

APR 8 1986

Anthony Z. Roisman, Esq.  
Trial Lawyers for Public Justice  
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Suite 611  
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Ms. Billie Pirner Garde  
Citizens Clinic Director  
Government Accountability Project  
1901 Q Street, N.W.  
Washington, DC 20009

Dear Mr. Roisman and Ms. Garde:

SUBJECT: CLARIFICATIONS/CORRECTIONS TO NOVEMBER 19 and 20, 1985  
TRANSCRIPT

As we identified in our meeting on November 19 and 20, 1985, we provided the NRC participants with a copy of the transcript to make any clarifications/corrections necessary. These clarifications/corrections have been identified and noted in the enclosed transcript pages. These clarifications/corrections are marked by a bar in the margin and are on the following enclosed pages of the transcript: 1, 2, 15, 30, 43, 67, 94, 105, 147, 164, 165, 199, 208, 213, 244.1, 228, 229, 235, 245, 252, 267, and 273.

In addition, my response to Mr. Roisman's question on page 232 needs to be supplemented. Mr. Roisman wanted to know if all of the TRT concerns are encompassed within the CPRT program plan. My response should be as follows: That's correct, with the exception of SSER 9. Actions required by SSER 9 to document the status of some coatings and to implement a program for protective coatings maintenance were responded to in a separate submittal, dated November 18, 1985.

Sincerely,

Vincent S. Noonan, Director  
PWR Project Directorate No. 5  
Division of Licensing-A

Enclosure: pages of transcript

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02/14/86	02/14/86	02/19/86	03/17/86 03/17/86

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OFC	:PD#5	:PD#5	:PD#5	:ELD	:PD#5	:	:
NAME	:CEarly*	:AVietti-Cook*	:CTrammell*	:LChandler	:VSNoonan	:	:
DATE	:02/14/86	: 2/14/86	:2/19/86	: / /86	: / /86	:	:

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NAME	: Cleary	: Avietti-Cook	: Trammell	: LChandler	: VSNoonan	:	:
DATE	: 01/19/85	: 2/4/85	: 2/9/85	: / /85	: / /85	:	:

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

APR 8 1986

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2000 P Street, N.W.  
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Ms. Billie Pirner Garde  
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1555 Connecticut Avenue, N. W.  
Suite 202  
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A handwritten signature in dark ink, appearing to read "Vincent S. Noonan".

Vincent S. Noonan, Director  
PWR Project Directorate No. 5  
Division of Licensing-A

Enclosure: pages of transcript

cc: See next page

1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION  
3 MEETING OF NRC STAFF WITH CASE

4 Nuclear Regulatory Commission  
5 7920 Norfolk Avenue  
6 Room P-118  
Bethesda, Maryland

7 Tuesday, November 19, 1985

8 The meeting convened at 9:02 a.m., <sup>Law</sup> Lawrence Chandler,  
9 Office of the Executive Legal Director, presiding.

9 ATTENDEES:

10 ANNETTE VIETTI-COOK, NRR/DL/CP  
11 T. A. IPPOLITO, AEOD  
12 H. H. LIVERMORE, NRC - Reg. II  
13 C. J. HALE, NRC - Reg. IV  
14 H. S. PHILLIPS, NRC - Reg. IV  
15 C. E. McCracken, NRC/NRR  
16 CHET POSLUSNY, NRC/NRR/DL/CP  
17 ANTHONY Z. ROISMAN, CASE/Trial Lawyers for Public  
18 Justice  
19 BILLIE GARDE, CASE/Trial Lawyers for Public Justice  
20 LAWRENCE J. CHANDLER, NRC/OELD  
21 LARRY SHAO, NRC  
22 JOSE A. CALVO, NRC  
23 VINCENT S. NOOMAN, NRC  
24 GEARY S. MIZUNO, NRC-ELD  
25 CHARLES M. TRAMMELL, NRC  
RICHARD H. WESSMAN, NRC  
SHOU-NIEN HOU, NRC  
R. W. HUBBARD, NRC  
V. P. FERRARINI, TRT  
R. MASTERTON, TRT  
W. P. CHEN, TRT  
SPOTTSWOOD B. BURWELL, NRC/NRR/CP  
C. D. RICHARDS, TRT  
J. H. MALONSON, TRT  
M. W. ELI, TRT  
R. W. BONNENBERG, TRT  
V. W. WATSON, TRT  
VICTOR L. WENCZEL, TRT  
T. E. CURRY, TRT  
WILLIAM C. WELLS, TRT  
DAVID L. MEYER, NRC/ADM/DRR/FOIA  
JOE CAWLEY, NRC/ADM/DRR/FOIA  
AL SERKIZ, NRC/NRR/DST  
PAUL KESHISHIAN, TRT-Consultant



P R O C E E D I N G S

1  
2 MR. CHANDLER: Good morning, I'm <sup>Law</sup>~~Clarence~~  
3 Chandler with the Office of Executive Legal Director. This  
4 morning there will be a public meeting which has been  
5 agreed to between the Staff of the Nuclear Regulatory  
6 Commission and Intervenor, Citizens Association for Sound  
7 Energy.

