are
18 required to be certified Level II and Level III in
19 accordance with ANSI N45.2.6 and Regulatory Guide
20 1.58. The QA/QC review team leader is responsible
21 for verifying that the qualifications of all
22 inspectors utilized in the CPRT effort meet these
23 requirements.

24 Investigative activities and evaluations
25 are controlled by issue-specific action plan

1 (ISAPs) which require senior review team approval.
2 These ISAPs are supplemented by detailed instructions
3 and procedures, and all implementation activities and
4 results are documented and controlled in the CPRT
5 central files."

6 Q. Are you reading those statements because
7 you believe that that answers my question about where
8 it is clarified that that letter refers only to the
9 ERC and Tenera work?

10 A. I'm leading to that.

11 Q. Okay.

12 A. "In addition to the review conducted by
13 the CPRT to assess safety significance, procedures
14 require that these documented deviations and
15 deficiencies are formally transmitted in a timely
16 manner to TUGCO so that they may be evaluated and
17 resolved in accordance with the requirements of the
18 Comanche Peak QA program."

19 It goes on to list those specific
20 procedures that are applicable to the design adequacy
21 program and those that are specific to the ERC type
22 program.

23 And going back to the original statement
24 you asked me to evaluate, and that, "It is our view
25 that these steps and the OQT, taken together with the

1 carefully structured, third party nature of the CPRT
2 program itself, provide a vigorous and open process
3 which meet the requirements of 10CFR50, Appendix B,
4 and essentially guarantees its integrity and that of
5 the final product and conclusions."

6 Now, I do not believe anywhere within the
7 document it states directly that they will apply
8 their own programs and we will apply ours to that
9 project activity, but it is implied throughout the
10 document.

11 Q. So if the NRC -- Mr. Noonan made a
12 representation that that August 16th letter stated
13 that all CPRT activities from the inception of the
14 CPRT in the fall of '84 were done in compliance with
15 the Appendix B, that statement would have been wrong;
16 isn't that correct?

17 A. I don't know.

18 Q. That letter describes the state of the
19 world in August 1985; isn't that correct?

20 A. Yes.

21 Q. How much before August 1985 does that
22 letter describe the state of the world; how far back?

23 A. Near as I can remember, approximately two
24 months, ballpark.

25 Q. And so the work done between the beginning

1 of the CPRT and the fall of 1984, up to the two
2 months before that time period which would have been
3 June '85, late May, June of '85, do you know of your
4 own personal knowledge whether it was done in
5 accordance with 10CFR50, Appendix B?

6 A. No.

7 Q. Who would know?

8 A. Mr. Beck should.

9 Q. You mentioned before the OQT. The OQT is
10 the overview quality team; is that correct?

11 A. Yes.

12 Q. Do you recall writing a letter to
13 Mr. Noonan on July 23rd, 1986 about the overview
14 quality team? I will let you look at the
15 document -- it has got a lot of markings on little
16 stickies -- just for the purpose, I'm not going to
17 mark this, just for the purpose of confirming that
18 that is the letter that I just asked you about.

19 MR. EGGELING: How are you going to
20 confirm that for the record, if you are not going to
21 mark it?

22 MS. GARDE: Well, I'm not going to
23 use it, except to ask some questions from his memory
24 now.

25 MR. EGGELING: Then don't show him

1 the letter. He can't confirm anything unless he
2 takes it up in the record.

3 MS. GARDE: I'm refreshing his
4 recollection as to whether or not this is a
5 July 23rd letter in which he informed Mr. Beck.

6 MR. EGCELING: This is a piece of
7 paper situated in a room on the 24th floor of a
8 building in Dallas. Until you mark it and make it
9 part of this deposition record, this means nothing.
10 You are either going to mark it, and then you can
11 validate it, or don't ask him questions about it.

12 MS. GARDE: Do you want me to go make
13 a copy?

14 MR. EGCELING: Would I like to go
15 make you a copy? No, ma'am, I'm not your secretary.

16 MS. GARDE: Would you like to make a
17 copy machine available for me, so I can make a copy?

18 MR. EGCELING: Then I'm sure we can
19 do that.

20 MS. GARDE: Let's take a break to do
21 that.

22 MR. EGCELING: Certainly.

23 (Recess.

24 (Counsel Exhibits 4 through 6

25 (marked for identification.

