16038

November 18, 1994

RE: Docket No. 55-30662-EA
IA-94-007
License No. OP-30277-02
ASLBP No. 94-694-05-EA

Enclosed please find copies of direct testimony from Mssrs. Jaicomo, Ciuffini and Mosey to be used in the hearing beginning November 29, 1994. In regards to the statement of issues submitted to the ASLB by the NRC Staff Counsel, I beleive they are a result of unfounded allegations originating in CECO's prejudiced investigation of the events which occured on September 18, 1992. The NRC's Office of Investigations accepted CECo's account of the incident without questioning the obvious issue of how other Dresden operators would have responded under the same or similar circumstances. The NRC Staff Counsel has concured that the documents do not contain evidence of CECo licensed operator training.The NRC's OI apparently saw no need to question CECo's conclusions, even though Dresden had been identified as a "problem plant" with poor management. A substandard investigation is worse than none at all. There was certainly a conspiracy among the Nuclear Engineering Group on and after September 18, 1992. I was not a party in this conspiracy. I maintain, in fact insist, I did absolutely nothing wrong on September 18, 1992 beyond the unintentional movement of control rod H-1. The facts and testimony will bear this out. I look forward to meeting with you all.

Sincerely,

Kenneth G. Pierce, Jr.
21013 S. Sarver Drive
Shorewood, IL 60436

D503

B. Jaicomo

1. When did you become employed by Commonwealth Edison (CECo)?
   A: March 1, 1968

2. What is your current position with CECo?
   A: Licensed Reactor Operator (NSO).

3. How long have you held that position?
   A: Since May 23, 1974.

4. <u>Prior to September 18, 1992:</u>

   a) Did you receive any training or guidance from CECo management requiring you to follow DOA 300-12 while a Qualified Nuclear Engineer (QNE) is present directing control rod movements?
   A: Not that I recall. I don't remember any training or guidance like that. The only thing I can remember is stop everything and call the QNE for instructions.

   b) Who routinely directed control rod movements?
   A: The QNE.

   c) Did you know of the existence of 10CFR50.54.1 ?
   A: No.

   d)Would a Senior Reactor Operator (SRO) necessarily pre-approve all individual control rod movements?
   A: No. The QNE would get carte blanche on rod movements from the SRO. The QNEs had free reign on rod movements. The SRO was only interested in what the final reactor power level would be.

   e) Were all individual control rod movements documented?
   A: No. If the QNE planned to withdraw a group of four rods, he may have directed me to pull the first two. Then he would check the computer printouts. If he didn't like what he saw, he would direct me to reinsert them. That wasn't documented. The only time those rod pulls would be documented would be if, say I pulled the first two rods and he liked how the thermal limits responded. He would document the rod pulls if they were going to stay there. This was a common occurence.

   f) What was your understanding of the purpose of DOA 300-12?
   A: To protect the fuel. Now, which way do you go at it- the QNE was the first choice, the second choice was DOA 300-12.

   g) Under what circumstances would you have entered DOA 300-12?
   A: As far as I knew, DOA 300-12 was to be used if you couldn't contact a QNE right away. That was always the course of action- call a QNE. If I couldn't contact one, I would have entered DOA 300-12.

B. Jaicomo(continued)

5. Subsequent to September 18, 1992:

a) Did you receive any training or guidance from CECo management requiring you to follow DOA 300-12 while a QNE is present directing control rod movements?
A: Yes, we received a lot. Special classes. I think I had to work overtime to receive it. Whenever something happens, we get special training immediately. I think it's now a requirement for them to train us on DOA 300-12 once every two years. It's now incorporated into the simulator, too. I beleive the NRC requested control rod mispositionong events for the next initial license training class that took the NRC exam. Of the seven people taking the exam, three people followed DOA 300-12 correctly. Four people did it wrong in different ways- not one was alike. The NRC was then concerned if the operators were receiving adequate training on DOA 300-12. Because of that situation, we received even more training.

b) Who routinely directs control rod movements?
A: The QNE still does, but the SRO does have more involvement. He is much more aware of what rods are being moved now.

c) Do you know the content of 10CFR50.54.1 ?
A: Yes. An SRO must direct all licensed activities.

d) Does an SRO necessarily pre-approve all individual control rod movements?
A: No, not really. He has a much better understanding of which rods are going to be moved. Nowadays, he probably actually looks at the rods that are going to be moved.

e) Are all individual control rod movements documented?
A: I don't know. I haven't run into the situation, but I'm sure they are.

f) What is your understanding of the purpose of DOA 300-12?
A: To prevent fuel damage.

g) Under what circumstances would you enter DOA 300-12?
A: Any time a rod is mispositioned I would enter DOA 300-12 and follow it step by step.

h) Are control rod movements executed differently?
A: Yes. We always have an independent verifier whether the Rod Worth Minimizer is available or not.

