

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MIDLAND

THE DOW CHEMICAL COMPANY,

Plaintiff,

-VS-

CONSUMERS POWER COMPANY,

Defendant.

Civil Action No.
83-002232-CK-D

The continued deposition of RONALD J. COOK, taken pursuant to Notice of Taking Deposition between Counsel for the respective parties, before Hollis M. Harriman, CP, RPR R-2090, a Notary Public within and for the County of Wayne, State of Michigan, at 100 Brown Street, Middletown, Pennsylvania, on Monday, June 24, 1985, commencing at about 9:00 o'clock in the forenoon.

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 11 *

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13 Witness: RONALD J. COOK

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Middletown, Pennsylvania

Monday, June 24, 1985

At About 9:00 a.m.

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R O N A L D J. C O O K,

having been previously called as a witness herein, having been previously duly sworn to tell the truth, the whole truth and nothing but the truth, was questioned further and testified as follows:

CROSS EXAMINATION (CONTINUING)

BY MS. NEERING:

Q Mr. Cook, now it's Consumer's turn to ask a few questions -- continue asking a few questions.

A Are you telling me I read the wrong part of the deposition?

Q I'd like to just clear up a few points from your testimony when Dow was asking you some questions and then I have a few questions regarding the documents that were recently turned over to us.

A Okay.

Q If you'll turn to Exhibit NRC-7. I'm sorry I don't have extra copies here.

A Okay. Whatever.

Q Okay. And this appears to be a January 7th, 1981 letter

1 from Victor Stello to Steve Howell regarding the Q/A
2 Program of the HVAC. Can you briefly review this
3 document and tell me whose stop work order was it that
4 discontinued the work on HVAC at this point in time; was
5 it Consumers' or was it the NRC's?

6 A The NRC did not write a stop work order on this. And --
7 boy. Zack was running under contract to Bechtel. So I
8 would -- as I recall it, Bechtel actually wrote the stop
9 work order, but I think it also got into since it's
10 Consumers to Bechtel saying are we going to stop it or --
11 either one could have the power to stop the work, but
12 the NRC did not write a stop work order on this
13 particular one that I recollect.

14 Q Okay. And I notice on the second page under
15 distribution the acronym LPDR. Is that the local
16 public document room?

17 A Yes.

18 Q So this particular letter would have been on file at the
19 public document room?

20 A I assume. It gets into a distribution out of either
21 Washington or the Region Office involved and, you know,
22 the girls have got those addresses and they copy them
23 and ship them wherever they're supposed to go. So, I'm
24 assuming that this would be the public document room,

1 but I cannot say that I ever went to the public document
2 room to see if this particular item was in there.

3 Q Okay. This particular document also references a Notice
4 of Violation.

5 A In the action letter confirming -- well, we state it was
6 in your stop work order in the Hearing.

7 Q Okay.

8 A Or in the hearing. In the hearing, not Hearing. Okay.

9 Q And the third paragraph on the first page mentions a
10 Notice of Violation?

11 A Let's see. Third paragraph where?

12 Q On the first page.

13 A Okay. Your response to the Notice of Violation, a
14 special program to determine whether additional --

15 Q Okay. And as a result of that Notice of Violation
16 wasn't there, in fact, a thirty-eight thousand dollar
17 civil penalty was assessed?

18 A Yes, there was.

19 Q And was that public knowledge?

20 A Yes. You know, when you say was it public knowledge, we
21 made no secret about it, and it goes in the public
22 document room, it goes to the people that get the normal
23 distribution. I believe it was talked about in the
24 Hearings. So from that I would say it's definitely in

1 the public domain someplace.

2 Q Okay.

3 A If I remember, I think there was even newspaper
4 articles, but that was awhile back.

5 Q Turning to NRC-29, Exhibit NRC-29 Page N11660, it's
6 about the fourth page I believe. Does this document
7 also concern the work stoppage on HVAC?

8 A Let me look at this because this may be a different work
9 stoppage; okay?

10 Q Okay.

11 A There's definitely a typo in here. It should have been
12 November 30th, 1982.

13 Q Right. I think we've talked about that previously.

14 A Okay. This was a different stop work. I think that the
15 previous one that was -- that occurred because of a
16 civil penalty package. These two items are not exactly
17 related, although there was problems with the welding
18 and the qualification of welders and qualification of
19 welding procedures back in the stop work that invoked a
20 thirty-eight thousand dollar civil penalty. Then
21 subsequent to that then there was a stop work that was
22 imposed by Consumers Power.

23 Now, there had been several changes that occurred
24 in this period of time so this other docket or document

1 that's written on whatever this number is, 11660, that
2 this addresses a different issue.

3 Q Okay.

4 A And there was no -- I don't believe there was any
5 enforcement came out of this particular -- the November
6 30, 1982 issue.

7 Q Okay. Did this stop work order also receive attention
8 from the news media?

9 A Yes, it did. I just remember the news articles about
10 it, but there was attention from it.

11 Q Do you recall anyone from the community asking you about
12 this particular stop work order?

13 A Let me think. I very vaguely remember talking to
14 somebody over the telephone about it and as I -- I can't
15 remember who it was but, now, bear in mind, I think we
16 were involved in a Hearing, or there were these Hearing
17 activities going on at this time, there's where I'm
18 somewhat confused, because you talk to many different
19 people and this was an issue. Okay?

20 And the gist of the conversations went that, you
21 know, that this was a Licensee identified problem and it
22 didn't necessarily reflect on the episode that had
23 happened a year prior to this.

24 Q Okay.

1 A It was in that context. Almost similar to the same
2 context as what we're discussing now, you know, that the
3 two were separate and, you know, one was worthy of a
4 civil penalty and the other just was, you know, a
5 problem that was identified.

6 Q And was this problem with the welder certification and
7 procedure qualification ultimately cleared up?

8 A Yes.

9 Q Okay. If you could --

10 A In fact, you know, in all honesty, the action that was
11 taken on the welder qualification thing, there was a
12 weakness that was identified that said, hey, there's
13 been something wrong, we don't dare do any more welding
14 until we ascertain whether our procedures are going to
15 be adequate to hold up the HVAC, whether the procedures,
16 if we had used them, and they're not correct and could
17 cause a faulty weld to exist that, you know, we can
18 identify -- we being the Licensee, can identify where
19 they're at and take whatever residual repairs might be
20 necessary and, you know, put together a program to
21 develop good procedures as building HVAC, as qualifying
22 the welders on that procedure, because that ultimately
23 can have a reasonable guarantee that the welding that
24 they do do to control mechanisms is quite satisfactory

1 and adequate for the strength requirements of the
2 design.

3 Q Could you turn to Exhibit NRC-15?

4 MS. RICE: Off the record.

5 (Brief discussion held off the record.)

6 MS. RICE: Go ahead. I'll find it.

7 MS. NEERING: It's June '82.

8 MS. RICE: I know which one you're referring
9 to. It's in here someplace.

10 BY MS. NEERING:

11 Q And this is a memo from Norelius and Spessard to Keppler
12 dated June 21, 1982 regarding suggested changes for the
13 Midland project. As I recall, you didn't have any input
14 into this particular document --

15 A Do you want --

16 Q -- is that correct?

17 A Do you want to clarify the word any. Bear in mind, that
18 these are people that we work with and so there's
19 conversations that go back, you know, that go between
20 the Region Office and the Resident Inspector and it's
21 not like that they're out in California completely
22 oblivious to what's happening. So from the standpoint
23 of conversation, yes, there was that input. But as far
24 as authorship, no, I was not part of the authorship of

1 this particular memo.

2 Q You were aware that this memo was being written and --

3 A I probably was.

4 Q And you were asked for your input with regard to this?

5 A Well, that makes it sound rather formal and stuffy. You
6 know, there was a lot of emphasis going on with what was
7 wrong at the Midland site, so, you know, the information
8 has been made available whether you've asked for it, or
9 whether you happen to be in the Region discussing the
10 issues, or whether the Region people are out at the site
11 discussing the issues. And if I remember right, I think
12 that this came after the SALP report or one of the SALP
13 reports, you know, or -- let me just check on that.
14 Because, again, I'm following back in and I can't
15 remember, you know, which episode happened at what time.

16 Well, like, here's some of the input. It even says
17 communication with the NRC Staff attending a meeting in
18 Washington, March 10th, 1982. I was at that meeting;
19 so, I know.

20 Q Okay.

21 A But I was not in the authorship of this memo.

22 Q Okay.

23 A Now, some of these phrases, and quotes, and whatever
24 could have been extracted from some of the literature

1 that had been generated by the Inspectors or which I
2 would be part authorship, or even whole, depending.

3 Q On page four of this document the paragraph up at the
4 top paragraph four it states that: "Mr. J. Cook the
5 Vice-Resident for the Region, for the Midland site, is
6 an extremely capable and dynamic individual, however,
7 these characteristics in conjunction with the complexity
8 and immenseness of operation as set forth in three,
9 above, may actually be contributing to some of the
10 confusion which seems to exist."

11 Did you agree with --

12 A Let me read the rest of the paragraph. Mr. Cook
13 definitely is a dynamic individual, there's no doubt
14 about that.

15 Q Do you agree with the characterization that he's an
16 extremely capable individual?

17 A I'd have to know exactly what context that was issued in
18 and I don't recall that.

19 Q Okay. Would you turn to Exhibit NRC-28. And this
20 Exhibit is an NRC letter from James Keppler to James
21 Cook dated December 30th, 1982 regarding the new
22 construction completion plan.

23 A Let me write those dates down here because these times
24 are getting me, okay, just so I can see what they are.

1 Well, I had to relate everything to when I came here,
2 you know, it was several years back.

3 Q On page two, the second to the last paragraph, indicates
4 that after Consumers' submittal the NRC will hold a
5 meeting with Consumers in the Midland area which will be
6 open to the public. Do you recall that meeting taking
7 place?

8 A Let me think a second. Yes.

9 Q Okay.

10 A That was there the NRC made a presentation. And if the
11 meeting -- if this is referring -- there was a meeting
12 after this that was a public meeting where the NRC, that
13 was J. Harrison, made certain presentations of what we
14 understood the agreements of the CCP was, and what they
15 were agreeing to, as well as there was presentations
16 there from Consumers and Bechtel. And as I recall that
17 meeting was, say, in the Spring of 1983. I think so.
18 I'm assuming that that meeting was that same meeting.

19 Q Okay. And this was the public meeting?

20 A The one I was referencing was a public meeting -- in
21 fact, we had other public meetings to discuss certain,
22 you know, inspection things that came in that period of
23 1983 to '84 of rather regular nature.

24 Q With regard to the meeting that discussed the CCP --

1 A Right.

2 Q -- do you recall if any Dow representatives were there --
3 or first let me ask you this:

4 Did people identify themselves with what group they
5 were affiliated, for instance, the Intervenor or Lone
6 Pine or City Council?

7 A Well, some -- not everybody in a meeting identifies who
8 they're with; some people do. It depends on their
9 involvement in the meeting.

10 Q Did anyone identify themselves as representing Dow?

11 A Not that I can remember, you know, which would not be
12 strange. I would assume Dow would have a representative
13 there.

14 Q Did the NRC ultimately approve this construction
15 completion plan?

16 A We approved a construction -- a construction completion
17 plan. Now, from the period of late 1982, when there was
18 regulatory difficulties at the site to the final
19 product, there was some changes or reasoned
20 perturbations to the original proposal that was made to
21 the NRC. But ultimately we did approve, you know, a CCP
22 type program.

23 Q In your experience as an Inspector for the NRC looking
24 at other plants besides Midland, did it appear that

1 Consumers had more people within the Q/A Department than
2 at, for example, Zimmer?

3 A I have been known to make the statement when I was
4 looking both at Consumers Power and Zimmer early on.
5 Now, again, bear in mind, that these two plants were in
6 a very dynamic state at this particular point in
7 history, and at one time I had made a statement that I
8 wished that the Q/A people that were at Consumers that
9 they could have an equal staff at the Zimmer plant.
10 Now, that was very early. I was going to Zimmer, it had
11 to be prior to my going to Midland, which would have
12 been sometime before July of '78. Now, when I went to
13 Midland, I know that they had regulatory problems at the
14 Zimmer plant, that there was a staffing up of the Q/A
15 Departments and to what level I cannot make that
16 comparison because I don't know how many people actually
17 went to Zimmer.

18 So to make the comparison was there more, less or
19 equal number, I can't do that without looking at the
20 numbers because I didn't get that intimately involved in
21 the Q/A organizations of Zimmer. For other plants under
22 construction, Consumers had probably quite a few more
23 Q/A people available on site during their history, these
24 troubled times here. But you also have to bear in mind

1 that Consumers was in, you know, regulatory difficulties
2 with regard to the constructing the plant according to
3 the license.

4 Q Did the fact that they had a larger number of Q/A people
5 on the site indicate to you that they were committed to
6 solving their regulatory difficulties?

7 A No, not really. There -- well, yeah, no, not really.
8 Just sheer masses of numbers did not necessarily mean
9 that a plant or a Utility is really interested in
10 solving their regulatory difficulties.

11 Q Did they appear responsive to those regulatory
12 difficulties?

13 A They appeared to be responsive, however, there was
14 bothersome aspects. It was back in December of '82 that
15 they were in regulatory difficulties, there was a
16 proposal of what we characterize as the Get Well
17 Program, and then from the time of the Get Well Program
18 until it was actually approved and until people could
19 even start to do work was, I thought, quite an extensive
20 period of time and it also caused a lot of consternation
21 in the regulatory ranks.

22 Q The Get Well Program was the CCP?

23 A The CCP.

24 Q Okay.

1 A And there may be other Inspectors. In fact, at the
2 original proposal of the CCP that Consumers, as they had
3 presented it to the NRC, should have got on with it
4 rather than wishing to discuss at length some of the
5 provisions of it. And so there was a period of time
6 that there was what I would call a lot of argument going
7 on over the conditions of the CCP before the people, the
8 large Q/A staff on site, could actually go ahead and do
9 the work with the approved procedures and programs that
10 were being discussed with the NRC.

11 Q Why was it that there were such long discussions on the
12 provisions of the program?

13 A That I do not know.

14 One of the major discussions was over the location
15 of hold points. Now, why Consumers would want to
16 discuss the hold points that were originally placed in
17 the program, which was back in January, to the lengths
18 that they discussed, I don't know the reasons for that.
19 I, myself, from my prospective, could not see where the
20 Utility was gaining anything.

21 Q I'm sorry.

22 A Like I say, in fact, the placing of those hold points,
23 when they were placed by the Inspection Staff, we
24 wondered how we were going to be able to commit the

1 assets to fulfill the NRC side of the obligation. In
2 other words, it was going to be very demanding on that
3 Site Inspection Team to be able to progressively review
4 the work done by the Q/A people and by Consumers and
5 Bechtel and to ensure that if there were any weaknesses
6 that they were identified, that they were duly addressed
7 and incorporated to create improvement in the next, if
8 you will, phases or next steps of the CCP. And so I
9 always looked at it that the hold points were a benefit
10 to the Utility, they would have forced the NRC into
11 staying on top of the project as opposed to waiting
12 until well down the line before there were what you
13 might call designated hold points for us to go in and
14 see how good the work is progressing. Now, granted, we
15 had purview to look at anything that we wished as things
16 progressed but I -- you know, I have felt that
17 discussion, you know, that type of thing, for as long as
18 it was discussed, was not necessarily in the Consumers'
19 best interest.

20 Q Were you involved in the discussions?

21 A Yes.

22 Q Did you express that view that they seemed to be going
23 on longer than you thought necessary?

24 A I'm sure that that comment had been made to the Section

1 Chief of the Midland inspection because, you know, I was
2 not alone in that attitude, feeling. I didn't write any
3 memos or anything to that effect because we were in a
4 let's watch and see mode.

5 Q Um-hmm.

6 A Our concerns were if anything was to get done it must
7 get done right.

8 Q During your prior testimony you had referred to a
9 statistical study that you had done of Consumers'
10 reaction to nonconformance reports and write-ups. Do
11 you remember comparing Consumers to other Utilities to
12 determine whether they had reacted more than other
13 Utilities? Do you recall that testimony?

14 A I recall that I could have discussed it in a couple of
15 different lights. Okay? Now, are you talking about
16 when we were assembling the data for the SALP report or --

17 Q No.

18 A Okay. Is it possible for me to look at what was going
19 on in that time to find out which?

20 Q It's on page 202 of your prior testimony.

21 A 202 of the first day or --

22 Q Second day.

23 A 202 of the second day. Okay.

24 HS. RICK: They're consecutively numbered.

1 A Well, then that had to be on the first day because the
2 second day started at 227.

3 BY MS. NEERING:

4 Q Starting at --

5 A Wait a second. I don't have page 202. The lawyers kept
6 the good stuff.

7 MS. NEERING: Let's go off the record.

8 (Brier discussion held off the record.)

9 BY MS. NEERING:

10 Q Line four on page 202.

11 A Let me precede this a little just to find out what we
12 we're talking about.

13 Q Sure.

14 A Well, this does make reference to the SALP. I'm going
15 to continue here.

16 Okay. Now, this did refer to the information that
17 was being assimilated for one of the SALP reports and
18 addresses items of noncompliance. Okay.