1 Q. (BY MS. GARDE) Back on the record. I'm
2 going to show you what has been marked as Council
3 Exhibit 4, which is a two-page letter which has some
4 markings on it of words circled and two sentences
5 underlined. For the record, those are my markings,
6 and that is the condition that I gave you the letter.

7 (Witness perusing document.)

8 Q. My question is: Is that your signature on
9 the second page of this letter?

10 (Witness perusing document.)

11 A. Yes.

12 Q. That is your signature, all right. Does
13 this letter; that is, Exhibit 4, identify and briefly
14 describe the OQT that you referred to in your earlier
15 testimony?

16 A. It is a very brief description of the OQT
17 and their responsibilities.

18 Q. But there is not a second OQT. It is this
19 OQT as described in Exhibit 4?

20 A. Yes.

21 Q. Is the OQT that you have referred to in
22 that -- as briefly described in Exhibit 4, a
23 component of the actions by the project to insure
24 that the CPRT is in compliance with 10CFR50,
25 Appendix B?

1 A. No.

2 Q. Okay. What reliance do you place on the
3 OQT for the purpose of the statement that the CPRT is
4 under 10CFR50, Appendix B?

5 MR. EGGELING: What statement?

6 MS. GARDE: Well, he has both
7 testified to and referred -- I mean, we had this
8 whole discussion where you said that I was making
9 him -- As far as this to Noonan, when he testified
10 that the OQT was a part of the basis for that
11 statement in the letter, Exhibit 3, last paragraph
12 that we discussed at some length before the break.
13 I'm now back to that statement. I haven't finished
14 with that statement.

15 MR. EGGELING: Let's get that
16 statement out because it wasn't quite the same as the
17 statement that you just made.

18 Q. (BY MS. GARDE) Do you recall your earlier
19 testimony in response to my question about the
20 statement on page 3 of your letter which is marked as
21 Exhibit 3 that referred to the OQT?

22 A. Yes.

23 Q. Okay. And the OQT that you referred to in
24 your previous testimony is the same OQT as described
25 in Exhibit 4; is that correct?

1 A. Yes.

2 Q. Okay. What role does the OQT play in the
3 statement in the letter, Exhibit 3, page 3?

4 A. The OQT was assigned the responsibility
5 for the SRT to insure that both Tenera Corporation as
6 well as ERC were adequately carrying out their
7 program requirements under their Appendix B program.

8 Q. And the OQT described in Exhibit 4 came
9 into existence when?

10 A. Approximately June of 1985.

11 Q. Did the OQT do any backwards audits of
12 CPRT work?

13 A. I don't know.

14 Q. Who would know?

15 A. John Beck, John Streeter.

16 Q. Okay. Was the OQT supposed to identify
17 defects in ERC implementation of its program?

18 A. Can you define "defects" for me, please?

19 Q. Failure to comply with its own
20 requirements.

21 A. Yes.

22 Q. Okay. Was that function -- the OQT effort
23 governed by a procedure or an audit program plan of
24 some type?

25 A. Yes.

1 Q. Was that audit program plan put in writing?

2 A. Yes.

3 Q. Okay. What was that? Can you describe it?

4 Do you know the number?

5 A. No, I don't.

6 Q. Can you give any description of it at all?

7 A. It is a program plan, plus I believe they
8 had an attachment to the program plan that had an
9 audit schedule of what they would look at and when
10 they would look at it.

11 Q. And that was one document?

12 A. I don't remember.

13 Q. Okay. You didn't have anything to do with
14 writing it?

15 A. No.

16 Q. Are you familiar with inspection report
17 8704 issued August 31st, 1987 and addressed by letter
18 to you from Chris Grimes?

19 A. If I could see it, I might be.

20 Q. Okay. It has been marked as Council
21 Exhibit 5.

22 (Witness perusing document.)

23 A. Without reading it all, I have at one time
24 read it, yes.

25 Q. All right. I'm going to also show you an

1 attachment to 8704 which has been marked as Council
2 Exhibit 6. I'm going to ask if you recall ever
3 reading that document?

4 (Witness perusing document.

5 A. No.

6 Q. Okay. All right. As to Exhibit 5 -- As
7 to Exhibit 5, the inspection report -- Are you
8 looking at that document? I don't want to finish my
9 question until you listen because I don't want to
10 repeat it, and I probably will repeat it.