6. How would you describe the Station Manager's "Empowerment" philosophy in effect on September 18, 1992?
A: Department Heads and those below had the authority to make decisions. All management people should do their job- you are managers- manage. Don't ask for permission or approval from your boss. They would be held accountable for their decisions or indecisions.

B Jacomo(continued)

7. What would you have done under the same circumstances Mr. Pierce encountered on September 18, 1992?
   A: The same thing Mr. Pierce did. The QNEs have changed the control rod pattern on the spur of the moment on numerous occasions, especially flow control line situations. They want to get the maximum power while adhering to thermal limits. It's pull rods, check limits, pull rods, check limits. Sometimes it takes several attempts to reach the desired configuration.

8. Do you beleive Mr. Pierce did anything wrong?
   A: No, he didn't do anything wrong. He didn't do anything that wasn't done in the past. Yes, he moved the wrong control rod. His follow-up actions were consistent with past practice at Dresden.

9. How would you describe Mr. Pierce's knowledge of procedure content?
   A: He knew the procedures verbatim. He could monitor an evolution without the procedure in his hand and tell if you were following the procedure step by step.

10. How would you describe Mr. Pierce's adherence to procedural requirements?
    A: Definitaly a stickler.

11. Did you ever witness Mr. Pierce raising concerns regarding the interpretation of a procedure's content or it's applicability to CECo management?
    A: I can't remember anything I actually saw. I heard about many altercations. Did it happen? I'm sure it did, many times.

12. Did you ever witness Mr. Pierce voicing concerns regarding safety issues to CECo management?
    A: I heard of many things, but I can't recall any specific incidents I actually witnessed.

13. Did CECo management seem pleased with Mr. Pierce's insistence upon strict procedural compliance?
    A: No. They considered him a troublemaker- causing problems and slowing things down. I remember Nr. Pierce coming back from at least two different meetings and saying "Well,I did my job again." The meetings were about Mr. Pierce's strict procedural adherence- he slowed down a job, he may have even stopped it, I can't remember. CECo management had a problem with Mr. Pierce following procedures too closely.

14. Did Mr. Pierce always seem to place safe plant operations and the health and safety of the Public ahead of CECo management's priority of electrical generation?
    A: Yes. From everything I ever saw him do, it was always what the procedure dictated. I've never heard of him doing anything other than what the procedures say. When it came to protecting the health and safety of the Public, Mr. Pierce would go to any length to do so, regardless of CECo management's best efforts to dissuade him.

15. Is there anything else you would like to add?
A: Yes. I began working at Dresden 26 years ago. I have seen many people come and go. Mr. Pierce was an outstanding operator, very knowledgeable in general. He was also very knowledgeable when it came to procedures. He oftentimes knew a procedure's content better than the person who wrote it. I beleive Mr. Pierce created too many technical problems at Dresden, that they really wanted to get rid of him. Then this situation came up. CECo management thought "Hey, we can get rid of Pierce AND make the NRC happy." They jumped on it. If I could choose someone to assist me on the panels in the event of a transient, Ken would be one of my first choices, above many with more experience. Today, I would prefer Ken to many currently licensed people even though he has been away from it for almost two years.

L. Ciuffini

1. When did you become employed by Commonwealth Edison (CECo)?
   A: November 7, 1977.

2. What is your current position with CECo?
   A: Licensed Reactor Operator (NSO).

3. How long have you held that position?
   A: Took NRC exam on Jan. 25, 1983, obtained NSO title July 25, 1983.

4. Prior to September 18, 1992:

   a) Did you receive any training or guidance from CECo management requiring you to follow DOA 300-12 while a Qualified Nuclear Engineer (QNE) is present directing control rod movements?
   A: No.

   b) Who Routinely directed control rod movements?
   A: The QNE.

   c) Did you know of the existence of 10CFR50.54.1 ?
   A: No.

   d) Would a Senior Reactor Operator (SRO) necessarily pre-approve all individual control rod movements?
   A: No.

   e) Were all individual control rod movements documented?
   A: Definitely not.

   f) What was your understanding of the purpose of DOA 300-12?
   A: In the absence of a QNE, method of correcting a mispositioned control rod.

   g) Under what circumstances would you have entered DOA 300-12?
   A: If a rod was mispositioned or found mispositioned and a QNE was not present.