19 Q Um-hum.

20 A And their responses to items of noncompliance.

21 Q My question is: Do you know where the statistical
22 evaluation exists?

23 A On.

24 Q Is it incorporated in the SALP?

1 A Yes. There was words in the SALP that -- at least one
2 of the versions of the SALP that said or -- I'll give
3 you probably wrong members but the approximate
4 characterization. As I recall, okay, of twenty-two
5 items of noncompliance Consumers Power has questioned
6 our items of noncompliance twenty times, and of the
7 twenty times that they questioned we agreed with them
8 one or two times. So, based on that type of a
9 chronology, gave issue to the statements about it being
10 argumentative. In other words, if you have a Licensee
11 that, you know, argues with a citation and have a very
12 high -- if you will, high rate of scoring, you know, of
13 their point, of them being able to point out that we
14 were in error from a regulatory basis, then that says
15 there's something wrong with the inspection effort, the
16 wording of the regulation or the inspectors' ability to
17 write items of noncompliance.

18 But if a Licensee relates large numbers of
19 noncompliance, which is his prerogative to do so, and
20 that when these are evaluated by people that are removed
21 from the inspectors that found the items of
22 noncompliance and the finding is still that the item of
23 noncompliance was a valid item of noncompliance, then
24 that gives rise to words of being -- an illusion of

1 being argumentative.

2 Now, you know, where this statistic is, it was
3 generated as all the SALP information is from the basic
4 documents. In other words, I'd gone into the inspection
5 reports ferretted out the numbers of noncompliances, the
6 responses, and so forth, and did a qualitative number on
7 that.

8 Q Do you know where those notes are on that?

9 A Lawds, no. That certainly is colloquial. I would
10 assume that you guys would know best where these notes
11 are.

12 Q I didn't see them in the document that you turned over.

13 A But then what about on the documents that have been
14 turned over with regard to the Hearing and the Freedom
15 of Information Act and all of that? You guys got more
16 information than I got. So if you can't find it, I
17 don't know what, you tell me.

18 Q Do you recall what Utilities you compared Midland to?

19 A Okay. Now, that information, some of that was supported
20 by the Region's information, they generate SALPS, SALP
21 reports from other reactors we had in our data bank in
22 the Region, some comparisons of other Utilities. Okay.
23 And then from, you know, the other Utilities then I
24 would -- then I went to, oh, geez, who did I go to?

1 Well, I know it was discussed with some of the
2 Inspectors that were, you know, involved with other
3 Utilities that were in the process of writing other SALP
4 reports in the Region.

5 Q So --

6 A Now, did I take and compare with that depth of reading
7 all citations and all numbers or rebuttals with every
8 Utility in the Region; no, I did not.

9 Q My question is: Do you recall which Utilities that you
10 made the comparison with?

11 A I think one of them was Commonwealth Edison and --

12 Q Do you recall any of the others?

13 A Not right off. But Commonwealth Edison would have been
14 a natural one to compare with.

15 Q Why's that?

16 A Well, they have a large number of reactors. Sometimes
17 they draw a very hard regulatory line, you know, they
18 have the ability to get close to the -- to that fine
19 line which defines compliance and noncompliance and so,
20 as a net result, they're usually considered as somewhat
21 of a challenge to the Inspectors in the area. And, yes,
22 some other plants have been in what we classified at
23 different points in time as having regulatory
24 difficulties. And, as I said, they're local there. I

1 said they have a large number of plants, comparatively
2 speaking, of different personalities and different
3 plants. So, Commonwealth Edison supplies us with good
4 information. I hope you don't disclose our secrets to
5 them. I'm sure they already know.

6 Q I'm handing you an Exhibit which has been marked as
7 D-4752.

8 MS. NEERING: Would you mark that, please?

9 (Exhibit D-4752; Pages from handwritten
10 notebooks of R. Cook.)

11 BY MS. NEERING:

12 Q What I've done here is --

13 A Oh, gosh. All right.

14 Q -- included in this Exhibit the package as I received
15 it. I received a number of notebooks that Ron Cook kept
16 while he was at the Midland site. And rather than pull
17 out the individual pages, I hope that I've kept intact
18 the integrity of the document as it was received by me.

19 A Whatever. Okay. I just submitted it, you know what you
20 guys do with it.

21 MS. RICE: And I understand that these Bates
22 numbers are what Consumers Power has put on.

23 MS. NEERING: Correct. They were stamped as
24 they were received from Mr. Jensen. So, I'm assuming

1 that they're in the consecutive order that the pages
2 were written, but not necessarily.

3 MR. JENSEN: Off the record.

4 (Brief discussion held off the record.)

5 MS. NEERING: Back on the record.

6 BY MS. NEERING:

7 Q Is this your handwriting?

8 A Oh, it certainly is.

9 Q And did you keep these notes in the regular course of
10 your duties at the Midland site?

11 A We have no requirement to keep notes as inspectors.
12 After an inspection report is written I could have
13 thrown these away and I wish I had. But, you know, they
14 just happened to be in file cabinets and when I moved
15 from Midland to here, why, it was one of those things
16 that when I unpack I'll selectively pitch and keep and
17 what-have-you.

18 Now, the fact that an Inspector would write notes
19 to, you know, keep score of things and notes that he saw
20 in the plant, why, you know, that's -- you know, that
21 would be expected. However, you know, the NRC doesn't
22 say I must keep notes of anything. I could write them
23 on three-by-five cards and throw the cards away when I'm
24 done with them if I so desire.

1 Q But you were taking the notes as you walked through the
2 plants?

3 A Not necessarily. Some of these notes could have been
4 generated in the office as I was thinking about things
5 to look at; some of the notes could have been generated
6 while I was reviewing documents and it would trigger a
7 brain cell that'd say, hey, I need to check on that; it
8 could be notes as I walked around the site. It could be
9 notes taken as I thought of something sitting in the
10 easy chair, you know, reading the funny paper and those
11 things have happened and say, hey, so they're doing this
12 and I need to check on that and you make a little note
13 to yourself. So it's all of the above.

14 Q Okay. Could you turn to the page that's stamped
15 50010324?

16 A 324?

17 Q 324. And unfortunately on this page there is no date.

18 A So what?

19 Q Well, I wanted you to put it in proper context, but --
20 would you read the first three lines to yourself or
21 actually read it out-loud?

22 A Out-loud. Okay.

23 December 1984 steam to Dow - Dow equipment -- it
24 might say indicated as obsolete. I'm not sure if that's

1 the right word or not without looking at the original --
2 my originals on it. Keeley, November '80, fuel load
3 unit two. I see start date June '73. And then I have a
4 hyroglyph which says -- and after that it would be six
5 years and six months. So that'd be -- okay.

6 Q Do you recall why you wrote those notes? Maybe it would
7 help to look a few pages before or immediately after.

8 A If these are sequentially numbered, the timing of this
9 can be pretty well deduced by the fact I have a March 21
10 date on the one page and it was correlated with when
11 they placed the vessels.

12 Q Is that 1978?

13 A I would say so. But -- oh, I'm not sure. I'm not sure
14 what that date means. You know, that date could have
15 been just dates that I came up with for some reason or
16 other when I was curious when they placed the vessel or
17 started moving the steam generators.

18 Q The page after indicates 3-22-78. Does that help place
19 it for you?

20 A I'm inclined to believe that I probably am looking in
21 this period or around March of 1978. So, at that period
22 or time, now that I can think about it, the December
23 1984 would have been saying that there was a need to try
24 and get steam to Dow because the boiler systems would be

1 characterized as being "obsolete". Now, how obsolete it
2 was, I don't know. Obviously, if Dow wanted to have
3 that type of capacity of steam and they were having
4 troubles from the EPA, I think, or one of the other
5 Federal Agencies that was unhappy with the emittants
6 coming from their boiler system, then that alone would
7 say that you have to do things to upgrade the boiler to
8 meet the current emission standards. And I think that
9 that would probably be the characteristics -- the
10 characterization that term obsolete would have had in
11 this particular era and time.

12 Now, why I was putting these dates down, it's
13 obvious that I was involved, had picked up some
14 information or was involved in discussions about when
15 the NRC might expect fuel loading and, you know, that
16 type of information somewhere along the line. I've got
17 six years and six months indicating that that was how
18 much more time it would take to complete the plant and
19 why -- you know, what the thought process was
20 stimulating these, I'm not really sure sitting here.

21 Q Do you know what the June '73 refers to? Does that tie
22 in with the six years six months?

23 A That ties in with the six years six months. June '73
24 would have been about the time that the plant started

1 construction, but now that really wasn't the time the
2 plant started construction, that was when there was some
3 regulatory problems before that date. And so I guess
4 that this was considered a milestone marker date-wise.
5 Okay? When you build a plant you do a lot of excavation
6 and stuff like that and then there was early on some
7 regulatory difficulties they got ironed out and then in
8 '73 then it appeared that the problems were such that we
9 would let the plant go through a normal phase of
10 construction. So, you know, the concrete starts getting
11 poured on schedule, and the rebar shows up on time, and
12 the pipes and pumps and so forth get placed into what we
13 would consider the normal sequence of a construction of
14 a reactor plant or more normal I guess I would say.

15 Q Were you aware that Dow was negotiating with the
16 Environmental Protection Agency regarding their boilers?

17 A I knew that there had been conversations between Dow
18 and, I guess it was the EPA, but the real gist of those
19 conversations I don't really know. Okay? I'm trying to
20 think, you know, how do I know some things. Well, indeed,
21 the issue was over smokestack emissions, then that was
22 what one of the issues was, and I think that somewhere
23 along the line that I had been informed, you know, it
24 may have been out of the paper, it may have been my

1 neighbors work for Dow, you know, there's a whereabouts
2 some of the things that go on at the Dow plant is what
3 people were, as some people were, aware what went on at
4 the nuclear plant.

5 Q Were you aware that at this time, March of '78,
6 negotiations were going on between Dow and Consumers?

7 A Not explicitly. I may have been at the time, but, you
8 know, I can't -- my mind has not put any highlight or
9 significance to that.

10 Q Do you recall giving any input regarding scheduling of
11 the completion of the plant at or about this point in
12 time?

13 A We have our forecast panel that comes out and we talk
14 with our project people in Washington, the NRR people,
15 because they have got to schedule their reviewing
16 processes. And so at periodic intervals you'll find
17 where inspectors close to a project will discuss with
18 Project Manager at NRR, with our forecast people that
19 come out at periodic intervals, to find out if the
20 forecast is valid, is the plant being built at the rate
21 that the assets of the NRC are being used to hopefully
22 ensure that all the licensing issues are taken care of
23 at the time that the plant is ready to -- you know, is
24 constructed to a point that it can load fuel.

1 So, there were discussions throughout my
2 involvement with Midland at different times about
3 estimated and projected scheduling of construction and
4 completion. Whether I was having these discussions at
5 this particular time, I don't know unless the forecast
6 panel was getting ready for a visit or something such as
7 that. If that was the topic of discussion in some other
8 channels or the NRC, why then I been aware of it. I
9 don't recall and I doubt seriously if I ever had any
10 discussions with the EPA directly. Now, they may
11 receive information by via other channels or the NRR,
12 but I don't recall ever having any discussions with the
13 EPA, EPA folks. That's not saying that I didn't. And
14 if you found a telephone log where I guy said that he
15 talked to Ron Cook, he probably did, but I don't recall
16 that.

17 Q You had mentioned earlier in the deposition back in
18 January that you did have some input or you did have
19 some conversations with the forecast panel regarding
20 scheduling.

21 A Yes.

22 Q Do you recall whether you had scheduling meetings with
23 Consumers or Bechtel prior to the forecast panel
24 meetings or did you just give your input at the time of

1 the meetings?

2 A No, no, no. Well, you had more than one visit from the
3 forecast people. Boy, let me think. It seems to me
4 that Tom Vandei and me at one time were sitting in the
5 conference room discussing scheduling; I know that it
6 would be a common issue. Now, when you say did I call
7 special meetings and so forth, well --

8 Q Or was it just based on your knowledge as of the time
9 that the panel was there?

10 A Well, part of the knowledge is based on the charts that
11 Bechtel was generating for their production and how many
12 feet of conduit or cable or whatever they were
13 installing, you know, this information was available
14 throughout the site. And if I went to Consumers and
15 asked them what the progress was, why, they were always
16 happy to give it to me, you know, the latest forecast.
17 It was written on a board down in the Bechtel's office,
18 it was written on a board on the Consumers offices. I
19 talked to the people regularly that did forecasting.
20 Gee whiz, I wonder if I can remember that guy's name
21 anymore -- well, anyway, you know, so to discuss with
22 the people that came to the site, you know, what
23 scheduled and extrapolated schedules and progress are,
24 that was done in -- you know, putting in quotations

1 marks, normal course of business, you know.

2 The NRC is not really interested in what the
3 progress is from a regulatory standpoint, but by the
4 same token, you know, we have to be prepared to have
5 regulatory findings at certain, if you will, milestone
6 markers as well as if you were getting into an area that
7 I knew I'd be running short on -- on Inspector talent,
8 you know, to alert the folks in the Region that, hey, I
9 knew that their program would be interested in certain
10 aspects or the Inspector involved may say, hey, when you
11 get to this point how about letting me know, give me a
12 little lead time, I'm on the road a lot, give me a
13 chance to make my travel. So scheduling was not a
14 foreign topic at all.

15 Q Did you ever think that schedules were overly
16 optimistic?

17 A At times.

18 Q At what point in time?

19 A Oh, well, I just don't really recall. I just remember
20 having that attitude. At some times I thought the
21 schedules were overly optimistic.

22 Q Was it after 1980?

23 A Well --

24 Q Prior to 1980?

1 A Well, just sitting here and saying was it prior or after
2 1980, I can't bracket it that way because I'd have never
3 cataloged it in my brains as that way.

4 Q Do you recall what the particular activity was?

5 A One of their attitudes was on the ability to pull cable
6 that I felt that the pull schedule was a bit optimistic
7 at one time, and the reason that I felt that way is
8 because there had been difficulties that had been
9 experienced before. The attitude of the Consumers was
10 that, hey, we solved all those difficulties so,
11 therefore, there's nothing more can go wrong. My
12 attitude was, well, nothing was supposed to go wrong
13 when I found things wrong; so, therefore, my attitude
14 was you couldn't meet your pull schedule.

15 Q Do you recall when these schedules were devised?

16 A Not just sitting here I can't. You know, if I told me
17 when they were about forty percent installed electrical
18 that would be -- if I recollect sitting here, that was
19 about the amount of cable that was installed at the time
20 that I felt that way. Say, forty or fifty percent, I
21 think.

22 Q Okay.

23 A And in my mind I would have never cataloged that it was
24 before 1980. I realize that doesn't help your interests

1 any, but, you know, we're looking at it on a short-term
2 basis and then, you know, if you'd have contacted me in
3 mid '80 and asked me what I thought about the pull
4 schedules or whether, you know, schedules were
5 optimistic, I probably could have told you then; but to
6 say whether it was before or after, I don't know.

7 Q If you felt that the schedule was overly optimistic, did
8 you relay that information to the cable load forecast
9 panel?

10 A I have. They're looking for information from every
11 source that they can get and I did relay information to
12 them relating over-optimism, I felt, on Consumers' or
13 Bechtel's, whichever the case might be, scheduling of
14 construction. And I also gave them the reasons why I
15 felt that way at the time. Okay. And, you know, part
16 of it was past history; I remember that, I remember
17 those discussions vaguely.

18 I remember the situation that had to do with the
19 loading of the cable trays, that as you fill up cable
20 trays you tend to put in -- when a cable tray -- let me
21 rephrase that. When a cable tray is empty you can put
22 one cable in very easily, when the cable tray is full or
23 two thirds full it's difficult to put in that same one
24 cable.

1 Q Okay. Could you turn to page 328, the last three digits
2 or 328?

3 A Okay.

4 Q And I'm interested in the second paragraph, which is
5 looks like it's attributable to T.V.

6 A Sure.

7 Q Could you read that? And my question is: Do you know
8 what that sentence -- schedule reasonable and makeable --
9 refers to? And perhaps --

10 A Where are you at here?

11 Q It's the second paragraph.

12 A Schedule reasonable and makeable. Yeah.

13 Q And perhaps reviewing this page would help you in
14 answering my questions. I want to know who is that
15 statement attributed to and whether you recall what they
16 were referring to.

17 A That statement was attributed to Tom Vander. And this
18 must have been the scheduling meeting that we are in
19 when we're on an inspection that I recollected being in
20 a meeting with him. Now, the comment -- schedule
21 reasonable and makeable -- that may have been Tom
22 Vander's and it may even be my opinion at that
23 particular time based on what was going on in the early
24 '78.

1 Q Regarding the overall schedule of completion?

2 A Well, okay. Let me put that in the right context.

3 If this is back in 1978, in the Spring of '78, and
4 you're predicting that you would be -- let's see,
5 loading fuel in late 1980. Okay. Then we would say
6 that's two and a half years to complete the project.