8 Citizens Association for Sound Energy this  
9 morning is represented by Anthony Roisman and Ms. Billie  
10 Garde. I will turn it over to Mr. Roisman in a moment for  
11 any opening comments or thoughts he may have.

12 Notice of this meeting was provided -- and in  
13 addition I see representatives of the Applicant in the rear  
14 of the room. Mr. Noonan, in a moment, will make some  
15 opening comments, and further discuss the conduct of this  
16 meeting.

17 Essentially, this meeting is being conducted as  
18 outlined very generally in the joint stipulation of Staff  
19 and Citizens Association for Sound Energy Request for  
20 Subpoenas, a document dated October 23, 1985, filed with  
21 the Atomic Safety and Licensing Board in this proceeding on  
22 that date.

23 The general subject of this meeting will be a  
24 discussion and questioning by Citizens Association for  
25 Sound Energy on the matters discussed in the Staff's

1 that. If there were elements of wrongdoing, they would  
2 look at that portion of it. We would cooperate -- in their  
3 review of investigating wrongdoing there were possible  
4 technical issues involved, then we would cooperate with  
5 each other. We would extract from that portion of the  
6 issue, the technical issues. I would then transform them  
7 into "allegations," and insert them into the technical  
8 review team review process. But the technical review team,  
9 Nor NRR, as far as I know, looks at wrongdoing, and as I  
10 understand it, intimidation and harassment is included as a  
11 responsibility of OI. I stand to be corrected but that was  
12 my understanding at one time.

13 MR. ROISMAN: Is it -- I'm troubled by the term  
14 "wrongdoing." If a QC inspector -- if you learn that a QC  
15 inspector approved something that shouldn't have been  
16 approved -- you're doing a review, you find something, you  
17 check back and see that he signed off on something as  
18 satisfactory and it wasn't satisfactory, and it was a  
19 mistake. Is that wrongdoing by the QC inspector, without  
getting to the question of why he did it?

21 MR. IPPOLITO: I think it is a judgment call on  
22 the part of whoever uncovers this. If it looks like a  
23 typical human error, that's one thing. If it was  
24 determined to be premeditated or whatever have you,  
25 purposefully done, that's another matter. And if we

1 didn't know what he was doing. Would the technical review  
2 team consider that part of what its responsibility was,  
3 then, to go and inspect all of the things that that  
4 inspector had evaluated to determine whether other  
5 technical problems slipped by the process because this one  
6 untrained inspector was doing the inspections?

7 MR. IPPOLITO: No. We identified -- the modus  
8 operandi, if you will, of the technical review team is to  
9 determine whether or not they feel, after doing their  
10 review, that there was or was not -- that the allegation  
11 was substantiated or not. If it wasn't substantiated we  
12 would stop there, and the burden as to the depth and  
13 breadth of that problem was placed on the licensee.

14 MR. ROISMAN: Do you know why that decision was  
15 reached, why it was decided that the technical review team  
16 would stop at that point?

17 MR. IPPOLITO: Because I could not possibly  
18 follow that course of action in everything that technical  
19 review team was doing. The 40 or 50 people on site was  
20 totally inadequate to review each of the things for breadth  
21 and depth. That was not the way we set it up and clearly  
22 not the way -- we just couldn't afford it and it was not <sup>our</sup> ~~of~~  
23 responsibility.

24 The responsibility for building that plant, for  
25 building it safely, was the licensee's, and once we had the



1 MR. IPPOLITO: Paul Bemis.

2 MR. ROISMAN: Do you endorse what's there?

3 MR. IPPOLITO: Yes. I signed it.

4 MR. ROISMAN: Did you endorse it because you  
5 knew it was right or because you trusted Mr. Bemis wouldn't  
6 have said it was there if it wasn't right?

7 MR. IPPOLITO: I <sup>agreed to the selection of</sup> ~~selected the~~ <sup>people for the team</sup> people. I had  
8 good people. This was the conclusions of their findings,  
9 and that was satisfactory with me.