5. Subsequent to September 18, 1992:

   a) Did you receive any training or guidance from CECo management requiring you to follow DOA 300-12 while a QNE is present directing control rod movements?
   A: Yes. Classroom with a QNE teaching, simulator scenarios with a QNE providing oversight, and Heightened Level of Awareness (HLA) meetings prior to any rod evolutions for a time after discovery of the alledged September 18 event. The training on DOA 300-12 had to go through several iterations because of the complexity of all the possible combinations of events, the definitions of "Mispositioned Rod", "in-sequence", "intended position","target position" etc. One thing for sure- anxiety of rod movement definitely went up.

L. Ciuffini(continued)

5. Subsequent to September 18, 1992:(continued)

b) Who routinely directs control rod movements?
A: The QNE. However, the control room unit supervisor or shift manager now pays closer attention to what the QNE does.

c) Do you know the content of 10CFR50.54.1 ?
A: Yes. SRO directs licensed activities.

d) Does an SRO necessarily pre-approve all individual control rod movements?
A: No. They still approve movements, scram tests, pulls and inserts as a block beforehand, and any departure from the original request is usually reviewed prior to that action taking place.

e) Are all individual control rod movements documented?
A: No, at least not manually. The process computer of course recognizes each movement but STEPS are documented upon completion of all moves within the step.

f) What is your understanding of the purpose of DOA 300-12?
A: DOA 300-12 is for rectifying any rod moved or found in any position other than that specified by the sequence at that point.

g) Under what circumstances would you enter DOA 300-12?
A: Any time a rod is moved or found mispositioned.

h) Are control rod movements executed differently?
A: Yes. All rod movements are verified regardless of Rod Worth Minimizer operation. The verifier is designated by the SRO, and any problems with rod movements are documented in the Control Rod Drive System Abnormality Book.

6. How would you describe the Station Manager's "Empowerment" philosophy in effect on September 18, 1992?
A: "Empowerment" was basically: You're responsible for getting results via whatever means you can devise but also responsible for acquiring the resources and living with the results of the success or failure of your actions. i.e. it's better to ask forgiveness than beg for permission.

7. What would you have done under the same circumstances Mr. Pierce encountered on September 18, 1992?
A: I've said all along, that for the sake of dumb luck, I could have been in trouble rather than Ken. I know this feeling is shared by others. I would have followed the direction of the QNE unless my instruments told me the plant was responding in a manner strange or unfamiliar to me.

8. Do you beleive Mr. Pierce did anything wrong?
A: With regard to his actions following the movement of rod H-1, I feel Mr. Pierce did nothing wrong.

L. Ciuffini(continued)

9. How would you describe Mr. Pierce's knowledge of procedure content?
   A: Ken's knowledge of procedure content was very extensive. Often he would remind others of little-known procedural requirements including managers much to their consternation at times.

10. How would you describe Mr. Pierce's adherence to procedural requirements?
    A: He was insistent on procedure adherence-meticulous.

11. Did you ever witness Mr. Pierce raising concerns regarding the interpretation of a procedure's content or it's applicability to CECo management?
    A: Yes. At times the interpretation of procedures and Technical Specifications becomes the difference between the Unit being on line or not. This was the case once in the interpretation of the statements in the Tech Spec Interpretation (3.1)? regarding Limiting Conditions for Operations(LCOs) and shutdown time intervals. Ken and I both thought the requirement was to shut down.

12. Did you ever witness Mr. Pierce voicing concerns regarding safety issues to CECo management?
    A: Yes. Ken often reminded management of safety issues both nuclear and personnel. One such event was the previously mentioned T.S. LCO situation. Many other situations come to mind but at this time I can't differentiate between those which I witnessed and those I heard about.

13. Did CECo management seem pleased with Mr. Pierce's insistence upon strict procedural compliance?
    A: No. With Ken around, the CECo penchant for volumes and volumes of procedures became the two-edged sword because of his literal interpretation and consistent application. Where some may be swayed or convinced by explanations or justifications by ever-higher managers, Ken stuck with what was in black and white. With this, management was not pleased.

14. Did Mr. Pierce always seem to place safe plant operations and the health and safety of the Public ahead of CECo management's priority of electrical generation?
    A: Yes. His technical knowledge, procedural knowledge, and commitment to safe plant operation were beyond reproach. His point-blank approach didn't create a loyal fan club, but this was not a popularity contest. Those who disliked Ken did so from personal standpoints. overlooking the more important issue of Nuclear Safety, and their own weaknesses which Ken would expose without hesitation.