7 Actually Tom Vandei and I didn't feel that you were
8 going to make the November 1980 date. Okay. And the
9 reason was is because we've dealt enough with the
10 Utilities to know that they like to think
11 optimistically, we think we're pessimistic, and they
12 always seem to be about six months delay. Well,
13 Summertime is as good as Wintertime anyway. So, indeed,
14 there would be this type of conversation going on
15 between two co-workers. Okay?

16 Now, did we have strong reason to refute that you
17 couldn't make a proposed time schedule whatever that
18 was? I don't think we did at that particular point in
19 time. You know, it wasn't until things happened to the
20 plant later, that we became aware of, that slowed the
21 progress down quite a bit. And this was a period of
22 time that the solid issue wasn't even heard of, if you
23 will, at least not by the NRC anyway. So, you know,
24 that may indeed have been Tom Vandei's attitude. And I

1 guess I would -- I'm inferring -- let me get my thoughts
2 straight here.

3 I'm inclined to believe, knowing how I paraphrase
4 things, that Tom Vandel probably made a statement saying
5 that the schedule was reasonable and makeable. At that
6 time I know that we didn't seem to have any problems --
7 major problems with the schedule.

8 MS. NEERING: Next Exhibit has been marked
9 D-4754, if you'll mark that for identification.

10 (Exhibit D-4754; Handwritten notes of
11 R. Cook dated 7-24-78 through 2-17-79.)

12 BY MS. NEERING:

13 Q And these notes appear to be your handwritten notes from
14 July 24th, 1978 through February 17, 1979. And they
15 appear to follow pretty much consecutively. If you'll
16 just take a minute to review that.

17 A Sure. Review all of them? I'm tired of reading this
18 junk.

19 Q I just want to know if you agree with my
20 characterization of what the Exhibit appears to be.

21 A Okay. I'll tell you exactly what they were. At that
22 particular time, because we were embarking on a new
23 Resident Program, I did keep a rather detailed daily
24 log, sometimes I've even noted the hours that certain

1 events may have happened, just, you know, blocks of time
2 anyway, you know. So, the idea was that the NRC felt
3 that we would have to account for our activities on
4 site. It was a new and nervous program for the NRC.
5 You know, you take a guy and you stick him out there in
6 the boonies, you know he's a professional and
7 responsible and all of that, and you also know that, you
8 know, before it was over with many folks -- you'd be
9 vulnerable from many people wanting to account for you
10 for basically a tax dollar buck. So --

11 Q During your prior testimony we were having a little bit
12 of difficulty pinpointing when particular events
13 happened and you've documented quite well in your notes
14 when a lot of the items that we were discussing earlier
15 happened.

16 A Okay. I acknowledge that, that we were discussing that
17 and I was having a hard time going back ten years
18 basically and figuring out who had the -- whether they
19 be writing the SALPS and issuing SALPS, some of my
20 milestones, I had a hard time coordinating dates. And
21 you're right. But I also didn't have this with me
22 either.

23 Q That's right. And so quickly I just wanted to go
24 through to firm up some of the items that we were

1 discussing.

2 For instance on page 537; last three digits 537 --

3 A 537.

4 Q Starting at about the time 1430 it indicates that:

5 "Notified that diesel room 'mud mat' was pulling away
6 from verticle seismic one walls. Examined each of
7 diesel generator rooms."

8 A You don't want to say: Sure enough the mud mat pulled
9 away greater than one and a half in some areas in the
10 two rooms towards the east. Okay.

11 Q Does this -- do you recall that this was the first time
12 that you were notified of the diesel generator building?

13 A Yes, yes.

14 Q Okay. Turning to page 570. At the bottom of the page
15 it indicates CPCO has difficulty with supplying by mail
16 all info requested by Gallagher on diesel building.

17 Do you recall why that they were having difficulty;
18 was it because there were too many documents that he was
19 requesting?

20 A I -- let's see. Do I have little asterisks where this --
21 Sometimes I'll leave an asterisk in the center and put a
22 clarifier down at the bottom. At least I think I did.
23 I'm not sure what the difficulty is.

24 Q Do you recall there ever being a problem with Mr.

1 Gallagher receiving what he had requested?

2 A Well, the topic of delay had come in there and I'm not
3 sure what the sources of delay were. I know that there
4 was a topic of delay. I just can't -- I just can't
5 recall, you know, what the -- what the full basis of
6 that statement really is.

7 Q Okay. Turning to page 575 --

8 A Going back to that other: If there was large numbers of
9 documents, at periodic intervals, if I was going to the
10 Region Office, you know, I always -- most of the time,
11 people on the site knew that if I was making a run to
12 the Region Office I was more than willing, if they were
13 going to give something to the NRC that needed to get
14 into the Region Office, that I would basically carry it
15 with me. And that wasn't, you know, out of the ordinary
16 if somebody was making a trip to the Region Office.

17 Q Do you recall ever taking documents for Mr. Gallagher
18 from the site to him?

19 A No. I couldn't remember just taking him directly --
20 well, let me just think a minute. Yes. I did take
21 documents to Gallagher on one time.

22 Q Do you recall what they were?

23 A No. But I remember giving them to him in his office in
24 the Region.

1 Q Okay.

2 A There may have been even other times that -- and that
3 would not be, you know, out of the context of doing
4 business.

5 Q Okay.

6 A In other words, sometimes the inspectors would get back
7 to the Region and they'd say, hey, I forgot to get a
8 copy of such and such a procedure; and I'll say I'll be
9 coming to the Region on such and such a day, if that's
10 okay. So inspectors do many things besides inspect.

11 Q Turning to page 575, in the first paragraph third
12 sentence it indicates that you were getting an update on
13 the investigative efforts for settlement of the diesel
14 building.

15 A Okay.

16 Q Does that refresh your recollection that you were
17 receiving periodic updates from approximately early
18 September to December of 1978 regarding Consumers'
19 efforts into the investigation of the diesel generator
20 building settlement?

21 A Yes. We received information quite regularly -- you
22 know, exactly what times we received or whatever, you
23 know, we received information from Consumers. I don't
24 think we ever said that I didn't, did I? Well, I guess

1 you ask the questions.

2 Q Turning to page 597, there's a notation next to the
3 asterisk about halfway down that on November 8th, 1978
4 you attended a meeting with Don Miller, CPCO and Region
5 III Inspectors pertaining to construction schedule.

6 A All right. Let me -- okay.

7 Q Sitting here today do you recall why you were involved
8 in the scheduling meeting or do any of your notes for
9 November 8th indicate?

10 A When you say why and characterize it like that, the fact
11 is I was a Resident Inspector on the plant there and so
12 having daily contact with the Licensee, even though I'd
13 only been there just a few months then, I, of course,
14 had been inspecting the plant before I even became
15 physically located on site, that would be a natural
16 thing for the people of the Region Office or any of the
17 other offices of the NRC to either invite in or ask the
18 opinions of the Resident Inspector. So, you know, the
19 reason why I was there probably was because I was the
20 Resident. Now, was there any particular information
21 that they were interested in that I could supply at that
22 time? I don't know.

23 Q Were you involved in scheduling meetings on a periodic
24 basis with Consumers?

1 A Okay. Maybe we're having a little disappointed
2 communication here. Consumers Power had scheduling
3 meetings that they had by themselves or scheduling
4 meetings that I had in conjunction with their contractor
5 Bechtel. Those meetings I stayed away from. Okay? I
6 didn't even want to be there because I could care -- in
7 quotations, could care less about the scheduling.
8 That's something that the Utility, you know, hammers out
9 with the people that are building the plant. Now, you
10 know, so I would have no input as to trying to dictate
11 or modify or say their scheduling is wrong or that they
12 should be putting emphasis here, there or anywhere.
13 That's the type of stuff that the Utility and the
14 contractor discuss in scheduling meetings. Those kind
15 of meetings I didn't want any part of.

16 Now, after the schedules had been formulated there
17 were interfaces between me and the Utility, there were
18 interfaces where we were interested in what the proposed
19 schedule was, again as I explained earlier, so as we
20 know how to allocate our assets and so forth.

21 Now, I'm not sure which scheduling meeting you're
22 talking about, so I guess I inserted it to say the type
23 I know. If that's compatible with the kind you're
24 talking about, that's fine.

1 Q You've clarified that as the type of scheduling meeting
2 that you, yourself, were involved in at the site.

3 Turning to page 607. At the bottom it indicates on
4 November 22nd, 1978 you "Talked to Gallagher about
5 upcoming visit December 3rd-4th. Discussed the results
6 of meeting CPCO had with University of Illinois
7 consultants November 15th, 1978."

8 A Okay.

9 Q Do you recall having that discussion with Mr. Gallagher
10 about the consultants meeting that took place?

11 A Yes. I had discussions with Gallagher about that
12 meeting in Illinois. Now, would I recall exactly what
13 we talked about on this particular day about that
14 particular meeting, no. Okay? Gallagher was very
15 knowledgeable in soils and so, you know, he would come
16 in and he'd been in following the meetings with the
17 consultants from the University of Illinois and we would
18 discuss whatever the information that he had, you know,
19 some of it is in the context of sharing information, I'm
20 also an engineer, not a soils engineer, but, you know,
21 things like loads and stresses and strains and
22 supporting ability are conversations that would be
23 common between both of us.

24 Q On page 668, it indicates last sentence of the page that

1 on February 14th, 1979 you reviewed the draft of
2 Gallagher/Phillips report on settlement of diesel
3 building and generated comments.

4 A Okay.

5 Q Do you know where the comments exist today?

6 A Nope. I guess I'll put it to you like this: I don't
7 even -- I don't know whether I retained the comments or
8 not. You know, it was not uncommon for -- to receive
9 information and go through it, you know, it's an NRC --
10 oftentimes an NRC document has the earmarks of being an
11 Agency document, okay? So, you know, what my comments
12 were, I haven't got the foggiest idea right now what the
13 the comments are. If you guys ain't got them, you can
14 bet good money I don't either. So, as far as I know
15 they -- you copied everything I've got. And so far as I
16 know, the Region copied everything they had. Now, the
17 comments could have been incorporated into the report
18 that they could have acknowledged, they could have been
19 written on another piece of paper, or the cotton-pickin
20 thing could have got trashed. And there has been
21 reference to any document I may have been scribbling
22 notes down the side of, I don't know what happened to
23 that stuff.

24 Q Do you recall anything glaringly wrong with the report

1 that you might have called them up and said, hey, I
2 don't think that we have this?

3 A No. I don't remember on that particular report anything
4 glaringly wrong as I sit here now. But, you know, I may
5 have -- that's not to say that there weren't things that
6 fell into that context neither. I just -- I don't
7 remember it being a long and fervent argument session
8 between the Resident Inspector of Midland and the Region
9 III folks over an issue. So, you know --

10 Q And this would have been the inspection or the
11 investigation that they conducted in late October and
12 December of 1978 regarding the diesel generator?

13 A Probably it was the -- the inspection report that had
14 Jerry Phillips' input into it, an investigation report.

15 Q Would you take a look at Exhibit NRC-68 and tell me
16 whether this is the report that you have reviewed?

17 A Let's see. It's -- the date would have been January of
18 '78. It shouldn't have been too big, because there was
19 a latter one that came later. I'm quite sure that
20 that's the report. I mean just because of the
21 coincidence of the dates on it, not that I have any
22 recollection of sitting in my home reviewing this
23 particular report.

24 Q You said there was a latter one that came later. Wasn't

1 this, in fact, the final report on the investigation or
2 the diesel generator building?

3 A Well, then maybe there was one that was earlier than
4 that that was much latter. I vaguely remember an
5 investigation over the diesel generator issue being
6 quite voluminous and I -- you know, I may have
7 inadvertently said it was one that came after that; it
8 might have been one that was before that. But I just
9 remember that there was a rather large report over the
10 soils issues.

11 Q Okay.

12 MS. NEERING: I think this is a good time to
13 take a break.

14 (Brief recess taken.)

15 MS. NEERING: Back on the record.

16 This next Exhibit has been marked D-4753.

17 (Exhibit D-4753; Handwritten notes of
18 R. Cook dated 11-7-78 through 11-31-80.)

19 BY MS. NEERING:

20 Q This Exhibit D-4753 appears to be your handwritten notes
21 dating from approximately November 7th, 1978 to October
22 31st, 1980. Doesn't that look about right?

23 A Yes. These are my notes.

24 Q Okay. If you'll turn to page 135, the last three digits

1 are 135. And it appears that on October 10th, 1979 you
2 were present at a schedule meeting conducted by Don
3 Miller of Consumers.

4 Would you briefly review that page and tell me
5 whether you remember why this particular meeting was
6 scheduled?

7 A I don't know as there was any real reason why this
8 particular meeting was held, other than to discuss what
9 the proposed schedules were going to be. Now, I don't
10 recall the exact dates or when the forecast panel was
11 getting involved and, if this was close to that date,
12 there may have been a need to have some of that
13 information, but I don't know the real reason other than
14 in the normal course of doing work in the NRC, you know,
15 discussing schedules with the Licensee is not all that
16 foreign.

17 Q It indicates: "Want to maintain completion by November
18 1981 reliance of Dow with EPA on stack gas or old
19 boilers."

20 Was this reference to the fact that Dow was working
21 with the EPA regarding their boilers and the fact that
22 Consumers was trying to maintain a schedule in order
23 that the steam would be produced to Dow at about the
24 same time that their boilers would be termed obsolete?

1 A I wouldn't want to read that much information on that
2 statement.

3 Q Why don't you tell me what that reference is as best as
4 you recall.

5 A Well, what I -- well, that statement would have been
6 written where that Consumers wanted to maintain, you
7 know, get the plant done by November '81. And one of
8 the reasons would have been to accommodate the ability
9 to get steam to Dow in a timely fashion because there
10 was, if you will, perhaps heat on Dow from the EPA to
11 get their boilers cleaned up. And, you know, I wouldn't
12 want to read in there that there was negotiations going
13 on or anything like that. It was just, you know, the
14 statement being made, hey, we'd like to be able to get
15 the plant completed at such and such a date because
16 that's when the Dow folks are going to be needing steam.

17 Q Okay. This next Exhibit has been marked D-4748.

18 (Exhibit D-4748; Memo from E.A. Greher
19 dated 8-1-80 regarding Duties of a
20 Resident Inspector.)

21 A You're done with this one?

22 BY MS. NEERING:

23 Q Yes.

24 Q Would you identify this Exhibit?

1 A Well, it looks like it's a memo from Elliott Greher to
2 the Resident Office pertaining to duties of a Resident
3 Inspector. He says that it was prepared at Chairman
4 Ahearne's request and submitted in July to the
5 Commission for their comment, and discusses expecting a
6 final version later on.

7 Q And who was Elliott Greher?

8 A Okay. Elliott Greher was -- on, it says what he was.
9 Coordinator of the Resident Inspector Program.

10 Q For Region III or for the --

11 A No. He was out of Washington. And at this point in
12 time the Three Mile accident -- Three Mile Island
13 accident had occurred and there was a speeding up, if
14 you will, of trying to place Residents. And because of
15 the uniqueness of it and the fact that our Agency had
16 not really had a lot of experience in placing Residents,
17 and this created a lot of potential problems with the
18 ability of a Resident to sell property, move, negotiate
19 property, so forth and so on, and so he was a contact
20 person for the Residents, if you will, in headquarters,
21 almost like an Ombudsman type guy. And then he had a
22 sympathetic ear to be able to carry the -- you know, the
23 concerns, the difficulties, the interludes of the
24 Residents that might be occurring in a community that

1 would have, you know, the similar type -- or problems of
2 similar types that could be expected at other sites.
3 And he was a means of communicating that in the hopes
4 that you would get some relief.

5 Q Did you receive this document?

6 A I probably did.

7 Q Did you give any input into it? Do you recall him
8 writing to you and asking for your comments on the
9 duties of a Resident Inspector?

10 A Elliott Greher and I had conversations about that. And,
11 in fact, I was one of the Residents that had experienced
12 some difficulties in being relocated out of Chicago and
13 going to Midland from a logistics standpoint and the
14 impact that existed on my family. In fact, my wife
15 wrote two letters to the Commission, which you may have
16 in your files, you know, where we explained some of the
17 problems that Residents can get into in an Agency that
18 doesn't have the lucrative means of moving individuals
19 that exists, you know, with regard to some other
20 companies.

21 And so now if that -- if that input is buried in
22 the words of Greher's memo here, then from that
23 standpoint, you know, I probably did. I don't recall
24 actually writing him a direct memo to him saying, you

1 know, do this, do that; but there was exchange of
2 information between Greber and I. And I mentioned these
3 other letters that basically addressed the fact that
4 perhaps even created his job, that there was
5 difficulties in moving the Inspectors, that there was a
6 lot of economic loss that was involved in the ability to --
7 you know, in the ability to move originally.