10 MR. ROISMAN: Looking at the executive summary  
11 on page 4, this statement appears: "The team's findings  
12 indicated that the applicant's management control over the  
13 construction, inspection and testing programs is generally  
14 effective and is receiving proper management attention."  
15 What is meant by that statement?

16 MR. IPPOLITO: Within the context of this quick  
17 look, the degree of control of the applicant's management,  
18 I had to determine as to whether construction should  
19 continue. Some of the information that I was receiving  
20 early on was describing the construction control as out of  
21 hand. I had to make the finding personally myself whether  
22 or not this was in fact the case. Is construction out of  
23 hand, and what that means is that, hey, we looked, 10 days  
24 or whatever it was, less than 10 days. What we saw, it is  
25 not out of hand. That's all it says.

1 MS. GARDE: If you had an allegation -- you said  
2 you had about 300 allegations --

3 MR. IPPOLITO: Not at this time.

4 MS. GARDE: You hadn't looked at any allegations?

5 MR. IPPOLITO: No, my people were in Washington  
6 trying to come up with whatever that New Mexico one was.  
7 This was not with me. That is what they were doing at the  
8 time.

9 MS. GARDE: Knowledge that the Nuclear  
10 Regulatory Commission as an organization had was not  
11 necessarily transmitted to the team at all?

12 MR. IPPOLITO: That's correct.

13 MR. CHANDLER: If I could ask you to wait until  
14 the <sup>questioner</sup> ~~request~~ is through so we have the question on the  
15 record and then the answer, rather than mid-way through the  
16 question, it might help.

17 MR. IPPOLITO: I will do that.

18 MS. GARDE: Which of the members were in charge  
19 of the quality assurance/quality control look?

20 MR. IPPOLITO: On page 3, executive summary,  
21 Paul Bemis, section chief. He had -- we tried to identify  
22 who was expert in what area.

23 MS. GARDE: Okay, I didn't understand that the  
24 in the executive summary, the people's names with their  
25 expertise necessarily would coordinate with who did what in

1 connection to the rest of management on the site, which of  
2 course is an impossibility of appendix B being complied  
3 with -- how could it not matter?

4 Let's say that it was 10 people, they had their  
5 own supervisor, own QA/QC people and worked only on the  
6 auxiliary building, and the applicant comes back and says,  
7 we've checked the concrete strength for everything in the  
8 auxiliary building and it all passed muster. We did not  
9 find out why. In a number of pours we didn't look at the  
10 stuff but it doesn't matter because we know they only  
11 worked on one building. Why is it not still important to  
12 know, was the reason we didn't look at those whether they  
13 themselves had a flaw or whether it was because they were  
14 not properly instructed by the supervisors for concrete on  
15 the plant, or the supervisors for QA/QC on the plant or  
16 something like that?

17 MR. CHANDLER: I think we're veering off course  
18 here somewhat and straying into what Staff may look to in  
19 the future in terms of requirements for activities we will  
20 be looking at, in terms of get well programs, <sup>CPRT</sup> ~~SPRTs~~,  
21 whatever, rather than the retrospective of what the TRT did  
22 and how it did it, and why it did what it did as documented  
23 in the various SERs, and rather than go into speculation as  
24 to what the Staff will be looking for and why, if we could  
25 maybe keep our focus back on the point.

1 we talked to somewhere between 15 and 20 ~~allegers~~. Those  
2 were the ones we felt we needed to talk~~ed~~ to to clarify  
3 issues they already raised or in a couple of occasions they  
4 were identified to us as a new ~~alleg~~er during the course of  
5 our time on site.

6 MR. ROISMAN: What was the value, in your  
7 judgment, of site visits as compared to the work done after  
8 the site visit? What were your people getting by being on  
9 site that they couldn't get if they didn't go to the site?  
10 What sort of things?

11 MR. IPPOLITO: We had -- at the site we had all  
12 that we needed. We had the documents right there. Those  
13 were the documents we wanted to see, not something that  
14 could be sent to us. The systems were installed there.  
15 Right there. Let's go look at them. Let's see beyond the  
16 problem that was identified. In other words, if it is a  
17 hanger in this area, let's look at hangers in other areas.  
18 The third dimension is that you could not get out of  
19 working out of an office up here.

20 MR. ROISMAN: In your judgment was it valuable  
21 to be able to go in and see the whole file in which some  
22 particular document that you may have been interested in  
23 was placed, rather than to rely on the applicants to send  
24 you the document?

25 MR. IPPOLITO: Our objective was to

1 to my attention or Vince's attention. It then might be  
2 referred to OI to look into.