11 All right. As to Exhibit 5, do you recall
12 reading the notice of violation that deals with the
13 safety significance evaluation group of the CPRT?

14 A. No.

15 Q. Okay. Let me draw your attention to
16 pages -- to the bottom of page 3 through the middle
17 of page 5. The question is: Should the OQT have
18 identified the problems that are written in that
19 inspection report on those pages? Do you need time
20 to read that?

21 A. Yes.

22 MS. GARDE: Okay. Off the record.

23 MR. EGGELING: Am I correct -- or is
24 the witness correct in understanding that we want him
25 to take the time to read 46 single-spaced pages?

1 MS. GARDE: That is not what I said.

2 MR. EGGELING: I missed something.

3 THE WITNESS: Pages 3 through the
4 middle of page 5.

5 MR. EGGELING: 3 through the middle
6 of 5?

7 THE WITNESS: Right here, there,
8 through here.

9 MR. EGGELING: Okay.

10 Q. (BY MS. GARDE) Have you finished it?

11 A. Yes.

12 Q. Okay. Do you know if the OQT identified
13 the problems discussed in those pages --

14 A. No, I do not.

15 Q. Do you know if they -- Hadn't finished my
16 question. I wanted to know -- I was going to ask you,
17 first, if they identified those problems before the
18 NRC did; and is the answer to that you don't know?

19 A. I don't know.

20 Q. All right. Do you know who will know?

21 A. Probably John Streeter.

22 Q. Do you know if they have reviewed those
23 problems after that inspection report?

24 A. No, I do not.

25 Q. Do you know who will know that?

1 A. John Streeter.

2 Q. Okay. Would you have expected the OQT to
3 identify the concerns addressed in that inspection
4 report on the pages we have designated?

5 A. Not necessarily.

6 Q. And why not?

7 A. They were overviewing the aspects of
8 Tenera and ERC; in this case, how they were
9 conducting their QA program. So if it didn't show up
10 in the QA program, I have to answer not necessarily.

11 Q. Is it possible for you to reach a
12 conclusion on the adequacy of the QA/QC program at
13 Comanche Peak by reviewing only the results of the
14 CPRT?

15 A. Would you read that back for me, please?

16 (Record read back.

17 A. It should be.

18 Q. Okay. What do you mean by "it should
19 be"?

20 A. Well, not having had the final reports,
21 I'm kind of foreseeing what might take place in the
22 future, nor having looked at them in draft even.
23 The program was structured to determine whether or
24 not there were programmatic -- any type of program
25 deviation, programmatic breakdowns within any of the

1 18 criteria of Appendix B. Consequently, the final
2 collective evaluation report, again, which I have not
3 seen, should point out if in fact problems did exist.

4 And that would be, for instance, although
5 criteria that are involved in the quality of
6 construction, the collective significance report will
7 also, obviously, take into consideration not only
8 that, but those aspects of the QA program that go
9 beyond just quality of construction.

10 Q. If the CPRT -- This is a hypothetical
11 question. If the CPRT program conclusions, the
12 collective evaluation report were to conclude within
13 each of the 18 criteria that there had been a
14 programmatic breakdown of the QA/QC program, would it
15 be necessary for you to wait for the results of the
16 corrective action program to determine if the plant
17 was licensable, in your view?

18 A. Yes.

19 Q. The purpose of the CPRT has changed
20 through the last revision. Are you aware of that
21 change?

22 MR. EGGELENG: You are stating it has
23 changed?

24 MS. GARDE: Let me restate it.

25 Q. (BY MS. GARDE) Are you aware that the

1 purpose of the CPRT has changed in the last revision?

2 MR. EGGELING: Are you stating that
3 to be a fact?

4 MS. GARDE: I turned it into a
5 question.

6 MR. EGGELING: You still have -- I
7 mean, why don't you ask him did the purpose change?

8 MS. GARDE: Well, is he aware?

9 MR. EGGELING: But that assumes that
10 it changed.

11 MS. GARDE: Okay, that is fair.

12 Q. (BY MS. GARDE) Did it change?

13 A. No.

14 MS. GARDE: Off the record.

15 (Off-the-record discussion.