8 Q I note that on page 50009991 --

9 A Okay.

10 Q -- in the last paragraph it indicates: "Currently,
11 approximately sixty-six percent of each Resident
12 Inspector's time is spent inspecting, documenting
13 inspections, and preparing enforcement actions. Another
14 twelve percent is spent in training activities and in
15 travel, primarily to meetings in the Regional Office.
16 The remaining time is devoted to telephone
17 communications with NRC Regional and Headquarters Staff;
18 evaluating Licensee performance; contacts with the
19 media, local government and public; and various
20 administrative duties.

21 Did you feel that -- let me rephrase that.

22 You were the Resident Inspector at Midland alone
23 from July '78 until approximately July '83?

24 A That's probably right. Until -- well, until Bruce

1 Burgess got there. And then we also formed the Midland
2 Inspection Team in the middle of '82. So, anyway, I was
3 the Resident until Bruce Burgess got there, and I guess
4 that may have been in '83. I just don't really recall
5 exactly when he showed on-board.

6 Q Did you ever request that another Resident Inspector be
7 there to help you with your duties?

8 A I had requested that there be inspection help. Okay.
9 Now -- and I also had requested that they bring in
10 another Resident, now that I think about it.

11 Q At about what time?

12 A Boy, at about the time that I was starting to get
13 overwhelmed with the work load that I was involved in.
14 I suppose that was probably around the time of the Zack
15 investigation.

16 Q Okay. Were your requests ever granted?

17 A Well, ultimately there was another Resident Inspector
18 placed there. And then again --

19 Q In 1983?

20 A In '83. But then there was a formation of the Midland
21 Inspection Team that came in -- boy, here we go again.

22 Q Fall of '82?

23 A It may have been formed -- okay, Summer of '82. But
24 then we also had a -- I had Inspector help come in

1 during a Q/A inspection, and I think the date on that
2 report was around '81.

3 Q How did this extra help help you out? In what way did
4 it alleviate your work load?

5 A Well --

6 Q Did it alleviate the work load?

7 A Did it alleviate it? No, it did not. Because, there
8 again, you have a plant that has got a lot of inspection
9 activities going on so, you know, it wasn't that the
10 work load was reduced, you still ended up -- you know
11 reading my logs and so forth, you still noticed we put
12 in lots of hours of work. The fact that though when you
13 have another individual, if one individual gets tied up,
14 say, in an investigation into HVAC and you have another
15 individual then, then they can follow some of the other
16 items going on. And so it's just strictly from that
17 standpoint.

18 Now, through the course of inspection efforts there
19 were other people that did come to the site at periodic
20 intervals and then I said the advent of the Q/A Team
21 that went in that generated the -- I think that was in
22 '81. Then that was a good snapshot picture to us. And
23 then after that, then I said the formation of the Site
24 Inspection Team then brought in the talent.

1 Now, later we also had some rent-a-inspection
2 people that came out from Aeregon Laboratories.

3 (Pho.Sp.) I may have forgot to mention that early
4 on in answer to this type of question.

5 They -- well, they were on contract to the NRC. I
6 just can't remember how many inspection hours they put
7 in, but the did come out and do some help.

8 Q Was that with the DGB investigation?

9 A Yean. That was after that.

10 Q What kind of people came to help you with that?

11 A They were engineers or sorts.

12 Q Mechanical engineers?

13 A Well, there's mechanical, electrical.

14 Q Structural engineers?

15 A One guy was in nondestructive evaluation, NDE -- well,
16 nondestructive evaluation.

17 Q Was that structurally related?

18 A It wouldn't need to be. That would be quality of
19 welding.

20 Q And that was just for the particular investigation?

21 A No. The idea was is that's to accommodate the
22 inspection efforts that were going to be needed when the
23 CCP was going to be enacted upon. Okay? At the time
24 that actual inspection was going to go on under the CCP

1 program, we in the NRC knew that we didn't have the
2 assets to cover it all. And so the idea was to write a
3 contract with people out of Aeregon, have them give us
4 some technical talent, get them on-board, see how good
5 they were, see what value they could be to us and
6 hopefully use them in that inspection effort.

7 Q And they were, in fact, hired on?

8 A Yes. We wrote a contract to Aeregon and they were hired
9 on on a temporary basis. And they didn't move in, they
10 would come over a week period and go back to Aeregon for
11 a week or they might stay for two weeks and go back to
12 Aeregon for a week.

13 Q Were they still under contract when you left the project
14 in the Summer of '84?

15 A I don't recall, but I don't think so. We were having
16 difficulties with people that we got as individuals out
17 of Aeregon. They did not perform as well as we had
18 anticipated.

19 Q Okay. Could you just skim this Exhibit and tell me
20 whether you think that it's an accurate characterization
21 of your duties at the Midland project?

22 MS. RICE: Off the record.

23 (Brief discussion held off the record.)

24 A Okay. What was your question now?

1 BY MS. NEERING:

2 Q Does it accurately describe your duties as a Resident
3 Inspector for the Midland project?

4 A It's a generally worded memo that sort of covers the
5 areas of responsibility that one would expect out of a
6 Resident Inspector. Bear in mind, that document also
7 addresses Resident Inspectors at an operating plant
8 which live in a different environment than Resident
9 Inspectors at a construction site or at a -- or a site
10 like Three Mile Island, too.

11 Q Do you feel that it encompasses the duties that you had
12 as an Inspector at Midland?

13 A I think the intent was to word it generally so as if
14 there was something that the Inspector found that he
15 needed to pursue a little bit further, why it didn't tie
16 his hands. It was information that was being sent to
17 the Commissioners giving the Commissioners a thumbnail
18 sketch in three pages of what an Inspector kind of does
19 for a living. Now, I wouldn't want to say that I failed
20 to rigorously adhere to the comments here, I wouldn't
21 also want to say that I felt obligated that if I wanted
22 to perform work under the auspices of protecting public
23 safety, that is not covered here, that I would hold
24 back. So, it's -- like I said, it's a very nicely

1 worded general type memo about what the Residents are
2 doing for a living.

3 Q The next Exhibit has been marked D-4749. This is also
4 from your files -- your personal files, Mr. Cook.

5 (Exhibit D-4749; Handwritten memo
6 of R. Cook titled Midland Site
7 Resident Inspector Comentary.)

8 BY MS. NEERING:

9 Q Are these your handwritten notes?

10 A Well, they certainly do. In fact, there's probably a
11 typewritten copy of this somewhere.

12 Q Do you remember approximately when you wrote this? It
13 refers to --

14 A Probably 1980. I'd been there for about two years or
15 so.

16 Q Okay. Do you remember why you wrote this particular
17 memo? Did someone ask you to prepare a summary of your
18 comments based on your observations and experiences over
19 the past two years?

20 A I don't know as anybody asked me to do that. In fact --
21 well, let me read this a little bit more.

22 Okay. Let's see, you asked was I asked to write
23 this. As I recollect it, no; but oftentimes I write
24 things that I'm not necessarily asked to write.

1 Q Do you recall who asked you to write it?

2 A I think I sent it to Dick Knop, who is my boss, I think.
3 Anyway, the intent was to get it into that letter was
4 here was things I'd been at the site for two years and
5 described from the experiences there, and the intent was
6 to write to document that, to put it into the hopper and
7 hopefully things would get improved. And, indeed,
8 things did get improved from that memo as I read through
9 it. So I said somewhere in captivity there was a
10 typewritten version on that.

11 Q Okay. On page four you indicated under section three
12 that "The work load for the Resident Inspector who has
13 made the unfortunate choice to become conscientiously
14 involved with the construction items at the plant are at
15 best horrendous, particularly if continual
16 investigations are involved."

17 Is that what you were referring to earlier what you
18 indicated earlier that the work load was?

19 A Yes. You mean activities going on at a site and if the
20 Resident Inspector goes up and stays abreast of this
21 thing, then he become very, very knowledgeable and he is --
22 the more he knows, the more he feels he needs to
23 inspect. It's almost like a Catch-22. And then while
24 he's following the many projects then it an

1 investigation comes through, like to put emphasis on
2 strictly the Zack company, then he is -- you know, it's
3 all he can do to keep up with the load as it is.

4 You know, bear in mind, you've got four thousand
5 workers working at a plant putting it together and, you
6 know, the poor lonely Inspector, as I said. And the
7 context was -- well, you've already enjoyed some of my
8 mannerisms of speech, that was being a bit facetious,
9 you know; the unfortunate choice. In other words, that
10 was reflecting on you put a dynamic individual in to do
11 these things and then, you know, he makes the choice to
12 get intimately involved with what's going on at the
13 plant and that adds to the work load he's already got;
14 whereas if he didn't get too intimately involved he
15 wouldn't have had such a horrendous work load. But,
16 hopefully, you put on people that are hard chargers, and
17 that was explained in Mr. Greher's memo that these were
18 the desirable people to have in the Resident Program.

19 MS. NEERING: The next Exhibit has been marked
20 D-4750.

21 (Exhibit D-4750; Memo from E. Greher to
22 L. Cobb regarding trip to Midland
23 or August 18th-22nd, 1980.)

24 BY MS. NEERING:

1 Q And could you identify this document which is also from
2 your files.

3 A This is from my files?

4 Q Um-hmm.

5 A I wondered what happened to all of this stuff.

6 Okay. It's a memo from Elliott Greher going to Len
7 Cobb, and both of those people are located in
8 Washington, discussing his trip to Midland on August
9 18-22, 1980.

10 Q Who's Len Cobb?

11 A Well, Len Cobb was one of the Manager type people in
12 Washington. I don't know what position he had at this
13 particular time. He was sort of a Manager in the
14 administrative side of the house, and I don't know what
15 this title was then.

16 Q Okay. On the second page under item eight --

17 A This is the one. Yeah.

18 Q -- his summary of his discussion with you indicates
19 that: "Very little contact with local government 'but
20 this is understandable since local government is Dow
21 Chemical.' "

22 A Okay.

23 Q Is this something that you said?

24 A It probably is.

1 Q And what did you mean by that it's understandable that
2 there would be very little contact with Dow?

3 A Okay. Now, I didn't write this so there are some other
4 mistakes in the memo that I might point out of which he
5 and I discussed after I got my copy of it.

6 Q All right. Is this a mistake; item eight?

7 A I don't know as it really is, but I'll put it in the
8 right context. Okay?

9 Q Okay.

10 A When you look at the backgrounds of the people in
11 Midland, who were what we would call the City Fathers,
12 okay, the Mayor and his Council Members and so forth, a
13 large numbers of these people were Dow Chemical
14 employees. Okay. Now, they also were very scientific
15 and engineering oriented people as opposed to residents
16 that found themselves in agrarian societies like Paylo,
17 Idaho or Paylo, Iowa where the local government are made
18 up of people who their background historically is
19 perhaps farming. They know very little about the
20 nuclear plant and they contact the Resident and like to
21 have contacts from the Resident to explain the simpler
22 aspects of how nuclear plants operate, the safety
23 factors, how fissioning occurs and some of this.

24 Well, when you have City Fathers from a community

1 similar to Midland, where you have a very high
2 engineering and applied science intellect, then there
3 really did not seem to be a need to explain the impact
4 or the many things that are being -- that were being
5 discussed in the local newspapers at the time. So that
6 was the gist of this --

7 Q So you're saying --

8 A -- as I described it to Elliott Greiner.

9 Q So your assumption was that they were knowledgeable
10 because of the fact that they were engineers in terms of
11 just the everyday working of the nuclear plant?

12 A Yes. I'm saying that they were knowledgeable people in
13 the fields of engineering and applied sciences that
14 applied to the conversations, discussions and issues
15 pertaining to the nuclear plant. Whereas, like I said,
16 my discussions with my other counterparts, they found
17 themselves in environments that were not heavily
18 engineering and applied science oriented, and they found
19 that there was a definite need for them to have more
20 regular contact with the City Fathers and the community
21 than what I was experiencing in the town of Midland.

22 Midland is very -- has a very high intellect, you
23 know, a large number of the people are scientists,
24 engineers and so forth. So I didn't have to explain the

1 impact or fissioning processes, I didn't have to explain
2 material traceability and these things.

3 Q What about with regard to issues that had arisen, for
4 example, the diesel generator building settlement or the
5 HVAC problem with Zack; did it seem abnormal as compared
6 to your counterparts that you didn't have much contact
7 with the local government when those issues arose? Were
8 you also referring to that?

9 A Yes. But when these issues arose, there was a lot of
10 emphasis on it, there was publicity. The -- there
11 again, the local officials would know the vocabulary
12 used in the paper. Okay. So, as open as the issues
13 were at Midland, I guess I felt that I really didn't
14 need to have -- you know, call a meeting with the City
15 Fathers. And also based -- my attitude was also biased
16 because, you know, at periodic intervals you would see
17 members of the City Council or the members -- I mean,
18 the Mayor. And you felt as long as he was reasonably
19 conversant as to what the words were in the paper, then,
20 you know, that just made you feel that you didn't have a
21 need to educate the City fathers, if you will. Not that
22 the issues were discussed with the Mayor but, you know,
23 he would be reading about it in the paper and all of
24 this. So, we didn't discuss things that weren't in the

1 public domain, obviously.

2 MS. NEERING: The next Exhibit is marked
3 D-4745.

4 (Exhibit D-4745; Cover letter dated
5 1-18-83 transmitting investigative
6 report.)

7 BY MS. NEERING:

8 Q This appears to be a letter transmitting an
9 investigative report that was -- that is dated January
10 18th, 1983. And I notice on page two that you received
11 a copy of it.

12 A If it says I received a copy.

13 Q Under distribution, third one down, it lists Resident
14 Inspector, Region III. Does that mean you?

15 A Well, anyway, I probably did receive a copy of it.

16 Q Do you recall receiving a copy of this particular
17 document?

18 A I recall having this in my possession.

19 Q Okay. Can you identify what this investigation covered?

20 A Let me think.

21 Q Or what the purpose of the investigation is?

22 A This pertained to a meeting that I had been to in
23 Washington -- oh, let me think.

24 Q Perhaps if you'll refer to page 230 it might help.

1 A Well, okay. I'll look at it. It had to do with setting
2 up the instrumentation for monitoring of the auxiliary
3 building, the structures that were being -- that were
4 going to be excavated under.

5 Q Okay.

6 A Boy.

7 Q And did this investigation cover what were determined as --
8 what had been determined as misleading information
9 provided to the NRC on March 10th and 12th, 1982?

10 A You said did it cover?

11 Q Did this investigation; was that the purpose of the
12 investigation?

13 A Yes.

14 Q Who is C.H. Weil?

15 A He was one of the Investigators out of the Regional III
16 Office; Chuck Weil.

17 Q Okay. Was he part of the INE Office or was he part of
18 NRR?

19 A Well, he was different or that group is different.

20 Q How so; what group is it?

21 A He was with the investigating group. And so at this
22 time -- let me see what he called his title, because
23 there were changes that were made. I want to say that
24 he was with a group called OI, which was Office of

1 Investigation, which they would go in and if there was
2 personal interaction with regard to a Licensee that they
3 were expertised in interviewing and interrogating folks
4 and so that they would handle that type of an aspect if
5 we suspected a Licensee of doing, you know, wrongly.
6 Most of it was in the form of material false statements
7 or misleading information such as that. Rarely -- or,
8 you know, if it was something where the records were
9 being distorted or destroyed, this type or aspect as
10 opposed to the aspects that the normal inspectors got
11 into where there -- the discrepancies by normal
12 inspectors are quite cut and dry and involve the -- more
13 of the engineering and the accountability aspects of the
14 facility.

15 Q Do you know who requested that this investigation take
16 place?

17 A No, I don't.

18 Q Do you know if it was someone from the NRC?

19 A I think it was Keppler.

20 Q Okay. As part of this investigation, did they -- did
21 the Office of Investigation attempt to interview
22 everyone that was involved in this particular issue?

23 A Well, I think that they did. Now, you know, when they
24 go into investigation they do it all by themselves. We

1 just -- you know, in fact, I was one of the contactees,
2 I suspect, in here. So, you know, I guess I'll say that
3 I think that they attempt to contact everybody that they
4 feel they need to contact. Now, whether they do or
5 don't, like I said, when they're in an investigation and
6 there's this assumed wrongdoing, we just back off and
7 let them do their thing. I mean, make our facilities
8 available to them and offer them secretarial help and
9 logistic support, tell them where people might be
10 located on site and that sort of thing.

11 Q Do you recall whose statement it was that caused the
12 problem in the first place, that caused this
13 investigation to take place?

14 A It should be in that report, but I recall it had to do
15 with an Al Boos who worked for Bechtel.

16 Q And what was the conclusion of this investigation?

17 A I'm not sure. I know that we wrote Consumers a
18 hard-nosed letter -- I think this is the one. Let me
19 look at this letter here.

20 Q Okay.

21 A I guess this was the result of that inspection -- or
22 that investigation was this letter to Consumers.

23 Q Were they able to determine whether, in fact, material
24 false statements had been made?

1 A I think we state in the letter that we conclusive --
2 while the investigation failed to provide conclusive
3 efforts that the material false statement was made with
4 respect to the status of the underpinning
5 instrumentation. So, I guess that that was their
6 conclusion here.

