

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

In the Matter of:

COMMONWEALTH EDISON COMPANY

(Byron Nuclear Power Station,
Units 1 and 2)

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'84 AGO 16 P12:38
Docket No. 50-454 OL
50-455 OL

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INTERVENORS' MOTION FOR LEAVE TO FILE
TESTIMONY OF DR. WILLIAM H. BLEUEL

Intervenors DAARE/SAFE and Rockford League of Women Voters,
by their undersigned counsel, hereby move for leave to file the
attached proposed prefiled testimony of Dr. William H. Bleuel.
The grounds of this motion are as follows:

1. Dr. Bleuel first volunteered his services to inter-
venors' counsel Victoria Judson on July 23, 1984. When inter-
venors' counsel advised the Board of this on July 24, 1984 and
asked for guidance on how to proceed, the Board made several
"observations." (Transcript at 8579.) Noting that Dr. Bleuel's
volunteering was "virtually irrelevant as far as timeliness is
concerned," Judge Smith stated:

We do not foreclose your making an effort to
produce his testimony anyway. That is always
your right. But before you expend a great
deal of effort at it, it would have to be
truly extraordinary information that he has to
offer at this late date and the delay that
that would cause.

(Tr. at 8579-80.)

2. Intervenors believe that Dr. Bleuel's testimony does contain extraordinary information, that its presentation should not cause prejudicial delay, and that the best way to evaluate the importance of what Dr. Bleuel has to offer is on the basis of a review of his proposed testimony. Accordingly, it is attached to this motion for leave to file.

3. This issue at this juncture, of course, is not whether the Board will ultimately adopt Dr. Bleuel's expert opinions, but only whether the issues he raises and the information he presents are important to a decision in this case.

4. Viewed in that light, Dr. Bleuel's opinions and information are "truly extraordinary." He is a highly accomplished professional with twenty-five years of business experience in design assurance and quality assurance in the fields of aerospace, defense, computers, control systems and business equipment. He has worked on the space program and on military communications systems, matters requiring reliabilities greater than those claimed by Edison for Byron. He also holds degrees in reliability engineering, statistics and electrical engineering.

5. If Dr. Bleuel's opinions were ultimately accepted by this Board, they would necessarily affect the result in this case -- as well as any proposed finding that there is "reasonable assurance" that Byron can be safely operated. Based on his years of business experience, he concludes that there is no reasonable assurance that Byron is safe to operate, because in designing and implementing the Reinspection Program, Edison failed to use a

basic tool of reliability engineering known as failure modes and effects analysis. In essence, Edison failed to focus inspectional, analytical and managerial resources on the most safety significant systems at Byron, and likewise failed to impose stricter safety standards (such as statistical reliabilities) on those systems.

6. Dr. Bleuel also finds Sargent & Lundy's engineering evaluations of discrepancies to be unreliable, because they were based on criteria and methods that were neither clearly stated at the outset, nor the product of after-the-fact analysis by independent evaluators. Again, his expert opinion is based on years of practical experience, as well as his formal training.

7. He also conveys other information, including his experience that use of the first three months for Reinspection Program samples is a non-conservative factor.

8. Dr. Bleuel's testimony does not duplicate that of intervenors' other witnesses. None of intervenors' other witnesses addresses failure modes and effects analysis; none has the requisite business experience and expertise in quality assurance to testify to Dr. Bleuel's expert opinion on the general need for an independent review. Although Dr. Kochhar shares Dr. Bleuel's conclusion on the use of the first three months, Dr. Kochhar's view is based on laboratory experiments and academic study, whereas Dr. Bleuel speaks from practical experience.

9. Dr. Bleuel's testimony also embodies some of intervenors'

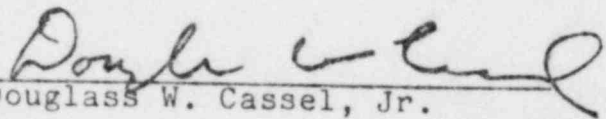
most important responses to the testimony of Edison witnesses Hansel and Laney. In that sense, Dr. Bleuel is, in reality, a rebuttal witness to Hansel and Laney, and should be permitted to testify at least in that capacity. As a rebuttal witness, of course, his testimony is plainly timely.

10. No prejudicial delay need result from Dr. Bleuel's testimony. Intervenors filed his proposed testimony on August 13, the date their other prefiled testimony was due, and on that date offered Dr. Bleuel to Edison and the NRC staff for deposition prior to resumption of the hearings August 20.

WHEREAS, intervenors urge this Board to admit Dr. Bleuel's testimony in this hearing.

DATED: August 13, 1984

Respectfully submitted,


Douglass W. Cassel, Jr.

One of the Attorneys for
DAARE/SAFE and Rockford League
of Women Voters on issues and
matters pertaining to quality
assurance of construction and
design