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USNRC

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING BOARD

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In the matter of:

COMMONWEALTH EDISON COMPANY

(Braidwood Nuclear Power Station,

Units 1 and 2)

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Docket Nos.

50-456

50-457

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Isham, Lincoln & Beale

Three First National Plaza

Chicago, Illinois

Wednesday, February 12, 1986

Deposition of JAMES W. GIESEKER, called for
examination by counsel for Intervenors, taken before

ANN RILEY & ASSOCIATES, LTD.

1625 I Street, N.W.

293-3950

Washington, D.C.

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1 Suzanne B. Young, a Notary Public in and for the District
2 of Columbia, commencing at 10:10 a.m. at Isham, Lincoln
3 and Beale, Three First National Plaza, Chicago, Illinois
4 on Wednesday, February 12, 1986, when were present on
5 behalf of the respective parties:

6 APPEARANCES:

7 For the Licensee, Commonwealth Edison Company:

8 JOSEPH GALLO, Esq.

9 FREDERICK C. WILLIAMS, Esq.

10 Isham, Lincoln & Beale

11 Three First National Plaza

12 Chicago, Illinois 60602

13 For the Intervenors, BPI, et al.:

14 ROBERT GUILD, Esq.

15 109 North Dearborn, Suite 1300

16 Chicago, Illinois

17 For the NRC Staff:

18 GREGORY A. BERRY, Esq.

19 Office of the Executive Legal Director

20 U.S. Nuclear Regulatory Commission

21 Washington, D.C. 20555
22

I N D E X

<u>Witness</u>	<u>Examination By:</u>	<u>Page No.</u>
JAMES W. GIESEKER	Mr. Guild	4
	Mr. Gallo	209
	Mr. Guild	232
	Mr. Gallo	240

Exhibits

<u>Exhibit No.</u>	<u>Description</u>	<u>Page NO.</u>
Gieseke No. 1	Notice of Deposition dated 1/30/86	5
Gieseke Group Exhibit No. 2	Notebook containing all documents supporting affidavits.	6
Gieseke No. 3	Question and Answer No. 6.	7

(Gieseke Group Exhibit No. 2 was retained by Counsel and
a copy was not given to the reporter.)

P R O C E E D I N G S

10:10 a.m.

Whereupon,

JAMES W. GIESEKER,

called for examination by counsel for Intervenors, Rorem,
Et Al, after being duly sworn under oath, was examined and
testified as follows:

EXAMINATION

BY MR. GUILD:

Q Mr. Gieseke, would you state your full name and
your business address for the record, please?

A James W. Gieseke, Commonwealth Edison Company,
Braidwood Station.

Q My name is Robert Guild. We have met off the
record. I am counsel for the Intervenors, Rorem, Et Al,
in the quality assurance contention at Braidwood.

The purpose of my deposition today is to ask you
some questions regarding two affidavits that you submitted
in support of Edison's Motion for Summary Disposition of
December 12, 1985.

You did submit two affidavits, did you not?

A Yes, sir. In fact, I believe I submitted three.

1 Q Oh. Well, I missed the third one. One with
2 respect to sub-item 3C, correct?

3 A Yes, sir.

4 Q And one item 19B, correct?

5 A Excuse me. 9C and 10F.

6 Q 10F. Excuse me. Okay.

7 I have asked the reporter to mark a document as
8 Deposition Exhibit 1 for identification. It is a January 30,
9 1986 document entitled, "Intervenors, Rorem, Et Al, Notice
10 of Depositions," and it is directed to you, among others.

11 (Gieseke Deposition Exhibit No. 1
12 was marked for identification.)

13 BY MR. GUILD:

14 Q Can you identify that document, Mr. Gieseke?

15 A Yes, sir. I have read it before. My name is
16 spelled incorrectly, but I did receive it.

17 Q I apologize.

18 Gee, you have an "r" at the end.

19 The second page of that notice speaks to the
20 issue of documents supporting your affidavits. Did you
21 bring any such documents with you?

22 A Yes, sir.

1 MR. GALLO: Yes. If I can interject at this
2 point, pursuant to your notice of deposition, I asked Mr.
3 Gieseke to collect the various documents in particular
4 associated with item 3C that he used in connection with
5 working on that particular matter. Some of those documents
6 had been previously furnished to you and were Bates
7 stamped. Some of those documents were sent to you on
8 February 10 under cover of my letter.

9 Mr. Gieseke has a notebook before him which
10 contains all of the documents in both categories plus
11 documents I believe you may not have seen before. Here is
12 a copy for your use.

13 MR. GUILD: Let me ask the court reporter to
14 mark the binder that Mr. Gallo has just provided to me as
15 Geiseker Group Exhibit 2.

16 (Gieseke Deposition Group Exhibit
17 No. 2 was marked for identification.)

18 MR. GALLO: I want to make a correction to Mr.
19 Gieseke's affidavit that he submitted in connection with
20 subcontention item 3C, in particular the answer to question 6
21 of that affidavit. I would like to make it, after I
22 finish, Exhibit 3.

1 Mr. Gieseke, I have handed you a single sheet
2 of paper that has on it Q6, which is question 6 from your
3 affidavit submitted on December 19 in support of
4 Applicant's Motion for Summary Disposition with respect
5 to subcontention item 3C, and it appears on this single
6 sheet of paper, the answer to question 6, that is different
7 from the answer in your affidavit submitted on December
8 19; is that correct?

9 THE WITNESS: Yes, sir.

10 MR. GALLO: Can you tell me whether or not you
11 wrote the answer 6 that appears on the single sheet of
12 paper?

13 THE WITNESS: Yes, sir.

14 MR. GALLO: Is it accurate and complete, to the
15 best of your knowledge and belief?

16 THE WITNESS: Yes, sir.

17 MR. GALLO: Bob, if it is agreeable to you, I
18 would like to make this Geiseker Exhibit 3.

19 (Gieseke Deposition Exhibit No. 3
20 was marked for identification.)