3 MR. CALVO: You can go further than that. If  
4 the situation is there, it wouldn't come to me because the  
5 way the system was set up that had been taken care of. I'm  
6 here nice and clean, looking at the quality of the  
7 installation. It will never reach my level because I only  
8 look at the technical merits of the allegation, not if  
9 there was wrongdoing. That's somebody else's  
10 responsibility on that level.

11 MR. ROISMAN: Let me ask Mr. Ippolito a question.  
12 Is it your understanding that to the extent that the root  
13 cause of a particular problem when traced all the way back  
14 was that management had an attitude about safety that was  
15 not to do what the regulations required down the middle but  
16 to try to get by as cheaply as possible, that if that were  
17 the root cause, that that's a root cause which would be of  
18 interest and the investigation would be being done at OI  
19 and not by the technical review team at all?

20 MR. IPPOLITO: You are coming at it rather  
21 strangely. We went out and looked at a number of  
22 allegations. Some were proven to be correct. We asked the  
23 licensee, go and determine the root cause. We expect it.  
24 Were they not 50,54<sup>letters</sup> floaters?

25 MR. CHANDLER: I don't think so.



1 MR. ROISMAN: What I'm trying to understand is  
2 when you were incorporating into the original technical  
3 review team the results of OI investigations, some of which  
4 had findings of wrongdoing and proposed fines were issued  
5 or are still outstanding with regard to that, the technical  
6 review team did not use those as generic implication  
7 indications to define the scope of how far you would look  
8 to see how bad the problem was.

9 MR. NOONAN: Let me interrupt here a second.  
10 I'll take an example. If there was a wrongdoing finding by  
11 OI that says a QA inspector falsified records, it would be  
12 our responsibility to see what that QA inspector did to  
13 find out how that work was affected. That's what the  
14 process calls for. That's what we're doing.

15 MR. ROISMAN: What do you do with a finding that  
16 the inspector was harassed by a high level supervisor? Do  
17 you look at all the people that high level supervisor  
18 supervised to determine whether their work was also  
19 affected?

20 MR. NOONAN: Our process calls for us to look at  
21 the quality of that plant. How was the quality of that  
22 plant affected by that intimidation. That's what the  
23 process calls for us to do.

24 <sup>Roisman</sup>  
MR. ~~SHAO~~: The question is, how did you handle  
25 the OI findings on Messrs. Dunham and Atcheson?

Mr. Shandler: we should not be using names  
of individuals

Mr. Roisman: It's alright these individuals  
are my clients

1 MR. NOONAN: I can't remember Dunham. I think  
2 you need to ask the particular group leader.

3 MR. ROISMAN: And Mr. Atcheson?

4 MR. NOONAN: Mr. Shao. He would look at those  
5 particular allegations, technically.

6 MR. ROISMAN: Both those gentlemen are public.  
7 We can speak without fear.

8 MR. CHANDLER: We have made commitments to  
9 various individuals not to disclose their names,  
10 irrespective <sup>of</sup> with the arrangement you have with them.

11 MR. NOONAN: I do have at least verbal promises  
12 we would not use people's names.

13 FROM THE FLOOR: Can we strike the names from  
14 the transcript?

15 MR. CHANDLER: Off the record.

16 (Discussion off the record.)

17 MS. GARDE: I'm not going to ask anymore  
18 questions on AQE-1. Let's go back to the beginning. I'm  
19 still on the first sentence on J-4. We got up through  
20 potential generic implications. The next phrase is "any  
21 indication of potential management breakdown." Now, how  
22 did you determine that, whether there was indication of  
23 potential management breakdown?

24 MR. CALVO: I think I based -- I don't remember  
25 that I addressed that subject, but I believe that the SSER

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MR. IPPOLITO: ~~No~~ I'm not aware of any  
final report.

MR. ROISMAN: How would we document Brookhaven's  
further input into the technical review team if there's not  
a final report from them? Mr. McCracken?

MR. MC CRACKEN: The Brookhaven people who  
remained involved were contributors to the various  
categories in the back of appendix M, which is attachment 2  
to it. The names of those individuals are listed upon page  
1-3, again with their various affiliations.

MS. VIETTI-COOK: Instead of reporting to  
region 4 they reported to Phil Matthews as technical review  
team team leader.

MR. MC CRACKEN: Yes.

MR. ROISMAN: But when they were reporting to  
region 4 they issued an interim report and when they  
reported to Phil Matthews there's no document that they  
signed and sent to represent their final conclusions on  
this; is that correct? So in that sense they changed their  
role.

MR. IPPOLITO: That's exactly what I said.

MR. MC CRACKEN: The role changed for the  
sections, the categories that they were responsible for in  
appendix M, they signed them. Those were transmitted to us  
and signed by them.