16 Q. (BY MS. GARDE) Has the goal of the
17 program changed?

18 A. I don't know.

19 Q. Did you review the interrogatory answers
20 provided in response to the CPRT interrogatories?

21 A. I don't know.

22 MS. GARDE: All right. Go ahead and
23 mark this one.

24 (Counsel Exhibit Number 7

25 (marked for identification.

1 Q. (BY MS. GARDE) Mr. Council, I'm going to
2 show you a copy of Applicants' Answers to CASE's CPRT
3 Program Plan Interrogatories, Set Number 7. And I
4 want to draw your attention to page 2, the paragraph
5 that starts "The CPRT does not," and I want to know
6 if you reviewed that statement?

7 (Witness perusing document.

8 MR. EGGELING: I understand you wish
9 him to read the answer to Interrogatory No. 1?

10 MS. GARDE: And I want to know if he
11 reviewed that.

12 MR. EGGELING: Ever?

13 MS. GARDE: Well, let's start with
14 did he review it before it was sent in.

15 MR. EGGELING: Read the whole answer,
16 unless you already know the answer to the question.

17 (Off-the-record discussion

18 (between Mr. Eggeling and

19 (Mr. Council.

20 (Witness perusing document.

21 A. I believe I read it before.

22 Q. (BY MS. GARDE) Okay. Do you remember
23 when?

24 A. No.

25 Q. Do you have any reason to disagree with

1 the goal of the program that is stated in that answer?

2 A. No.

3 Q. Okay. Have you ever reviewed Revision 4
4 of the CPRT?

5 A. Yes.

6 Q. I would like to draw your attention to
7 Revision 4, page 2 of 49. In the introductions and
8 objective section --

9 MS. GARDE: Do you have it?

10 MR. EGGELING: Probably.

11 MS. GARDE: Okay. The second
12 paragraph. Do you want me to show him my copy?

13 MR. EGGELING: I don't know.

14 THE WITNESS: What does it say?

15 MR. EGGELING: Well, we have had
16 times in the past where it wasn't the same. That is
17 the problem. Do you want me to look at your copy to
18 see if it is the same? I will check. It appears we
19 have the same copies.

20 Q. (BY MS. GARDE) All right. Mr. Council,
21 I'm going to show you page 2 of 49, which has got
22 pink underlining in it which I did, and I want to
23 draw your attention to the second sentence.

24 Would you read that thing -- Since I only
25 want that sentence, I want you to read it into the

1 record. I won't have to attach the document. Just
2 read that into the record.

3 MR. EGGELING: Right here.

4 (Indicating)

5 A. Okay.

6 Q. (BY MS. GARDE) I want you to read it out
7 loud.

8 A. Oh, just the pink?

9 Q. No.

10 A. The whole paragraph?

11 Q. The sentence that starts after the pink.

12 MR. EGGELING: Read the whole
13 paragraph.

14 Q. (BY MS. GARDE) I want you to read into
15 the record, "CPRT is further charged," to there.

16 (Indicating)

17 A. "CPRT is further charged with the mission
18 of advising TU Electric management whether there is
19 reasonable assurance that all design and construction
20 defects that would have prevented the facility from
21 being capable of operation in accordance with NRC
22 regulations have been detected and appropriate
23 corrective actions for such defects have been defined
24 hereinafter referred to as the CPRT mission."

25 Q. Okay. Is there any difference between

1 that statement and the statement that you looked at
2 previously that starts with the goal of the program,
3 in your mind?

4 (Witness perusing document.

5 A. The goal -- It is not a goal. A statement
6 in Revision 4 reads to me as more encompassing than
7 the one in the interrogatory.

8 Q. Okay. So the Revision 4 statement, you
9 believe, makes a broader commitment than the first
10 statement?

11 A. Yes.

12 Q. Is that the only difference that you
13 perceive between those two statements?

14 A. I think I used the term -- statement in
15 Rev. 4 is more encompassing, not necessarily broader.

16 Q. Okay. Did Revision 4 expand the work of
17 the CPRT?

18 A. To the extent that the overview of hundred
19 percent design validation would give them more work,
20 it did.

21 Q. But only as to design validation, not as
22 to construction?

23 A. Design -- The corrective action program
24 for design includes hardware validation to the design,
25 so that does encompass construction.

1 Q. And that is under Texas Utilities'
2 corrective action program?

3 A. Yes.

4 Q. Not under the CPRT program?

5 (Off-the-record discussion
6 (between Mr. Eggeling and
7 (Mr. Council.