L. Ciuffini(continued)

15. Is there anything else you would like to add?
A: Yes. Ken was railroaded by a Company in trouble and wanting to appease a Regulator, a "management" team wanting to remove "non-players" from their ranks, and a scared young engineer already in trouble with his tyrant boss and grabbing desparately for a coat tail to ride on through the latest storm. The NRC's investigation was hindered by the initial prejudiced notification, followed by a prejudiced CECo investigation and shotgun solutions implemented so quickly as to arouse suspicion themselves. The NRC should reconsider their conclusions and take a good, long look at the sources of their information.

T. Mosey

1. When did you become employed by Commonwealth Edison (CECo)?
   A: Junel, 1983.

2. What is your current position with CECo?
   A: Licensed Reactor Operator(NSO).

3. How long have you held that position?
   A: I beleive since 1990.

4. Prior to September18, 1992:

   a) Did you receive any training or guidance from CECo management requiring you to follow DOA 300-12 while a Qualified Nuclear Engineer (QNE) is present directing control rod movements?
   A: No.

   b) Who routinely directed control rod movements?
   A: The QNE.

   c) Did you know of the existence of 10CFR50.54.1 ?
   A: No.

   d) Would a Senior Reactor Operator (SRO) necessarily pre-approve all individual control rod movements?
   A: No.

   e) Were all individual control rod movements documented?
   A: No.

   f) What was your understanding of the purpose of DOA 300-12?
   A: Protect the fuel.

   g) Under what circumstances would you have entered DOA 300-12?
   A: If I had a control rod more than one notch out of sequence and a QNE was not around.

   h) On April 10, 1992, did you inadvertantly insert a control rod more than one even notch from it's in-sequence position?
   A: Yes.

   i) Were you instructed to enter DOA 300-12?
   A: Yes, by the SRO.

   j) Why didn't you follow all of the requirements of DOA 300-12?
   A: We had a QNE present and the SRO concurred.

   k) Why did you make a log entry concerning the mispositioned rod?
   A: The normal log ke ping procedure- it was an equipment problem- I don't remember exactly.

T. Mosey(continued)

5. Subsequent to September 18, 1992:

a) Did you receive any training or guidance from CECo management requiring you to follow DOA 300-12 while a QNE is present directing control rod movements?
A: Yes, extensive classroom, simulator and on-the-job training.

b) Who routinely directs control rod movements?
A: The Unit Supervisor (formerly the SCRE/STA) is more aware of what rods are being moved, but the QNE still directs them.

c) Do you know the content of 10CFR50.54.1 ?
A: Yes. The licensed shift supervisor (SRO) will control and direct all rod movements.

d) Does an SRO necessarily pre-approve all individual control rod movements?
A: Yes.

e) Are all individual control rod movements documented?
A: Yes.

f) What is your understanding of the purpose of DOA 300-12?
A: It's still to protect the fuel.

g) Under what circumstances would you enter DOA 300-12?
A: Anytime you find a rod more than one notch out of sequence, whether or not a QNE is present.

h) Are control rod movements executed differently?
A: Oh, yes. We have a verifier for each rod move including different target positions for the same rod. QNEs are there for all power adjustments with rods. All individual rod moves are documented. The Unit Supervisor is more aware of each rod move. Detailed Special Instruction Sheets tell you exactly what to do. Before, they may or may not have gotten filled out in detail.

6. How would you describe the Station Manager's "Empowerment" philosophy in effect on September 18, 1992?
A: Move all decision-making down to lower management levels.

7. What would you have done under the same circumstances Mr. Pierce encountered on September 18, 1992?
A: The same thing he did- I would have followed the direction of the QNE.

8. Do you beleive Mr. Pierce did anything wrong?
A: No.

T. Mosey(continued)

9. How would you describe Mr. Pierce's knowledge of procedure content?
   A: He was very well-versed in procedures, he used them in detail.

10. How would you describe Mr. Pierce's adherence to procedural requirements?
    A: He was ahead of his time in procedural adherence. He followed them more closely than was customary at the time.

11. Did you ever witness Mr. Pierce raising concerns regarding the interpretation of a procedure's content or it's applicability to CECo management?
    A: Yes. I witnessed it many times, almost every day I worked with him.

12. Did you ever witness Mr. Pierce voicing concerns regarding safety issues to CECo management?
    A: Yes. I saw him question power changes, equipment and the way management wanted him to do things.

13. Did CECo management seem pleased with Mr. Pierce's insistence upon strict procedural compliance?
    A: No, not at all.

14. Did Mr. Pierce always seem to place safe plant operation and the health and safety of the Public ahead of CECo management's priority of electrical generation?
    A: Yes, definitely. He wanted to do things right.

15. Is there anything else you would like to add?
    A: Yes. I think Ken was a scapegoat. CECo took the opportunity to make an example to the NRC because of their regulatory problems. I think they viewed Ken as a "troublesome" operator and they got rid of him.