MR. ROISMAN: If, I want to see what is their

1 insignificant amount of the total coatings area because  
2 they were talking about small areas. They were specific  
3 examples of areas a couple of square feet instead of large  
4 areas of coated surfaces. If we had only looked at the  
5 individual allegations instead of doing a broad generic  
6 review of the coatings area, we would have come to a  
7 totally different conclusion, I suspect.

8 MR. ROISMAN: In doing a broad generic review,  
9 you did not go back and reinspect the entire paint coatings  
10 in the plant; is that correct?

11 MR. MC CRACKEN: ~~No.~~ Yes, to both questions.

12 MR. ROISMAN: You made a judgment as to what you  
13 would look at to be able to say that you could make some  
14 generic conclusions about the paint coatings program?

15 MR. MC CRACKEN: Yes.

16 MR. ROISMAN: Where in this document have you  
17 set out the criteria you use for deciding what that  
18 investigation should look like to know that it would be  
19 adequate to draw generic conclusions from it?

20 MR. MC CRACKEN: We did not set out those  
21 criteria in this document. Those determinations were made  
22 by the group of people who were assigned to the TRT who  
23 were put there because of their expertise in this area.

24 MR. ROISMAN: Did they document that? Will I  
25 have to go through the paint coatings documents, assuming

1 coatings can fail, which would then be, what is in the  
2 coatings exempt log and where is it in relation to <sup>Sumps</sup>~~sums~~ and  
3 so on.

4 MR. ROISMAN: You might have had a conclusion in  
5 appendix L that enough of the coatings could fail without  
6 having an effect on the emergency core cooling system and  
7 the nature of where they were in the plant that what was on  
8 the coatings exempt log would be, admittedly after the fact,  
9 okay, even though the way it got on the exempt log was not  
10 okay?

11 MR. MC CRACKEN: I don't think I concluded in  
12 too many cases that the way it got on the coatings exempt  
13 log was <sup>Not</sup>okay. There were some cases that we felt things  
14 should be on the coatings exempt log that were not, but I  
15 don't think we concluded that anything put on the coatings  
16 exempt log was incorrectly put on there.

17 MR. ROISMAN: Then I need you to explain on M  
18 119 you have a statement, and maybe it is the difference  
19 between calling something indeterminate and making a  
20 conclusion about it, but the next to last paragraph says  
21 "The implication of the 20 percent CEL value is that the  
22 remaining 80 percent of the coatings are of satisfactory  
23 quality. However, such an implication cannot be considered  
24 valid until the resolution of other technical review team  
25 concerns such as assurance of DBA qualifications of



## 1 ATTENDEES (Continued):

2  
3 V. L. WENCZEL, TRT  
J. H. MALONSON, TRT  
R. H. WESSMAN, NRC/NRR/DL  
4 WILLIAM C. WELLS, TRT  
R. W. HUBBAUSS, TRT  
5 VICTOR FERRARINI, TRT  
R. MASTERSON, TRT  
6 C. D. RICHARDS, TRT  
W. P. CHEN, TRT  
7 BOB PHILLEO, TRT  
CHARLES HOFMAYER, TRT  
DAVID C. JENG, TRT  
8 C.E. McCracken TRT

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1 the context of the CPRT and what is that and does it  
2 fit into it?

3 MR. NOONAN: Let me read the paragraph here.  
4 Okay, reask the question.

5 MR. ROISMAN: Beginning about the middle of the  
6 paragraph on page M-6, there's a discussion of the NRC  
7 meeting or the TRT meeting with TUEC representatives to  
8 discuss something described as the proposed program plan,  
9 and then in the next sentence, a partially revised program  
10 plan; then the reference is made to a November 29 letter  
11 and finally to the January 8, '85 letter. What is this  
12 revised and proposed program plan and how does it fit into  
13 what we now know as the CPRT?

14 MR. NOONAN: We have in front of us, I guess the  
15 program plan that we now have on the docket is the revised  
16 program plan for the CPRT. That is the only program plans  
17 I'm aware of that are called revised program. That's the  
18 CPRT activities. It has the work done by <sup>N</sup>DRC, the Tera  
19 work, <sup>ISAPs</sup> ~~ISEPs~~, the self-initiated programs, and that is also  
20 the same program plan the Staff has now sent out questions  
21 on which we call the programmatic question, 11 programmatic  
22 questions and all the other questions we had on individual  
23 <sup>ISAPs</sup> ~~ISEPs~~. Did that answer your question?

24 MR. ROISMAN: Well, you are answering but I  
25 don't know whether I'm understanding.