8 A. Would you ask that question, please?

9 Q. Does the corrective action programs that
10 you referred to, including the design validation
11 program, expand the scope of the CPRT?

12 A. To the extent that they are overlooking
13 one hundred percent of design validation, yes.

14 Q. Is that work being done by the CPRT?

15 MR. WOOLDRIDGE: The overview work?

16 MS. GARDE: The overview work.

17 A. The overview work is being done by third
18 party personnel under the direction of the SRT.

19 Q. (BY MS. GARDE) Those third party
20 personnel are who?

21 A. The SRT themselves, the review team
22 leaders, and any other consultants hired by the SRT
23 to oversee what the project is doing.

24 Q. Do you know who those people are?

25 A. Some.

1 Q. Is the hundred percent design validation
2 program that you were just referring to fully
3 explained and identified in Revision 4 of the CPRT?

4 A. Not to my knowledge.

5 Q. Where is it located?

6 A. In the letters to the NRC and transcripts
7 of public meetings.

8 Q. Is the CPRT program changed to reflect
9 those design validation programs in a manner that
10 CASE could find that information within the CPRT?

11 A. I don't know.

12 Q. Okay. Have you forwarded to the NRC any
13 letters or documents that contain the details of the
14 hundred percent design validation program?

15 A. I don't remember.

16 Q. Is it possible to conclude a thorough
17 review of the CPRT without reviewing the expanded
18 scope of the design validation program?

19 MR. EGGELING: What expanded scope?

20 MS. GARDE: I asked him if he
21 expanded the scope. He told me that it was expanded
22 to include the design validation program one hundred
23 percent design validation.

24 MR. EGGELING: He didn't say he
25 expanded the design. He said he expanded the design

1 of the CPRT in its overview of the design validation
2 program. Now, you are talking about the expanded
3 scope of the design validation program, and there has
4 yet been no testimony about any expansion of that
5 scope.

6 MS. GARDE: I think he -- I think
7 that he and I understand each other as to what you
8 said he testified to.

9 MR. EGDELING: But the written record
10 does not because you have used words that were not
11 correct.

12 MS. GARDE: Okay, fine.

13 Q. (BY MS. GARDE) Is it possible to conclude
14 a thorough analysis of the CPRT in the form of an
15 audit -- it is a hypothetical question -- without
16 reviewing the design validation program itself?

17 A. When completed, yes.

18 Q. But not yet?

19 A. Have to ask a clarifying question. Are
20 you now talking implementation of the CPRT program,
21 or are you talking adequacy of the CPRT program?

22 Q. I'm talking adequacy of the program. Can
23 I complete a thorough review of the CPRT program plan
24 without having the design validation program that you
25 just referred to in my hands?

1 A. Yes.

2 Q. Okay. I can do that without the design
3 validation program?

4 A. Yes.

5 Q. Okay. Why?

6 A. The program plan allows for expansion,
7 wherever it may lead.

8 MR. EGGELING: My alarm just went off,
9 which is the signal that we have reached the time we
10 promised to let Mr. Council go.

11 MS. GARDE: I mean, I can't hear
12 Mrs. Ellis. Let her finish explaining to me what she
13 said, and then you can speak.

14 (Off-the-record discussion
15 (between Ms. Garde and
16 (Mrs. Ellis.

17 Q. (BY MS. GARDE) Is the design --

18 MR. EGGELING: You told me I was
19 going to get to speak after you finished.

20 MS. GARDE: Okay.

21 MR. EGGELING: We have reached the
22 time when we agreed that Mr. Council could be
23 released. It is 3:27.

24 MS. GARDE: Okay. We didn't agree to
25 a 3:27 release. I said that I would try to finish

1 and I am nearly finished. But we had an hour long
2 lunch break, and he has been a more difficult witness,
3 not because he has not been an uncooperative witness,
4 probably because I have had a lot of problems with
5 the questions. And I haven't -- I didn't agree to
6 any arbitrary cutoff. I'm not going to keep him here
7 until -- I understand what we agreed to. Mr. Hansel
8 ran longer, we took an hour long lunch, and this has
9 been a very difficult examination, so I'm not
10 finished with him yet.

11 I have some more questions and I intend to
12 proceed. If you want to take a break now and let
13 Mr. Council go and have me recall him at a later time
14 that is convenient, I will be glad to do that.