7 MS. NEERING: Okay. Next Exhibit is D-4746.
8 (Exhibit D-4746; Office of Investigation
9 report concerning alleged violation of
10 Licensing Board's April 30, 1982 Order.)

11 BY MS. NEERING:

12 Q Can you identify that document?

13 A No.

14 Q Well, let me see if I can help you out.

15 A Okay.

16 Q It appears to be a copy of the Office of Investigation's
17 report concerning alleged violation of Licensing Board's
18 April 30th, 1982 Order.

19 A Okay.

20 Q And this package apparently encompasses the report with
21 attachments.

22 A Okay.

23 Q With a letter from Nathene Wright to the Administrative
24 Judge, dated July 1st, 1983.

- 1 A Okay.
- 2 Q Do you recall receiving a copy of this document?
- 3 A No. I really don't remember receiving a copy of this
- 4 document. However, you may have found it in my files.
- 5 Okay. I don't remember receiving this document.
- 6 Q Okay. You're familiar with the alleged violation of the
- 7 April 30th, 1982 Order?
- 8 A Well, at the time I was reasonably familiar with what
- 9 transpired.
- 10 Q Were you involved at all in that dispute?
- 11 A Oh, well, the dispute came over digging underneath a
- 12 deep Q duct bank if I remember right. And I believe it
- 13 was Doctor Ross Landsman brought that to the attention
- 14 of a potential violation of the Board Order. But,
- 15 again, I was not oblivious to the fact that there was
- 16 this event had happened and we had -- you know, I was on
- 17 the Hearing stand. That's why this went to the ASLB,
- 18 was because the Hearing was in process at this time.
- 19 And so this was a document and we were obligated to give
- 20 the ASLB anything that could influence any of their
- 21 issues of any issues before the Hearing. I was on the
- 22 stand, I remember discussing this on the stand. I
- 23 looked at the drawings. I've looked in the duct bank.
- 24 What I remember now? Why --

1 Q Did he notify you at the time that he thought it was a
2 potential violation?

3 A Did who; Ross?

4 Q Did Ross Landsman?

5 A I can't even think of when the violation was.

6 Q If you'll turn to the summary.

7 A On. April 30th. Okay. Now, wait, that's the Board's
8 Order.

9 Q Which is the fifth page of the document. It indicates
10 under the summary that on July 28th, 1982.

11 A Yeah. But that was when Doctor Ross Landsman discovered
12 that Consumers had excavated beneath the deep Q duct
13 bank.

14 Q Do you recall him notifying you of that at or about that
15 point in time?

16 A I know being -- I recall being aware of it. But exactly
17 when -- when that was, I'm not really sure. You know, I
18 can't --

19 Q When you first learned of it, did you have an opinion as
20 to whether it was a violation of the April 30th, 1982
21 Board Order or not?

22 A My attitude would have been Doctor Ross Landsman -- at
23 the time that if when a Board Order said don't dig under
24 something and if the earth was excavated, then it's

1 intuitively obvious from the above that there would
2 probably be a violation -- a suspected violation.

3 Q Have you read the testimony that Bob Wheeler gave
4 regarding this particular issue?

5 A At the Hearing?

6 Q That he would have given at the Hearing, if that is
7 encompassed in this report.

8 A I probably did. But I don't remember any of the
9 specifics on the testimony as I sit here.

10 MS. NEERING: Next Exhibit is D-4747.

11 (Exhibit D-4747; Supplemental report
12 to Office of Investigation report
13 dates of 7-11-83 through 8-8-83.)

14 BY MS. NEERING:

15 Q This Exhibit appears to be a supplemental report to the
16 report previously discussed in Exhibit D-4746, dated --
17 the investigation was dated July 11th through August 8th
18 or 1983. Do you recall receiving this particular
19 document?

20 A No, I do not.

21 Q Does it indicate who conducted this investigation?

22 A Well, the reporting Investigator was Chuck Weil.

23 Q Okay. Were you aware that there was a supplemental
24 investigation that went on?

1 A I would say at the time -- you know, we had Chuck Weil,
2 we used to call him our Resident Investigator, so, I'm
3 sure that I was -- I knew that they were out
4 investigating during this period of time. Because we
5 knew the investigator said when they were investigating.

6 Q Okay.

7 A Oh, well, in fact, I know -- yes, I was aware of this
8 one. Now that I read some of the pages.

9 Q Were you interviewed for this particular investigation;
10 the supplemental investigation or the previous?

11 A Well, I think I was. I had talked with Chuck Weil.
12 Now, I don't -- if I was interviewed, you've got it in
13 here someplace, okay, but, you know, like I said, I know
14 I talked with Chuck Weil. And then you say, well, was
15 I, you know, interviewed with regard to an investigation
16 going on? You know, a couple of years back per se when
17 you're already talking with the guy regularly, well --

18 Q I'm talking about giving a signed statement with regard
19 to the investigation into the violation of the April
20 30th, '82 Board Order.

21 A I have given signed statements to Chucky Weil, but I
22 can't recall sitting here which topic of discussion they
23 were over at the time.

24 Q I didn't find a statement in either one, that's why I

1 was asking you whether you had independent recollection
2 of giving a signed statement regarding this particular
3 issue.

4 A Well, that's why there are in captivity signed
5 statements that I've given to the Investigators. If
6 they're not here, then because every time that I did
7 give one I noticed it was held in one of the other
8 documents. So, you know -- so, I guess I'd say if it
9 isn't there, I probably didn't give one.

10 MS. RICE: Off the record.

11 (Brier discussion held off the record.)

12 MS. NEERING: Back on the record.

13 MS. RICE: You may want to refer to Bates
14 number 1175 of Exhibit 4747.

15 MS. NEERING: Thank you.

16 MS. RICE: And that may be what you're
17 referring to.

18 A Okay. This was Walker's on this issue. Okay. Walker
19 was one of the Investigators out of one of the Region
20 Offices and he was to interview -- I think Mr. Donnell
21 in Colorado or wherever he was. And at the time he was
22 leaving he needed a statement from myself, because I'd
23 had contact with Donnell. And so we were in the Region
24 Office and, you know, hurriedly gave him some comments,

1 as far as I can recall them. In fact, I think that was
2 on the day of one of the SALP review meetings.

3 BY MS. NEERING:

4 Q And this particular statement appears to capulize the
5 conversation that you had with him on July 11th, 1983.

6 A Yes.

7 Q Okay. Had you heard from anyone else besides Donnell
8 that he was being let go because he had told Consumers
9 that they shouldn't be digging under the deep Q duct
10 bank without approval from Ross Landsman? Had you heard
11 scuttlebutt around the site?

12 A Oh, man. I want to say that I think that I did, but I
13 can't give you the specifics as to who or anything like
14 that. I can't lock in on a -- my mind won't pick up a
15 setting where I had a conversation with anybody. But my
16 general attitude is I think that I may have heard
17 similar.

18 Q Based on what you heard, did you think that there was
19 any truth to that?

20 A Well, I think I stated here that there was some truth to
21 that, didn't I?

22 Q But the thing is -- this is that scuttlebutt, as we
23 characterized it, is after this, after the Investigators
24 were on site?

1 A I sort of reel -- let me look just a second.

2 MR. JENSEN: You're asking him if he believes
3 there's any truth to scuttlebutt which he thinks he may
4 have heard, is that correct?

5 MS. NEERING: I'm asking him based on what he
6 heard around this period of time, July of '83, whether
7 he believed that there was any truth to it or not. And
8 I don't see that in here, so I'm asking him.

9 A I'm inclined to believe that I would not have heard
10 enough scuttlebutt to trigger me that Consumers had
11 fired somebody because of doing their job, if you will.
12 I would have probably highlighted that and done
13 something with it because that's an issue that NRC
14 Inspectors are very sensitive to. Now, when I talk
15 about the scuttlebutt and vaguely remembering, you know,
16 after the Investigators were there, it would be probably
17 highly probable that I would have heard it after the
18 investigation or while the investigation was in progress
19 or while there was an issue in the Hearing.

20 BY MS. NEERING:

21 Q You indicated on the second page: "I did not contact
22 Chuck Weil of OI with this information." Which seems to
23 follow what you just testified to.

24 MS. RICE: What's the question?

1 BY MS. NEERING:

2 Q The question is: Would you have contacted Chuck Weil if
3 you would have thought there was some merit to what Mr.
4 Donnell was saying?

5 A Well, the significance of what Mr. Donnell was saying --
6 you've got me saying it -- of saying that there was
7 digging under the deep Q duct bank, the significance of
8 that probably didn't become a major issue until Landsman
9 was seeking information on it. And then as we talked
10 about it -- because as I indicated here I went out to
11 Donnell's trailer and I -- when I left there, felt that
12 he felt mostly -- how do I want to say it?

13 Well, first I went out there because he indicated
14 that he might like a job with the NRC, and he was a
15 reasonably good Inspector, and so that would be a normal
16 thing. We weren't in the business of recruiting people
17 off of Consumers, but a gentleman's agreement was that
18 if a guy was interested in the NRC and he made the
19 initiative to us, why, then, he'd need an application or
20 whatever, we would do those things for them, you know,
21 no different than any other citizen.

22 And then, you know, there was this attitude that
23 Donnell was unhappy with being, you know, let go and he
24 attributed it heavily to perhaps the involvement of

1 breaking up the little skirmish that had occurred at the
2 Q/A group and, you know, the embarrassment, that
3 Consumers felt that I arrived at the scene at the wrong
4 time, if you will.

5 Now, as far as the digging under the deep Q duct
6 bank, then it was sort of like after the fact, that the
7 significance of that, you know, is the issue or -- that
8 being the violation of the Board Order, became more
9 known. I'm trying to think when the heck it was I
10 talked to -- well, Summer of '78 which was the same
11 timeframe that Landsman was.

12 Q I think it was Summer of '82.

13 A I mean Summer of '82. And -- okay. That was in the
14 same timeframe as the deep Q duct bank episode with Ross
15 Landsman.

16 Q On to a different topic.

17 A Different topic. Okay.

18 Q Since you were involved with the Midland project prior
19 to the Three Mile Island accident and then for some time
20 after the accident in March of '79, can you -- did you
21 feel that there was an impact on the regulatory process
22 as it related to Midland as a result of the accident?

23 MS. RICE: Are we talking about his personal
24 belief now?

1 MS. NEERING: Yes.

2 BY MS. NEERING:

3 Q Personal belief.

4 A Personal attitude towards the regulations?

5 Q Well, no. I'm asking whether you felt that there was an
6 impact upon the regulatory process as it related to
7 Midland.

8 A I don't feel that there was. I don't think the accident
9 had anything to do with the regulatory attitude at
10 Midland. Midland was a plant under construction. Now --

11 Q Maybe my question wasn't clear enough.

12 I'm not talking about the attitude towards Midland.

13 A Well, I'm talking about -- go ahead.

14 Q But when I say regulatory process I mean in terms of the
15 interactions between the Utility and the NRC with regard
16 to day-to-day goings on with the plant. Did you feel
17 that as a result of Three Mile Island that the
18 regulatory process slowed down with regard to Midland?

19 A Did it slow down? No.

20 Q Or stated another way: Did you feel that it was more
21 difficult to move ahead with licensing activities based
22 upon other -- based upon the NRC being tied up with --

23 A Okay. That was with regard to the folks in Washington
24 primarily. That they did -- there were topics -- let's

1 see.

2 Darl Hood was the Project Manager and I remember
3 having conversations, the exact topics of it was -- I
4 don't remember what they were, but having to do with the
5 Reviewers that would be necessary to review certain
6 portions of the FSAR and some of the licensing aspects,
7 and about him lamenting that the assets in Washington
8 were tied up with the evaluation of the events at Three
9 Mile Island. and the impact of what had happened here
10 with regard to those plants that could operate either a
11 B & W style or just a pressurized water style.

12 There was an impact on the industry with what had
13 happened there. And so that took NRC assets to, you
14 know, evaluate and determine what our other regulations
15 may be needed to upgrade other plants such that you
16 wouldn't have a repeat performance of the Three Mile
17 Island event.

18 So, but as far as what I was doing at the site, I
19 can't say as there was any impact. The Q/A Program
20 stayed the same, the eighteen criteria stayed the same.
21 So from that standpoint it added credence to what I was
22 already doing. In other words, you say why do you
23 expect a Licensee to do quality work? And this was the
24 example why you expected them, although someone

1 knowledgeable in operating reactors know full well what
2 the potential energy is available in a core and you
3 realize that your commission is to attempt to have the
4 Utility, if he's going to license the plant, to have
5 that plant built in such a manner that the public should
6 not be in jeopardy because of its existence.

7 Q Because manpower in the Washington office was being
8 pulled away to concentrate on Three Mile Island in '79
9 following the accident, was it more difficult to arrange
10 for meetings with the Washington Staff; did you have to
11 wait longer in terms of having them?

12 MS. RICE: Again are you talking about Ron
13 Cook meeting with the Washington Staff?

14 MS. NEERING: I'm talking about the Utility
15 meeting with the Washington Staff based on what he
16 knows.

17 A Well, if the meetings were pertaining to certain aspects
18 that needed to be reviewed, environmentally or whatever,
19 in changes to the FSAR setting and back-fitting to
20 accommodate the events of Three Mile Island, I would
21 have to say there probably was an impact on these type
22 of reviewers, that they were spread thin, and the
23 emphasis was more on -- at that time, on attempting to
24 do something which would preclude a Three Mile Island

1 from happening until we could find out what the full
2 impact of Three Mile Island was.

3 BY MS. NEERING:

4 Q Do you know how long that situation lasted?

5 A Probably two years; just common ori-the-cuir guess. But
6 that didn't have any impact on what I did. I can't say
7 as it had any real impact on some of the issues that
8 were being discussed with regard to Consumers directly,
9 like the CCP, say, or meetings over instrumentation for
10 the diesel generator building. Because a lot of the
11 people that were in a reviewing process of those things
12 were a bit -- they would not in their normal course be
13 involved in the reviews for the Three Mile Island event.

14 Q Okay. Did you do anything to prepare for this
15 deposition, did you review any documents --

16 A Let's see.

17 Q -- prior to the January?

18 A The January one?

19 Q And today.

20 A Not really. I guess I'd say not really much. Last
21 night I was looking at the deposition, I can show you
22 about where I pawed through it, and I looked at it when
23 the folks in Washington sent it to me. No highlights or
24 anything like that. I kind of pawed, looking at what

1 that was. Is that preparing? Well, that's what I've
2 done. As far as going over and reviewing inspection
3 reports and all this kind of stuff, My testimony ought
4 to be intuitively obvious: I didn't do much of that,
5 nor did I intend to.

6 Q Prior to meeting here today, have you had any contact
7 with attorneys from Dow?

8 A No.

9 Q Prior to the January meeting and the deposition have you
10 had any contact?

11 A Oh, now, wait. Let me think about that.

12 We were copying documents or something -- let me
13 ask the question of Dow. I had a box of documents or
14 something -- if I'm allowed? You know, I had a box of
15 documents and we were supposed to get them to Dow and
16 Consumers and it seemed to me like I talked to somebody
17 at Dow and where do I mail this stuff to. And you
18 didn't take copies, did you? Didn't I make copies of
19 stuff?

20 MS. RICE: Are you referring to after the
21 first deposition?

22 A After the first deposition.

23 MS. RICE: You may have called someone from
24 Dow. We didn't take them, you did mail them directly to

1 me. So, You may have called.

2 A In that shuffle I vaguely remember talking to a Dow
3 lawyer. And I'm not sure that I did or didn't. And it
4 had to do with the logistics of where do I mail this
5 stuff to you. And it might have been NRC lawyers, I'm
6 not sure. But no questions or anything like that from
7 Dow. Okay.

8 BY MS. NEERING:

9 Q Other than logistics, nothing regarding the substance of
10 your work at Midland?

11 A No.

12 Q Okay. Have you discussed your deposition with any NRC
13 officials like Gallagher or Phillips or Keppler?

14 A Okay. No on Phillips. No on Gallagher. No on Keppler.

15 Q Any other NRC officials?

16 A Let's see. I mentioned to Ross Landsman here in the
17 last -- let's see where was he? He was down at
18 Chattanooga in a break in between schools and I did
19 mention that I indicated -- in fact, it came as a
20 surprise to me that he's also going to give a
21 deposition.

22 Q Did you discuss the topics in your first deposition?

23 A No.

24 Q The first portion of the deposition?

1 A It was discussed in the most generalist of terms. In
2 other words, it was, well, what are they boring in on?
3 Cripes, I don't know. They're looking at stuff from
4 1978, 1980. So, there was, you know -- I can't think of
5 any specifics that I gave when I talked to Landsman. I
6 was calling Landsman to find out what boric acid does to
7 concrete. So that was over another issue, so that's why
8 I even talked to him. So as far as discussion, no. As
9 far as discussing with anybody at the plant, I mean over
10 here, I mean, they know I was giving depositions.
11 Again, it was only in general terms.