15 MR. EGDELING: If you want to begin
16 with Mr. Council in the morning at an early hour, we
17 can bring him in. You knew what the day's schedule
18 would be and that Mr. Council's health precluded him
19 going into 3:30 in the afternoon when we discussed it
20 at least three times, and it is two minutes from 3:30.
21 That was our agreement.

22 MS. GARDE: That was not our
23 agreement, but I will let Mr. Council go, if that is
24 what you are asking, and we will start again. I mean,
25 that is fine with me. I don't want to -- I don't

1 want to upset his health any more than necessary, and
2 I say that with all due respect. This is hard and
3 tiring, and I don't want to have to have you stay any
4 longer. If you are tired and you want to go, go.
5 Pick it up later.

6 (Off-the-record discussion
7 (between Mr. Eggeling and
8 (Mr. Council.

9 MR. EGGELING: Mr. Council advises me
10 if you can complete it in 30 minutes, he can wait
11 that much longer.

12 MS. GARDE: I think I can complete it
13 in 30 minutes.

14 THE WITNESS: Do we have an agreement
15 for 4:00?

16 MS. GARDE: We will have an agreement
17 till 4:00. If I have a lot of difficulty, I will
18 state it on the record at that time. I don't think I
19 will. All right.

20 MR. EGGELING: Do you want a break?

21 THE WITNESS: No, I'm fine.

22 MS. GARDE: Do you want a break?

23 THE WITNESS: No, ma'am.

24 Q. (BY MS. GARDE) Isn't the design
25 validation program an integral part of the CPRT at

1 this time?

2 A. Only insofar as it concerns and is being
3 carried out by the project, and the project reports
4 to CPRT it is part of.

5 Q. Okay. How does the project report to CPRT?

6 A. If you look under the -- look at an
7 organizational chart, the project gets all of the
8 information coming out of CPRT. They're shown on,
9 quote, the CPRT block diagram. They do not report
10 directly, for instance, to the SRT as an example.
11 They report to me. But in the blocks that we have
12 shown back in 1985, the CPRT, per se, included the
13 third party activities as well as the project
14 activities. And the reason for that was that the
15 project had to carry out the project corrective
16 action sequence.

17 Q. Does the project's corrective action work
18 get reported back to the CPRT?

19 A. Yes, through the project status reports.

20 Q. What are the project status reports?

21 A. They are going to be the final reports of
22 each of the corrective action program plans.

23 Q. Does the CPRT have any responsibility for
24 reviewing those project status reports and making a
25 statement on whether or not they agree with the work

1 done by the project?

2 A. They do not have a responsibility to do so
3 through the project status reports themselves.
4 However, they do have the responsibility to take that
5 work into consideration in writing their collective
6 significance report.

7 Q. So the collective significance report is
8 not going to be issued until after the project status
9 reports are complete?

10 A. That's correct.

11 Q. Okay. Now, in the process that we have
12 both referred to as the hundred percent design
13 validation program, which you are not sure is
14 described in any public document that has been
15 provided to the NRC, so I only know it by your
16 description of it, is there identification of
17 deficiencies done in that program?

18 A. Yes.

19 Q. Are those deficiencies which are
20 identified through that program reported back to the
21 CPRT?

22 A. If identified by the CPRT before carrying
23 out the implementation of the corrective action, we
24 received concurrence of the SRT or review team leader
25 both, for such corrective action.

1 If identified by the corrective action
2 program, meaning the three major contractors working
3 for the project, they are reported via the project
4 status report.

5 Q. Where does the post-construction hardware
6 validation program fit into the CPRT?

7 A. It doesn't. It is within the corrective
8 action program, capital corrective action program
9 conducted by the project. That is the hundred
10 percent design validation.

11 Q. The PCHVP is the hundred percent design
12 validation program?

13 A. It is a part of it.

14 Q. Okay. It is a component of the one
15 hundred percent design validation?

16 A. Yes.

17 Q. So all of your testimony as to the design
18 validation program applies equally to the PCHVP?

19 A. I don't know.

20 Q. Okay. The post-construction hardware
21 validation program is a component of the DVP; is that
22 correct?

23 A. With DVP standing for design validation?

24 Q. Program.

25 A. Program, yes.

1 Q. Design validation program is an expanded
2 result from the CPRT; is that correct?

3 A. I think I testified earlier that the
4 answer to that question is yes, partially, but there
5 were other things that drove the one hundred percent
6 design validation, in addition.

7 Q. All right. I understand that. The
8 post-construction hardware validation program results
9 will be reported in what document?

10 A. Project status reports.

11 Q. And the project status reports will be
12 reviewed by the CPRT and included -- Their review
13 will be included in the collective significance
14 report; is that true?

15 A. Yes. May I clarify that, please?

16 Q. Yes.

17 A. The conclusions drawn from that review
18 will be included in the collective significance
19 report.

20 Q. Thank you.

21 So in order for there to be a complete
22 review of those portions of the CPRT -- Strike that.

23 The collective significance report is
24 being written by the CPRT; is that correct?

25 A. By the SRT.

1 Q. The senior review team of the CPRT?

2 A. Yes.

3 Q. And they will have in hand when they write
4 that report the results of the CPRT program plan and
5 the design validation program; is that correct?

6 A. Those are big volumes. They will have
7 reviewed them, yes, but whether they are going to be
8 sitting in front of them, I can't answer that at the
9 time.

10 Q. You answered the question the way I
11 intended you to answer the question.

12 MS. GARDE: I don't think I have any
13 more questions, but I want to talk to Mrs. Ellis for
14 a minute.

15 (Off-the-record discussion
16 (between Ms. Garde and
17 (Mrs. Ellis.

18 MS. GARDE: I have no more questions.

19 (Off-the-record discussion.

20 (Deposition concluded at 3:40 p.m.
21
22
23
24
25

CORRECTIONS AND SIGNATUREPAGE LINE CORRECTIONREASON FOR CHANGE

(SEE ATTACHED)

I, W. G. COUNSIL, have read the foregoing
 deposition and hereby affix my signature that same is
 true and correct, except as noted herein.

W. G. Council
 W. G. COUNSIL

SUBSCRIBED AND SWORN to before me by the said
 witness on this the 30th day of November, 1987.

Luisa Johnson
 NOTARY PUBLIC IN AND FOR THE
 STATE OF TEXAS

My commission expires: 3/12/90

ERRATA SHEET

W. G. Council
(October 15, 1987)

<u>Page (line)</u>	<u>Correction</u>
34(3)	Correct "system -- major" to "Systematic Evaluation Program"
36(17-18)	Correct "industry review" to "Industry Review Group"
36(19)	Correct "entry review group" to "Industry Review Group"
43(15)	Correct "Stellar" to "Stone and"
77(17)	Correct "sechudle" to "schedule"

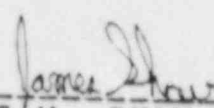
C E R T I F I C A T E

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3 I, James M. Shaw, RPR, Certified Shorthand
4 Reporter in and for the State of Texas, do hereby
5 certify that, pursuant to the agreement hereinbefore
6 set forth, there came before me on the 15th day of
7 October, A. D., 1987, at 1:30 o'clock p.m., at the
8 offices of Worsham, Forsythe, Sampels & Wooldridge,
9 2001 Bryan Tower, Suite 3200, Dallas, Texas, the
10 following named person, to-wit: W. G. COUNSIL, who
11 was by me duly sworn to testify the truth and nothing
12 but the truth of his knowledge touching and
13 concerning the matters in controversy in this cause;
14 and that he was thereupon examined upon his oath and
15 his examination reduced to writing under my
16 supervision; that the deposition is a true record of
17 the testimony given by the witness, same to be sworn
18 and subscribed to before any notary public, pursuant
19 to the agreement of all parties.

20
21 I further certify that I am neither attorney or
22 counsel for, nor related to or employed by, any of
23 the parties to the action in which this deposition is
24 taken, and further that I am not a relative or
25 employee of any attorney or counsel employed by th.

1 parties hereto, or financially interested in the
2 action.

3
4 In witness whereof, I have hereunto set my hand
5 and affixed my seal this 26th day of October, A.D.,
6 1987.

7
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9 
10 JAMES M. SHAW, RPR, CSR
11 IN AND FOR THE STATE OF TEXAS
12 2414 North Akard, Suite 600
13 Dallas, Texas 75201
14 (214) 855-5300

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My commission expires:
December 31, 1988
CSR No. 1694