12 Q Did Ross --

13 A The lawyers and such like that, I don't know if they're
14 officials or something.

15 Q Did Ross Landsman ask you how you had testified
16 regarding any particular issue?

17 A No.

18 MS. NEERING: I don't have further questions.

19 A Wait. Sorry. Go ahead.

20 Q No. Go ahead.

21 A I just said I wouldn't have expected that type of a
22 probe from Landsman. You know, we're not in this
23 talking about the issues and we don't -- it's just say
24 whatever you're going to say.

1 MS. NEERING: I don't have any further
2 questions at this time.

3 MS. RICE: Why don't we break for lunch and
4 then that will give me time to formulate some questions,
5 and it looks like we'll be done today.

6 (Luncheon recess taken.)

7 REDIRECT EXAMINATION

8 BY MS. RICE:

9 Q Mr. Cook, I'm going to ask you a few questions
10 concerning the documents you produced to us after your
11 January deposition, and then some questions that
12 follow-up on what Mr. Driker from Consumers Power and
13 Ms. Neering asked you on their Cross Examination.

14 First I'd like to have you pull out in front of you
15 two documents that Ms. Neering gave you this morning
16 marked as D-4754 and D-4753; both of them appear to be
17 your notes and logs.

18 A Okay.

19 Q And I'd like you to clear something up for the record.
20 I think they've been on and off referred to as notes and
21 logs. And you'll note both D-4753 and D-4754 both cover
22 the general time period. Could you tell me the
23 difference between the two logs or sets of notes?

24 A Yes. D-4754 is a chronological listing of what I did

1 basically with my time on the site -- well, my time in
2 the NRC, because there may be stuff that I wasn't on
3 site in there. The other one, D-4753, was a spiral
4 notebook that I used to take with me if I were going to
5 go primarily to exit meetings or meetings of interest
6 with the Licensee, entrance interviews in here, but
7 usually of a meeting type nature or more formal meeting
8 in the same context, like I said, an entrance meeting or
9 an exit meeting or something like that. And so rather
10 than taking a large notebook with me, I took a spiral
11 notebook; and that's what D-4753 is.

12 Q And let me see if I'm correct: D-4753 then is a
13 compilation of notes that you took at various meetings
14 through '78 -- November of '78 through, I think it was,
15 October of '80?

16 A October of '80.

17 Q And D-4754 is your day-to-day activities which may also
18 encompass these meetings that are recorded in D-4753; is
19 that correct?

20 A Yes. In fact, the notes that are in D-4753 may not even
21 be notes that were taken at a meeting. It may be
22 thoughts that I would write down in preparation to go to
23 a meeting. They were just notes to help me function in
24 a meeting environment, whereas the D-4753 were, I said,

1 a chronological accounting of what I did with my time.

2 The two documents had entirely different functions.

3 Q All right. Let me direct your attention now to the
4 daily log book; D-4754.

5 A Okay.

6 Q And in her examination this morning Ms. Neering referred
7 you to a few daily entries in this log and asked you
8 some questions. And some of those questions concerned
9 what Consumers Power was reporting to you concerning the
10 status of the DGB settlement. All right. Do you recall
11 those questions?

12 A Yes.

13 Q And I believe that you said that Consumers Power
14 regularly gave you updates concerning the status of the
15 DGB investigation, is that correct?

16 A Yes.

17 Q Now, if I could direct your attention to Bates number
18 630 in your log.

19 A Okay. 630.

20 Q And I'd like to direct your attention to the very end of
21 the sixth line from the bottom. That begins the
22 sentence that begins talked.

23 A Talked to Gerry Phillips about the status of the diesel
24 building investigation, new info. The administration

1 building showed signs of excess settlement.

2 Q If you recall back in January when I asked you some
3 questions on Direct Examination, you said you couldn't
4 recall the first time you learned of the settlement of
5 the administration building in 1977. Does reading this
6 refresh your recollection that you discovered that the
7 administration had -- the administration building had
8 settled in 1977 on December 21st, 1978?

9 A Well, the date December the 21st shows that I made or I
10 had a conversation with Gerry Phillips. Now, bear in
11 mind, I haven't read the previous pages. If there is no
12 other mention of it, then I would say that that probably
13 would have been about the time that I first became aware
14 of the settlement of the administration building. The
15 timeframe, as I recollect, is not all that bad, if you
16 will.

17 Q Do you recall if it was Gerry Phillips who told you
18 about the excessive settlement of the administration
19 building?

20 A No. In actuality I thought it may have been somebody
21 else, but then I'm not really sure of how I was informed
22 of it. But somehow my mind does not lock in it was
23 Gerry Phillips that would have told me that to start
24 with. Now, who it was, I don't know. But that would

1 not necessarily -- I could have written this statement
2 saying that I had talked to Gerry Phillips about it. In
3 other words, I may have known about it before I made
4 this entry in the log book, but I can't nail that down
5 either just reading that statement.

6 Q But do you recall generally that December '76 was the
7 timeframe in which you learned about the administration
8 building settlement?

9 A As I recall, in that -- in other words, it was some
10 after knowing about the diesel generator building that I --
11 that I was aware of the administration building.

12 Q If I could direct your attention to D-4753, and Bates
13 number 86, which appears to be the notes of the December
14 4, 1978 meeting. If you recall that we -- both I asked
15 you questions concerning this meeting and Mr. Driker did
16 in January. And I will just have a quick question on
17 this.

18 Do you recall -- do you see anything in these notes
19 that would tell you that Consumers Power discussed in
20 the December 4 meeting the settlement of the
21 administration building?

22 A Could I have your question again?

23 Q After your review of the notes of the December 4, 1978
24 meeting, that is contained in D-4753, do you see any

1 indication that Consumers Power reported the 1977
2 administration building settlement during this meeting?

3 A No.

4 Q I also direct your attention to, oh, about the fifth
5 line from the top on Bates number 86. That says June
6 1978 first note of excess settlement; is that correct?
7 Is that what that says?

8 A That's what that says.

9 Q Do you know what is meant by this entry?

10 A Okay. They had a program for surveying the buildings as
11 they would establish them at periodic intervals. And so
12 without going through all the data that was gathered
13 over this event, as I recall it, that if they found an
14 indication of, say, settlement of a building, you would
15 not necessarily become alarmed because you would expect
16 to see some settlement. And it may even say, well, gee
17 whiz, it's settling at a faster rate than we had
18 expected. The entry said about settlement -- an inch of
19 settlement, the readings came back might have inch and a
20 half settlement and -- these are just, you know,
21 characterizations to help the explanation.

22 Well, he might not be come overly alarmed at that
23 time realizing that he also had a back-up surveying
24 program at that time and then he would watch it and

1 determine is it now going -- it's still a high rate of
2 settlement or an excessive rate or an excessive amount
3 of settlement. So, the term, you know, even though I
4 characterized it here as being first note of excessive
5 settlement, the term excess settlement probably is
6 reflecting to the whole topic of settlement, if you
7 will.

8 Q And do you know now if you're referring to the diesel
9 generator building here?

10 A This -- it probably is referring to the diesel generator
11 building. Right now I'd have a hard time saying for
12 sure, but it probably is. Because this is the same time
13 period that we were discussing the periodicity to use in
14 the monitoring of buildings.

15 Q And do you recall that Consumers Power reported to you
16 at this December 4, '78 meeting that excessive
17 settlement of the DGB was first noted in June or '78?

18 A I don't recall that they reported it in that context. I
19 recall that they had reported that they -- you know, in
20 December they had had a high reading. But, by itself,
21 would not necessarily allow them the ability to state
22 that it was excessive in June.

23 Q They had had a high reading in June or '78?

24 A That's what I recall, or some period of time, anyway,

1 earlier. But they would not have been able to, perhaps
2 fully identify it as being a settlement problem at that
3 time.

4 MS. RICE: Off the record.

5 (Brief discussion held off the record.)

6 MS. RICE: Back on the record.

7 BY MS. RICE:

8 Q Mr. Cook, on both my Direct Examination of you and the
9 Cross Examination by Mr. Driker in January, questions
10 were asked concerning the SALP-II report that I believe
11 you testified you were the primary author of. And Mr.
12 Driker in January asked you questions concerning the
13 guidelines and procedures that you followed in writing
14 the SALP-II report. And I'm just going to ask you a few
15 questions about that procedure and the final format of
16 the document. But let me back-up.

17 Was the preparation of the SALP-II report part of
18 your official duties as a member of the Region III
19 Inspection Team?

20 A Yes.

21 Q And why were you chosen to be the primary author of the
22 SALP-II report?

23 A I was going to say I wanted to. I wonder that myself
24 sometimes. But the attitude of thinking at the time was

1 with the Resident being close to the Licensee, that they
2 were a good focal point for the other Inspectors to
3 supply information and be able to assemble a reasonably
4 fair representation of what went on at the site
5 history-wise. The Resident would be very well aware of
6 the various inspections at that time and he would sit on
7 their entrance and exits for a lot of the time, so he
8 has a means of that flavor.

9 Also the Inspector people in the Region were a
10 little bit over-worked at the time, you know, they were
11 very busy people and they had travel obligations so
12 forth and so on. So I also felt that from a manpower
13 management aspect that relying on the Resident might not
14 be such a bad idea from just strictly manpower
15 availability.

16 Q And did you follow any sort of guidelines or procedures
17 in the preparation of the SALP-II evaluation or did you
18 just sort of make up the format as you went along?

19 A The headings were mandated by -- I'm not sure at the
20 time, either a memo or an instruction or some document.
21 An internal document to the NRC gave the types of
22 headings of interest to be addressed. I'm trying to
23 think what else might be in that SALP report that came
24 out of that. I said NRC.

1 Q Did you have any specific guidelines with the NRC
2 concerning the criteria to be applied in rating or
3 ranking the Licensee?

4 A Yes. In fact, we make that known on the first couple
5 pages of the SALP report that we have the criteria or
6 the one, two, three criteria and there was guidance
7 verbage that went along that basically established what
8 constituted a criteria of one, two or three.

9 Bear in mind, there was also a means of flexibility
10 in that, so as that the idea was that the inspectors
11 could subjectively evaluate what they perceived as the
12 performance of the Licensee, and also they would have to
13 be able to defend their positions on this, too.

14 Q Were the ranking categories one through three, at least
15 insofar as the criteria to be applied for each one of
16 these rankings, uniform within Region III?

17 A I would say so.

18 Q And did other Regions outside of Region III have similar
19 criteria?

20 A Yes. In fact, that was nation-wide throughout the NRC,
21 although it was the Regional Offices that were handling
22 the SALPS. And then the SALPS were also getting
23 Commission attention and review in Washington.

24 Q So at one time was every Licensee evaluated under the

1 SALP program?

2 A Well, I can't say whether every Licensee was, but that
3 was certainly the intent. You know, in other words,
4 I've never done an audit check to make sure some
5 Licensee didn't get lost in the shuffle for some reason
6 or another. The intent was to evaluate all the
7 Licensees. There had been other evaluation attempts by
8 the NRC at earlier times.

9 Q And prior to preparing the SALP-11 report -- which let
10 me give you a copy of that while we're discussing it --
11 which has been marked as NRC-13.

12 Prior to writing this particular document, had you
13 participated in the preparation of any other SALP
14 reports, whether it be applied to Midland specifically
15 or any other Utility?

16 A There had been -- let me check something.

17 Q To refresh your recollection this is the second SAALP
18 report for Midland.

19 A Well, there was a first SALP report. We had -- well, we
20 used to call them a Management Evaluation which was the
21 predecessor to what we now call SALP-1, so there's that
22 floating around. And I know that I never worked on a
23 SALP report with the same intensity as the SALP reports
24 associated with the Midland plant.

1 Let me think if I may have had an input, though, on
2 other SALP reports that may have been generated towards
3 other plants. I don't really recall specifically, but
4 then I can't say that I didn't. Because I had gone to,
5 say, the Marblehill Plant and I might have made a
6 contribution. I had gone to the Zimmer plant, I may
7 have made contributions on their reports. I mean, it
8 would have been more to a contributing more to the
9 primary author on other Utilities' SALPS. I know that I
10 had discussed findings with the Inspectors on what I had
11 and whether -- I just can't remember whether I ever put
12 together a SALP contribution or not. If you find one,
13 then I probably did.

14 Q Let me ask it another way: Was your participation in
15 preparation of NRC-13, which is the SALP-II report, the
16 first time that you were ever asked to sit down and
17 evaluate a Licensee's performance as applied against
18 certain criteria, for instance, the rankings one through
19 three?

20 A Was this the first time?

21 Q Um-hmm.

22 A No.

23 Q Had you made such evaluations prior to this on a
24 frequent basis?

1 A No, not on a frequent basis.

2 Q Had you evaluated Highland before?

3 A SALP-I and then also under that Management Evaluation
4 Report that we used to generate.

5 Q Okay.

6 A And there may have even been two of those, I'm not sure.

7 Q Did anyone from the NRC ever challenge or object to the
8 format of NRC-13, which is in front of you now, that you
9 prepared?

10 A Did you say did anybody from the NRC?

11 Q Challenge or object to the format of this particular
12 document. And let me clarify my question by saying
13 merely some minor editing, stylistic type comments,
14 other than that.

15 A The formulation of this, I think that some of the other
16 plants or perhaps some of the other Regions had a
17 criteria where there were man hours expended associated
18 with a given discipline and compared with items of
19 noncompliance or something such as that. Now --

20 Q Let me ask you in a very quick way: Are you talking
21 about NRC manpower or the Utility manpower?

22 A NRC man hours.

23 Q Please continue.

24 A Now, in this report there was heated discussion in the

1 Region because some individuals felt that I should take
2 the computer data that we have stored in the Region and
3 apply it as the computer spitted it out and write
4 coherent prose based on those numbers. It was an
5 impossible task and so, obviously, there were some harsh
6 words, because I was not ascribing to the mold. I took
7 the computer office and threw it in another office and
8 regenerated it upon the average documents of the
9 inspection reports. However, I could not, because of
10 the mish-mash of data associated with the Inspector
11 hours per discipline, it was impossible for me to come
12 up with anything that was a quantitative evaluation of
13 that type of data. So you may see other SALP reports
14 that have them in them, this one does not. Yes, there
15 were what I would classify as harsh words. I was
16 encroaching on the territorial imperativism of the
17 people that handle computer data. I claimed that my
18 data was more pristine.

19 Q Did anyone from the NRC ever object to or challenge any
20 specific evaluation of Consumers Power presented in this
21 report?

22 A Oh, I'd have to look through it. When you say any that
23 always hurts. What was the question again?

24 Q Let me rephrase the question, it may help you answer it.

1 Did anyone from the NRC ever object to or challenge
2 any of the specific ratings given Consumers Power in the
3 specific functional areas? And let me direct your
4 attention to the third page which you have in front of
5 you, which is Bates number N-11227.

6 A When you use the phrase of challenge -- can I talk to my
7 lawyer?

8 Q Let me rephrase the question once more and I may be able
9 to save some time.

10 Was the assessment as referenced on N-11227 the
11 final consensus of the NRC with regard to the ratings
12 that should be given Consumers Power in each one of
13 these functional areas?

14 A Yes, it is. Now, to get to these ratings there's a lot
15 of discussion goes on. The people that write the prose,
16 I, myself, we meet and we have a SALP Board long before
17 the Licensee gets ahold of this document. And in that,
18 why, each of your ratings are basically challenged by
19 the Board. And unless -- well, they don't challenge
20 much if it's middle of the stream, saying that's an easy
21 one to handle. But if you're going to say to the
22 Licensee has a Category III, then the people that are
23 responsible for generating that number are called upon,
24 and sometimes quite heatedly, to defend why that is a

1 fair evaluation. And also, similarly, if it would be a
2 Category I then you're similarly called upon to be able
3 to defend that classification and, again, sometimes
4 quite heatedly.

5 Q Mr. Cook, based on your training and education, and as I
6 believe you testified you had engineering courses and
7 nuclear engineering courses and your work at the
8 Operating Section at OSU, along with your years of
9 experience at the AEC/NRC, did the evaluations and the
10 opinions as put forth in NRC-13, which is in front of
11 you, represent your best professional judgment as of the
12 time it was written?

13 A Yes.

14 Q Do you still stand by this document --

15 A Yes.

16 Q -- and its evaluations?

17 Now, I notice on the particular ratings that are in
18 front of you, as we discussed in your prior testimony in
19 January, that Consumers was rated Category III in five
20 different functional areas, being soils and foundations,
21 piping systems and supports, electrical power supply and
22 distribution, design control and design changes, and
23 reporting requirements and corrective action. Did those
24 represent concerns by you concerning Consumers Power's

1 performance?

2 MS. NEERING: Objection. We covered this SALP
3 report in great length back in January and the
4 particular question that you just asked was answered
5 during that time. And I think we should discontinue
6 this repetitive questioning.

7 BY MS. RICE:

8 Q You can go ahead and answer the question.

9 A Oh. I was waiting for the judge to beat his gavel.
10 Now, what was the question?

11 Q Did these, the fact that you rated Consumers Power
12 Category III in these five areas, indicate that you had
13 concerns about Consumers Power's performance in these
14 areas?

15 A Indicates that I had concern. But, bear in mind, there
16 were other people that were also supplying input into
17 this document, so it was not -- don't characterize it as
18 I said, NRC against Consumers Power. There were --
19 what'd I say? NRC against Consumers Power. Anyway
20 don't characterize it as Ron Cook against Consumers
21 Power type document.

22 We had other inspectors supplying information here.
23 I happened to have been the author, you know, the
24 primary author for the prose as it is written here, but

1 that was based on input from other Inspectors in these
2 different various disciplines here. And as this came
3 out I have no objection as to what these categories are.

4 I feel that these are fair categories as well as I
5 did then; yes. And, in fact, they were quite
6 supportable. They were quite supportable as we made our
7 presentation to the Board. I previously indicated this
8 afternoon that sometimes that those are heated, and --
9 in other words, the Board is in a mode of a check and
10 balance, in other words, to avoid the condition where
11 the Inspectors are, because of personality conflicts,
12 were being abusive to the Licensee, as well as
13 protecting the integrity of the regulatory process if
14 the Inspectors are feeling friendly towards -- put that
15 in quotations, friendly towards the Licensee.

16 Q I take it, as my understanding of Category III, that
17 that indicates that increased attention by the Licensee
18 and the NRC is necessitated. Does the rating of
19 Category III in any of these areas reflect -- strike
20 that.

21 Was the rating of Category III, in which you mean
22 that increased NRC attention and the Utility, Consumers
23 Power's, attention is needed, was that in any way a
24 result of the accident at Three Mile Island?

1 A No. The accident at Three Mile Island had no bearing on
2 it. We would have done the same inspections
3 irregardless of Three Mile Island.

4 Q So in other words --

5 A In fact, that Three Mile Island would not have occurred --
6 let me clarify that. Not that a Three Mile Island would
7 have occurred, you know, but if a Three Mile Island
8 should occur that the NRC can still maintain protection
9 of the public as did happen at Three Mile Island.

10 Q You discussed in your testimony with Ms. Neering this
11 morning the impact of Three Mile Island on NRC
12 regulation since that time. Did your rating -- NRC's
13 rating of Consumers Power in the SALP-II report, was
14 that in any way the result of Three Mile Island?

15 A No. They're quite removed one from each other. In this
16 evaluation we did not really consider what had gone on
17 at Three Mile Island. We looked at this as strictly a
18 construction of a plant. We know that we make a
19 statement when we license a plant by the NRC, that the
20 local people -- that no matter what type of postulated
21 accident would occur to the plant, that the people would
22 be protected from that plant. And now you do that is
23 that many of the systems are what we call safety related
24 systems, which means they're in a category that they must

1 function to mitigate the dysfunction or an accident.

2 And so we're very concerned with integrity of those
3 systems. And so that's what, based on what our look-see
4 at the systems that are vital to, we feel, protect the
5 public in the event that there is some kind of an
6 accident that befalls a plant. It doesn't even have to
7 be a Three Mile Island, you can just talk about an
8 earthquake.

9 Q All right. Also on your Cross Examination by Mr. Driker
10 in January, he asked you questions concerning Consumers
11 Power's response to the SALP-II report, and indicating
12 that response by the Utility is contemplated by the
13 SALP-II guidelines.

14 (Interruption.)

15 BY MS. RICE:

16 Q Let me start over again for you, Mr. Cook.

17 In Cross Examination Mr. Driker asked you some
18 questions concerning SALP-II guidelines, which we just
19 discussed somewhat, and the fact that those guidelines
20 anticipate responses by the Utility. Do you recall that
21 testimony generally?

22 A Generally.

23 Q And I believe you responded to Mr. Driker's questions in
24 that the NRC does, indeed, contemplate the Licensee to

1 respond to the SALP evaluations; is that correct?

2 A Yes.

3 Q And you also stated that the response process was part
4 of the normal SALP evaluation process, is that correct?

5 A Yes. In other words, we make a presentation to the
6 Licensee and we expect to see some response from those
7 areas of weakness. Now, if the Utility has everything
8 hunky-dory, I'm not sure how we'd handle that one.

9 Q And I believe you also testified that to the response of
10 Consumers Power with regard to SALP-II, which is NRC-14,
11 was not the type of response contemplated by the NRC; is
12 that correct?

13 A Let me check and be sure which response this is.

14 Q All right.

15 A If I remember right, there were two responses.

16 I think this is the response that -- as we referred
17 to this was in past Hearings as being a bit
18 argumentative.

19 Q And was this the type of response that the NRC
20 contemplated as part of the normal SALP evaluation
21 process?

22 A Could you re-ask that question?

23 Q Did you feel that Consumers Power's May 16th response,
24 which is NRC-14, was more argumentative than you have

1 anticipated that the response to the SALP report to be?

2 MS. NEERING: Objection. Asked and answered
3 back in January.

4 A Now do I answer it?

5 MR. JENSEN: You can answer it.

6 A We would not have expected to have gotten an
7 argumentative response to this SALP. We would have
8 expected a response where the Licensee was receptive to
9 the findings of the Inspectors and perhaps would have
10 proposed certain Management things or improvements that
11 they were going to make -- to hopefully remove the
12 stigma of their classifications at a future time.

13 BY MS. RICE:

14 Q And this particular response did not fulfill the role
15 that you had anticipated, is that correct?

16 A No. In fact, it even supported one of the findings with
17 regard to argumentativeness.

18 Q All right. I believe also that you testified that you
19 prepared an evaluation of Consumers Power's response,
20 which is NRC-126. And I'll ask you now if NRC-126
21 represents your best professional judgment at that time
22 with regard to Consumers Power's response to SALP-II?

23 A Okay. Well, first, I think you've erroneously
24 categorized what the document is. You make it sound

1 like I was making an official response to their
2 response. It's not.

3 Q Let me -- I was trying to briefly characterize the
4 document, but why don't you tell me what the document
5 is.

6 A This document was a working paper. We were going to go
7 in and have a meeting with Consumers over their response
8 to the SALP. In other words, they had generated a
9 document, and it was very abrasive to the NRC. It did
10 not appear that it was being responsive to improving
11 performance as we had hoped that it would be and did not
12 seem to acknowledge the professional opinions of the
13 people that Consumers had to work with with regard to
14 the NRC. So, a subsequent meeting was planned to
15 discuss their -- their response. Depending on how that --
16 well, then I generated this document NRC-126 as a means
17 of working notes because I had done a thorough
18 evaluation of their response. And if each of the issues
19 were going to be discussed at great detail, I wanted to
20 have information available to support the findings that
21 we had already previously made in the SALP-II report.

22 This document, NRC-126, was like a working paper.
23 If we had gotten into that meeting and Consumers had
24 wanted to alter their position a bit, nobody would have

1 ever seen this document. In fact, the only reason it's
2 in the domain is because it got pulled out by FOIA. It
3 could have been handwritten, it just happened to be
4 typewritten, and the information on it had been
5 exchanged and shared with the members of the Site Team.

6 Q Did NRC-126, at the time it was written by you,
7 represent your opinions with regard to Consumers Power's
8 response?

9 A Yes, it does.

10 Q Did it represent your best professional judgment with
11 regard to their response?

12 A It represents my best professional judgment. But, bear
13 in mind, I haven't read it for a while. There might be
14 some colorful cliches in there, you might say, okay,
15 when I write notes to myself I sometimes use them. I
16 don't remember what's in there. So, in other words, the
17 style of writing is for Ron Cook's use to use is
18 sometimes different than what I would write when I know
19 something that's going into the public document room.
20 But as far as the characterizations and the professional
21 aspects of it, they're my opinion now as then.

22 Q All right. This morning during examination by Ms.
23 Neering she was asking you questions concerning the --
24 your duties as Resident Inspector and your request for

1 additional manpower in the Resident Inspectors Program;
2 do you recall that testimony?

3 A Yes.

4 Q And I believe that you testified that you did, indeed,
5 request additional help, is that correct?

6 A Yes.

7 Q Were your requests for additional help in any way based
8 on regulatory problems at Midland?

9 A Hmm --

10 MS. NEERING: Objection. Vague and ambiguous.

11 BY MS. RICE:

12 Q Let me try to clarify that for you.

13 Were any of your requests for additional help at
14 the Resident Inspectors Office based on the history of
15 regulatory problems at Midland?

16 A Well, I would guess I'd have to say they were definitely
17 tempered by that. Okay? There was a lot of docket
18 activity at the plant, but we also had things happening,
19 like investigations of Zack company. And when you get
20 involved with something like that, at the same time
21 you're starting to assemble, you know, pieces of the
22 primary system, you know, it makes for some very long
23 days. You may have noted in some of the other -- you
24 know, the copies of my logs that some of those days were

1 perhaps rather long. That alone should let you know
2 that the guy that's working those kinds of hours ought
3 to get a little hand once in awhile. They feed
4 Inspectors, too.

5 Q I believe you also testified this morning that one of
6 the events that happened, in response to your request or
7 at about the same time had helped to alleviate your
8 concern, was the formation of the Office of Special
9 Cases, is that correct?

10 A Yes.

11 Q And I believe you testified in January that that was
12 formed in July of 1982. And let me ask you --

13 A Okay, yes.

14 Q Let me back-up. It was formed in July of 1982.

15 And I believe you also testified in January that
16 one of the purposes of the formation of the Office of
17 Special Cases was to focus increased NRC attention to
18 Midland.

19 A Indeed it was.

20 Q And was this need to focus increased NRC attention to
21 Midland in any way related to the accident at Three Mile
22 Island?

23 A No. It was related to comments by Mr. Jim Keppler where
24 he had told the Hearing Board that he would put whatever

1 assets he needed to Consumers Power. And we had had our
2 SALP-II presentation, afterwards he, I and some of the
3 other Staff members had a discussion about it, and it
4 was the SALP-II that had triggered that he had to do
5 something because of him telling the Hearing Board that
6 he would, you know, ensure good quality at Midland. I'm
7 not sure exactly what his statement was, but -- and so
8 from that then he decided to form the Office of Special
9 Cases and assign a Midland Site Team.

10 Now, the formation of the Office of Special Cases,
11 I'm not sure what the real date is on that, but it was
12 basically that Summer that we had Inspectors that were
13 being located full-time to the Midland plant, bearing in
14 mind that some of them had irons in the fire at other
15 sites that they needed to professionally back off of.
16 But the concept of devoting Regional assets to Midland
17 came out at the end of the -- at the same time that we
18 were presenting the Licensee with the SALP-II, it was in
19 that timeframe. And I think Schaeffer was who came on
20 site in '82 or was involved in it. Whenever you see in
21 the inspection reports the entrance of Gardner and
22 Landsman and that, that gives you an idea of about what
23 timeframe it was.

24 Q Is it a fair characterization of your testimony to state

1 that the Office of Special Cases was formed as a result
2 of Consumers Power's regulatory performance as opposed
3 to outside forces such as Three Mile Island?

4 A That's very fair. I don't think the outside forces had
5 any affect on it.

6 Q All right. After the formation of the Office of Special
7 Cases I believe that you testified that Mr. Warnick, who
8 is the head of that -- the Midland Section for the
9 Office of Special Cases?

10 A No, Mr. Warnick was the the Office of Special Cases and
11 under him there were two plants, the Zimmer plant and
12 the Midland plant. The Zimmer plant had a Section Chief
13 in charge of its activity; the Midland plant, we had our
14 Section Chief.

15 Q And your Section Chief was Mr. Schaeffer?

16 A Yes.

17 Q And Mr. Warnick was Mr. Schaeffer's superior in the
18 line?

19 A Yes.

20 Q And did Mr. Warnick, who is in charge of the Office of
21 Special Cases -- let me strike that.

22 I believe you testified in your January testimony
23 that Mr. Warnick asked you to evaluate the Consumers'
24 plant soon after the formation of the Office of Special

1 Cases, and NRC-16 is that evaluation; is that correct?

2 A Yes.

3 Q Did NRC-16 and the opinions and statements as put -- set
4 forth in NRC-16 represent your best professional
5 judgment as of July of 1982?

6 A Okay. Let me -- they are my best professional judgment,
7 but also bear in mind that there was also some input
8 from some of the other inspectors to this document. I
9 was the author of it, but, you know, I was tabulating
10 what other inspectors, as well as myself, who had
11 expertise in some of the inter-disciplinary areas
12 supplied me.

13 Q Did you disagree with any of the statements as set forth
14 in NRC-16?

15 A No.

16 Q Did you agree with all the opinions set forth in NRC-16?

17 A Well, I was the author of the document. I agree with
18 what's here.

19 Q And do you stand by that document today?

20 A Yes.

21 Q I believe you also testified in January that there were
22 other evaluations that had gone on during this time
23 period, namely the Summer of 1982, in which the Office
24 of Special Cases focused attention on Midland and

1 recommended specific actions that should be taken. Do
2 you recall that testimony?

3 A Let's see. This was Summer of '82. Okay. Go back.
4 That there were other evaluations --

5 Q And recommendations by the Office of Special Cases.

6 A Oh, we -- well --

7 Q I can provide you with documents. I'm just trying to
8 speak of it so if you'd like to look at the document to
9 refresh your recollection.

10 A There were recommendations that we made in that regard.
11 If you had the document, it would help if I looked at
12 it.

13 Q Let me show you documents that had been previously
14 marked at NRC-20 and NRC-19. I'd ask you to review
15 those documents for a moment and if you're in need of
16 any others I've got plenty more.

17 A Okay. These are the -- I was having a hard time
18 understanding as to did we write this or did Warnick
19 write to Keppler with the information. And there were
20 several of these -- it seemed to me like there were
21 several of these documents floating around, you know,
22 cover letters being attached to the information supplied
23 from.

24 Q And does NRC-19 and NRC-20 refresh your recollection

1 that the Office of Special Cases met and recommended
2 specific action that should be taken with regard to
3 Midland?

4 A Yes, we did.

5 Q And did this specific action have anything to do with
6 the accident at Three Mile Island?

7 A No.

8 Q Instead, what was the action based on, or
9 recommendations based on rather?

10 MS. NEERING: Objection. Asked and answered;
11 covered in detail in January.

12 A Okay.

13 BY MS. RICL:

14 Q Was it based on your evaluation of Midland?

15 A These recommendations were based on, I would like to
16 characterize it as our evaluation of the situation at
17 Midland, but what we felt would be necessary to ensure
18 that the quality that we expected out of the
19 construction of the Midland plant was, indeed,
20 incorporated into the plant.

21 Q All right. And I believe in January you also testified
22 that there was a construction completion plan that was
23 proposed by Consumers Power and I think you addressed
24 some -- to the CCP this morning. And I believe you

1 addressed some issues related to the CCP this morning,
2 and other NRC actions, besides the CCP, such as hundred
3 percent re-inspection of piping of the work permit
4 system. Now, I'm just trying to refresh your
5 recollection as to some of the NRC enforcement action
6 that occurred after the Summer of '82.

7 Do you recall those?

8 A Do I recall what?

9 Q Let me rephrase my question. Is it correct that
10 Consumers Power proposed and the NRC ultimately approved
11 a construction completion program that the NRC required
12 to have a hundred percent re-inspection contained within
13 that program?

14 A They -- as I remember the program, they would ultimately
15 involve somewhere in the line of hundred percent
16 inspection of the piping systems. However, there was
17 some clarifiers regarding pieces of pipe that were hard
18 to get to. Okay. So, you know, there was some
19 qualifiers on the program. It required a detailed
20 re-inspection of the plant.

21 Q And this hundred percent re-inspection or detailed
22 re-inspection, as you just described, was required by
23 the NRC, was it not?

24 A Yes.

1 Q And was that requirement for a hundred percent or
2 detailed re-inspection program in any way related to the
3 Three Mile Island accident?

4 A No.

5 Q And were the other aspects of the construction
6 completion program, such as the independent third party
7 overview, at all related to the accident at Three Mile
8 Island?

9 A No. Although, you know, you've mentioned Three Mile
10 Island, it definitely brought awareness to the
11 Inspectors as to the importance of their job. You know,
12 there was an attitude that many had expressed that they
13 didn't have an awareness before, but it certainly added
14 emphasis that, in other words, you say why are you
15 sometimes requiring such rigory in construction of a
16 plant, and it brought to mind exactly why you expect
17 rigor to a plant. But the level of acceptables would
18 not have been altered if there had not been a Three Mile
19 Island. I mean, there was a Three Mile Island and it
20 brought that much added importance to what the
21 Inspectors do.

22 Q In response to a question by Mr. Driker at the very end
23 of your testimony in January, you stated that you had
24 never recommended that the construction -- never had

1 recommended that the construction permit at Midland be
2 pulled, but you also noted that there were before
3 certain conditions that must be complied with before an
4 operating license would have been issued. What
5 conditions were you referring to?

6 A Well, there were many. Basically that the conditions
7 are that the plant was built in a manner that was a
8 quality construction, a quality being defined that a
9 safety related system would indeed be able to perform as
10 designed during the many different types of accidents
11 that have been proposed that could happen to the plant.

12 Q Was completion of the underpinning one of those
13 conditions?

14 A Yes.

15 Q And let me show you again a document I showed you in
16 January, which is NRC-124. And I'll ask you now if this
17 document and the recommendation contained therein
18 represented -- was based on your best professional
19 judgment as of the time?

20 A Yes, it is.

21 Q Finally, let me show you a document that was produced
22 from your files in January that we received sometime in
23 the interim, but let me first have the Court Reporter
24 mark it.

(Exhibit NRC-155; Memorandum and Order
dated 9-13-83.)

MS. RICE: Back on the record now.

BY MS. RICE:

Q Mr. Cook, would you please identify this document for
the record?

A Well, it's a Memoranda and Order pertaining to the
matters of Consumers Power. How else do I call it?
Dated September 13th, 1983. Is that enough?

Q Sure. As I noted, this document came from your files
here and you produced it here at Three Mile Island. Do
you recall seeing this document --

A Yes.

Q -- at about the time it was issued?

A Yes.

Q If I could refer you to item number five on the second
page. It says the tendency of management prior to
October 1980 to expend an inordinate amount of effort
attempting to blame either the NRC or intervenors for
delays in the project. Did you believe that as of
September 1984, when this document was written, that the
NRC was to blame for the delays at the Midland project?

A I don't believe that we were.

Q Did you ever believe that the NRC was to blame for the

1 delays at the Midland project?

2 A I'll put it to you like this: In some instances we may
3 have been causes of delays, but I certainly can't say
4 that we're blames of delay. Because the rules as to the
5 design criteria and so forth to build the plant are
6 known, and from that standpoint we feel that the
7 Licensee is aware of what -- that the Licensee is aware
8 of what the requirements are to build the plant, and if
9 the Licensee does not build the plant accordingly, we
10 invoke stop orders or things like this or the Licensee
11 does it, for instance, or whatever. While I say the NRC
12 may be the cause, but I certainly can't say that we're
13 the blame.

14 Q In the sense of the NRC was ever the cause of the delay
15 of the Midland project, did you believe that the delay
16 was justified?

17 A Certainly. In fact, we're quite obligated that whenever
18 these things happen to be able to defend our action.

19 Q Who do you believe is responsible for, to blame for the
20 delays at the Midland project?

21 MS. NEERING: Objection. Ambiguous.

22 A So what do we do about that?

23 MR. JENSEN: You can answer. You can go
24 ahead.

1 BY MS. RICE:

2 Q If you understand the question.

3 A Yeah.

4 Q Let me ask another question maybe.

5 AS between the NRC and Consumers Power, who was
6 responsible for the delays at Midland?

7 A If that's two options, then it would be Consumers Power.
8 Consumers Power had the license. Now, they had hired
9 Bechtel to, you know, construct their plant and B & W
10 also to supply the NSSS equipment. Now, these companies
11 may have caused the actual implementation of problems at
12 the plant, but still the Licensee, which is Consumers,
13 they're the backdoor, if you will. So when you talk
14 about who is it to blame, well, there were many theories
15 that would be involved; that is it Consumers because
16 they don't control Bechtel; is it because Bechtel didn't
17 do good work; is it the crafts because they didn't put
18 in nice looking wells, you know. And from that point --
19 well, I guess I don't feel equipped to point the finger
20 in that light other than through the regulatory side of
21 the house being that Consumers happens to have the
22 license and that's who we deal with.

23 MS. RICE: All right. I have no further
24 questions to you or hopefully ever.

1 MS. NEERING: I just have a couple so why
2 don't we go ahead and ask them now.

3 A No. I need a break.

4 (Brief recess taken.)

5 RECROSS EXAMINATION

6 BY MS. NEERING:

7 Q Going back to this last document, NRC-155, it indicates --
8 well, it's signed by Charles Bechhoefer.

9 A Yes.

10 Q Did you have any input into this Memorandum and Order?

11 A Not that I would know of. Okay. Now, it may have been
12 in a form that he had been sitting there listening to the
13 Hearing, he had been reviewing documents that I had
14 generated, so from that standpoint I'd have some input

15 MR. MULLINS: Off the record.

16 (Brief discussion held off the record.)

17 MS. RICE: Back on the record.

18 MR. MULLINS: I would just like to point out
19 that this is, in effect, a judicial opinion by the
20 Atomic Safety and Licensing Board which was issued in
21 the course of their business or their procedures of
22 licensing the plant. They are hearing issues to license
23 the plant.

24 BY MS. NEERING:

1 Q Going to NRC-124, which is the denial of full license
2 for the Midland site --

3 A Okay. Thank you.

4 Q -- is it true that this license would have been for the --
5 a license to receive, inspect, possess, store and
6 package nuclear materials, as states in the first
7 paragraph?

8 A Yes. This is strictly -- this is a non-use of the
9 physometer or nuclear fuel, only for the storage and
10 possession of it on site.

11 Q Okay. Going back to one of the exhibits that I showed
12 you earlier today, it's --

13 A I hope you people know whose is whose.

14 Q It's D-4750.

15 Okay. Just going back for a few minutes to the
16 topic regarding your request for additional help at the
17 site.

18 Does item two on the second page or -- excuse me,
19 item four on the second page indicate that the Resident
20 Inspector estimates about one third of time is devoted
21 to actual inspection, another third devoted to
22 conversations with people on site, and the rest of the
23 time is devoted to reading mail, writing reports,
24 talking on the phone.

1 A Okay. What was your question on that again?

2 Q Does that accurately represent the -- your allocation of
3 time during the 1980 time period?

4 A Well, it kind of properly does. The thing is that what
5 does one third of the time mean? Is that based on
6 strictly a forty hour workweek or more? That was based
7 on more.

8 And also, bear in mind, that I state that I --
9 let's see, one third of the time is devoted to
10 conversations with people on the site. Okay. The
11 conversation with people on the site would be part of an
12 inspection effort. So, I think that Mr. Grener's was
13 perhaps pulling out the one third where he was narrowly
14 defining an inspection effort into perhaps going and
15 looking at, you know, a specific piping system with
16 specific things in mind.

17 Bear in mind, you know, we'd already seen one or
18 the other exhibits which was the attitude that the
19 Resident Inspectors will openly become the eyes and
20 ears of the NRC. So it's a net result. So you would
21 spend time in something other than a directed effort, if
22 you -- perhaps following your nose would be a good way
23 of classifying that.

24 Q Would all of the Resident Inspectors be doing that type

1 or thing?

2 A Yes. And, in fact, these numbers are pretty -- at the
3 time, and they're probably still reasonably accurate
4 indicate, that about two thirds of the Inspectors' time
5 is involved in activities that are close to inspection
6 effort. Basically it's easier to talk what he does with
7 his other time. About a third of his time is doing the
8 administrative chores. Okay? Writing, accounting and
9 so forth.

10 Q And then turning to Exhibit D-4749, which is a
11 handwritten memo of yours.

12 A That was the memo.

13 Q Yeah. That we dated approximately 1980 earlier today.
14 You indicate on page four under section three that one
15 of the most difficult workloads for the Resident
16 Inspector to circumvent is the administrative load.

17 A Yes.

18 Q And I'll quote further it says: "The administrative
19 load keeps coming at a constant rate whether the
20 Inspector is there or not."

21 A Okay.

22 Q Did that continue throughout your time spent at Midland?

23 A It's still continuing throughout my time spent at Three
24 Mile Island.

1 Q Was that one of the factors that you were referring to
2 when you indicated that you needed more help at the
3 site?

4 A That was one of the factors. In other words, the paper
5 machine -- I've always claimed that if you took a week
6 off, it speeded up because you weren't there. But you
7 would have mail coming in that needed sorting still, you
8 know, whether you were -- if you worked only two weeks
9 on an inspection and you were going to write one every
10 thirty days and you took two weeks vacation, you still
11 had to write a report, you know. So that's a constant,
12 that's a given. And if there's nobody there to take
13 care of the administrative chores on a day-to-day basis,
14 then it stacks up. And then when it stacks up you're
15 behind, whatever time you may have taken off, plus then
16 the machine keeps rolling and you still have the
17 administrative chores associated with the time that you
18 were there. So it creates quite an impact if you don't
19 have somebody that can sort the administrative chores
20 while you're there -- I mean while you're away.

21 Q Regarding the construction completion plan and the one
22 hundred percent re-inspection of the piping system, was
23 there any disagreement among Inspectors to the NRC
24 regarding whether that one hundred percent re-inspection

1 was necessary, that you recall?

2 A Not that I recall of the Inspectors.

3 Q Do you recall Ron Gardner stating that he thought that
4 one hundred percent re-inspection was not necessary?

5 A No. I don't recall him saying that.

6 Q Okay.

7 A Other than -- now, we did discuss about those piping
8 systems that you would have a difficult time having
9 access to, which was, you know, the rebars, if you have
10 piping buried inside of concrete that to force the
11 Licensee to dig out piping from underneath concrete, you
12 may be causing more of a jeopardy than you by the
13 piping being there. If you can ensure the piping has
14 been installed properly up to, say, the concrete wall
15 and on the other side it's also good piping, then you
16 can make a reasonable engineering judgment saying that it
17 probably is good piping through the wall and then, you
18 know, tempering that with what is the engineering
19 function or the technical function of the piping. Now,
20 we had those type of discussions, but I don't -- I don't
21 recall Ron Gardner saying to take a sampling, if that's
22 what you're alluding to.

23 Q Okay.

24 A He may have, though, but I just --

1 Q Ms. Rice asked you with regard to the SALP reports when
2 did the categories one through three come into being.
3 Wasn't it true that SALP-II is the first report that had
4 utilized that type of evaluation process?

5 A Well, when you say evaluation process, we changed it to,
6 you know, categories one, two, three or Roman Numeral
7 one, two three. The other one that was before that had
8 a classification of -- boy, I don't know if it as A, B,
9 C or one through ten. There has always been a gradient
10 type classification. That may have been the first one
11 for Midland that used the Roman numeral one, two, and
12 three as the criteria as defined. You know, without
13 looking at the SALP-I I can't remember what
14 classifications we used there, but there was a
15 classification and a gradient.

16 Q Okay. When you were being questioned earlier about the
17 administration building, just to clarify this: Did you
18 mean the settling of the grade beam or the settling of
19 the building? You continued to refer to it as the
20 administration building settling, and I just wanted to
21 clear that up on the record. Wasn't it, in fact, the
22 grade beam?

23 A It was probably the grade beam. Let's see, how should I
24 do this?

1 Q I'm sorry. I don't have a document.

2 A Yeah. Yeah, that's --

3 Well, settlement of the grade beam would cause a
4 settlement of the administration building. Now, the
5 administration building went ahead and was fabricated
6 sitting on, you know, soils and supports that were prone
7 to settlement. So, you know, by saying the
8 administration building, that's not all that wrong, I
9 don't believe, because the building is there.

10 Q But was the building actually there when the grade beam
11 settled or was it just the foundation that settled?

12 A The building was probably -- was not there at the time
13 that it settled that I can recall, but later on the
14 building was built on the grade beam that was already
15 known to have been settling. I think that's what one of
16 the issues was.

17 Q Was there future settlement then after the grade beam
18 was discovered and corrected?

19 A I can't answer that because I don't really know.

20 Q Okay. When we were discussing your daily writings
21 regarding what you had done at the site, an entry from --
22 let's see, I believe it was December 4th indicates --

23 A Okay. Now which?

24 Q It's Exhibit D-4754.

1 A Let me find it.

2 Q It's D-4753 on page 086.

3 A Okay.

4 Q Where you indicate: "June 1978 first note of excess
5 settlement." I don't mean to belabor the point but it
6 is an important point. So I'd like you to refer back to
7 NRC-68, which is the report that Gallagher and Phillips
8 put together on the investigation of the diesel
9 generator building.

10 A Okay.

11 Q And if you'll turn to --

12 A Are these yours?

13 Q Yeah.

14 A Okay.

15 Q If you'll turn to page 917001066.

16 A What were the last four digits?

17 Q 1066. It indicates in the bottom paragraph entitled
18 identification and reporting of diesel generator
19 building settlement. Could you just briefly review that
20 first paragraph?

21 A Okay. Surveys to establish a base line elevation for
22 the DGB were completed by Bechtel on May 9th, 1978. The
23 result of these surveys, the Chief of Survey parties
24 noted what he considered to be unusual settlement. He

1 indicated that from his experience he would have
2 expected about one eighth inch settlement; the July 22
3 data shows a differential settlement between various
4 locations ranging from one quarter to a maximum of one
5 and five eighths. He promptly instructed his survey
6 personnel to re-survey to determine whether the data was
7 accurate. The re-survey confirmed the accuracy of the
8 survey data. Chief of Survey reported the survey
9 results to the Bechtel Lead Civil Field Engineer.

10 Q Does that refresh your recollection that the actual
11 determination of the excess settlement was made in July
12 of 1978?

13 A Not really. The original -- or the first sentence of
14 that paragraph says the survey to establish a base line
15 elevation for the DGB were completed by Bechtel on May
16 the 9th of 1978 and at that time that the Chief of
17 Survey's parties was suspicious that there was more
18 settlement than what he had anticipated. And then this
19 shows that sixty days later that he went in and did a
20 reconfirmation and established in July that, indeed, his
21 suspicions were right. Now, I used the date of June
22 1978, which is still in the same basic ballpark and
23 period of time. So, if anything, I would say that it
24 would have been established in May that there was

1 perhaps something wrong with the building. And then
2 reconfirmed by the -- after the sixty day survey.

3 Q What is your understanding of surveys to establish a
4 base line elevation?

5 A My understanding?

6 Q Meaning?

7 A At that point in time when it says that they were
8 completed on May 9th, 1978 what actually is completed?

9 Q Are benchmarks in place, are -- have readings been
10 taken?

11 A Okay. This is when he's going to establish a base line
12 that he's taken on May the 9th. Now, he -- I can't say
13 for sure on this particular building, because I wasn't
14 reviewing the data, but it's quite usual for other
15 surveys to be taken while they're establishing the
16 building. In other words, it goes in with deciding as
17 to where to place the building. And I guess I was
18 relying on his words that says the results of these
19 survey -- Chief of Survey parties noted there unusual
20 settlement.

21 Something in these words is telling me that he may
22 have had in his log what the original seating was when
23 he poured his concrete. And that now he went into
24 establish his base line after probably a sixty day or a

1 thirty day period and he says, gee whiz, this looks
2 somewhat stranger than what I would have anticipated.
3 But I wouldn't expect him to get all that upset by it
4 either, because he knows he's going to take another
5 measurement some sixty days later which will confirm his
6 suspicions.

7 Q So sixty days after the May 9th?

8 A Yeah. Which he did. Or so -- yeah. It's sixty days,
9 give or take a tad; anyway a period of time afterwards.
10 And that is compatible with the surveying program that
11 was on the site that, you know, they would survey --
12 decide where to set footers and elevations and things
13 like this, pour the concrete or whatever needed to be
14 done that was in the field of construction, after a
15 period of time go in and set a base line, reference
16 point and then monitor it for a period of time
17 afterwards.

18 Q So at that point in time, in May of 1978, they would
19 have been taking readings every sixty days, that was the
20 normal course?

21 A Well, no. You go -- did I write that in here; sixty
22 days? Ninety. It goes sixty days afterwards and after
23 you set your base line, and then as I remember the
24 program -- and my note may be somewhat in error, but it

1 I remember right that sort of something like every
 2 ninety days, and then through a year, and then once a
 3 year or six months afterwards. It's a regular program.

4 Q Is that common practice in the industry?

5 A Sure. Well, in the nuclear industries for building
 6 nuclear plants.

7 MS. NEERING: I have no further questions.

8 MS. RICE: And I'm pleased to say that's the
 9 end.

10 MR. JENSEN: Very good.

11 - - -

12 (Whereupon the deposition was concluded.)

13

14

15 WITNESS SIGNATURE PAGE

16

17

18

19

 RONALD J. COOK

20

21 Subscribed and sworn to before
 22 me this ---- day of -----, ---- A.D.

23

24

 Notary Public, ----- County, Michigan
 My Commission Expires:-----

1 STATE OF MICHIGAN)
2) ss.
3 COUNTY OF WAYNE)

4 I, Hollis M. Harriman, Notary Public
5 within and for the County of Wayne, State of Michigan, do hereby
6 certify that the witness whose attached deposition was taken
7 before me in the above-entitled matter was by me duly sworn to
8 tell the truth, the whole truth, and nothing but the truth in
9 the cause aforesaid; that the testimony contained in the said
10 deposition then given by said witness was by me recorded
11 stenographically in the presence of said witness, and
12 afterwards transcribed under my personal supervision.
13 The attached is a true and accurate transcript of the
14 proceedings as reflected in my stenographic notes taken.

15 I further certify that I am not
16 connected by blood or marriage with any of the parties or their
17 attorneys, and that I am not an employee of either of them,
18 nor financially interested in the action.

19 IN WITNESS WHEREOF, I have hereunto
20 set my hand at Detroit, Michigan, County of Wayne, State
21 of Michigan, this 28th day of June, 1985.

22 *Hollis M. Harriman*
23 _____
24 HOLLIS M. HARRIMAN, CP, RPR, CSR-2090
County of Wayne, State of Michigan
My Commission Expires: 3-19-86