21 MR. GALLO: That is the only correction that we
22 wanted to make to the affidavit.

 (Discussion off the record.)

1 BY MR. GUILD:

2 Q Mr. Gieseke, I want to ask you --

3 MR. BERRY: Bob, before we start, could we
4 just wait a moment?

5 On February 7, 1986, the Staff filed its
6 responses to Intervenor's third set of interrogatories, and
7 in its response to Interrogatory 7, the Staff indicated that
8 it was relying in part upon a document produced by Region III
9 management to the ACRS on February 7, 1985.

10 The Staff also indicated that that document
11 would be made available to the parties. I am at this
12 time producing a copy of that document. It is a March 5th
13 memorandum from C.E. Norelius to Director, Division of
14 Reactor Projects, to Mr. H.L. Thompson, Director, Division
15 of Licensing.

16 There is an attachment consisting of 25 pages.

17 MR. GUILD: Anything else?

18 (No response.)

19 BY MR. GUILD:

20 Q Mr. Gieseke, I want to ask you about the basis
21 for the correction to your testimony, but before I do that,
22 I would like for you to identify the documents that you have

1 produced and, if you could, go through the binder and
2 identify those, please.

3 A Okay. Basically, what the binder is is for my
4 use in following my responsibilities in these contention
5 items. The first page is simply a copy of what you marked
6 as Exhibit 1, I believe, and then the binder is basically
7 divided into three sections, one for each of the three
8 affidavits I signed: that is, contention item 3C,
9 contention item 9C, and contention item 10F. Each of the
10 subsets, then, it is my working papers to follow the item.

11 Many of these I believe you already have. For
12 example, the first tab under 3C is a copy of the Motion for
13 Summary Disposition, and I am sure that you have received
14 that except for the correction that we added in this morning.

15 Q All right.

16 A The second tab is our responses to specific
17 interrogatory 6, which involved the Level I reverification
18 program, which we have used the term LRP, or what I call LRP,
19 which is short for Level I Reverification Program.

20 The third tab is responses to interrogatories
21 58 and 59 concerning contention item 3C.

22 The fourth tab -- the first part of it is a

1 flow chart which we developed in trying to finalize the
2 procedure, the LRP procedure. Following that is the draft
3 version of PM-18, which will be the official number for the
4 LRP procedure.

5 The next tab is blank. It didn't have anything
6 on that. The following tab is some additional information.
7 The first item in there is --

8 Q Let me stop you one second. The draft procedure,
9 is that to be a Comstock or Commonwealth Edison procedure?

10 A It will be what we call a PM procedure, and that
11 stands for Project Management, so it will be a CECO
12 project procedure.

13 Q All right. Thank you.

14 The next tab is blank, and then?

15 A And then the additional information section, I
16 as I call it. The first thing is Audit Report G84-122,
17 which is a general office audit report that was conducted in
18 September of 1984.

19 The next item is QA Surveillance No. 41-78,
20 which was used to --

21 MR. GALLO: You have confused him. You are still
22 in the same area?

1 THE WITNESS: Excuse me. I am still on the same
2 tab.

3 BY MR. GUILD:

4 Q Let me just catch up with you. After the
5 general office audit --

6 A That is the QA surveillance that was used to
7 close out one of the items during that office audit.

8 Q Can you give me a number on that?

9 A 41-78. It's up in the corner.

10 The next sheet is just a memorandum from the
11 lead auditor of that September 1984 audit to Dan Shamblin
12 indicating that the audit had been closed.

13 Q And the date of January 9, 1986?

14 A Yes, sir.

15 Then the following packet in that same section
16 is just for my reference. The first sheet is out of our
17 FSAR, Final Safety Analysis Report, which talks about our
18 commitment to Reg Guide 1.58, and that is page number A1.58-1.

19 The second item stapled to that is a copy of
20 Reg Guide 1.58, and the third item stapled with that is a
21 copy of ANSI N45.26, 1978.

22 The next few sheets, one is a memorandum from

1 myself to Lisa Styles of Isham, Lincoln & Beale.

2 Q Let me catch up with you. That is a telecopy
3 form?

4 A Yes, sir, dated 9/25/85. And I transmitted to
5 her a copy of a Comstock procedure. The first sheet is
6 page 7 of 13, Revision F, as in Fred, and a copy of a
7 Form 19, which is their welder inspection checklist, and that
8 is Revision E.

9 The next sheet is the same -- or a subsequent
10 revision to that same page, page 7 of 13, Revision G, as in
11 George.

12 Q Wait a second. Slow down on second here. I see
13 page 7 of 13 followed by a Revision F.

14 A Yes. If you look down at the bottom of the page,
15 at the bottom it says F. Then the Form 19, Revision F.

16 Q I thought you said Revision E.

17 A Excuse me. At the bottom it is Revision E.

18 Q Which Revision is it?

19 A The Form 19 is Revision E. The procedure
20 revision of 4.8.3 is Revision F.

21 Then the next two pages is again page 7 of
22 Revision G of Procedure 4.8.3, and the Form 19, which is the

1 Revision G.

2 What we are trying to do is show the page and
3 the checklist, how they change from Revision F to Revision
4 G.

5 The next sheet is just a sample of Form 91,
6 which is the weld inspection checklist used by Ernst
7 Electric.

8 The next page is a sample copy of a Form 19, an
9 earlier version of the weld inspection checklist used by
10 Comstock.

11 The next page is a listing of some preparatory
12 things that we did for the LRP procedure, trying to
13 establish the inspection dates for the Level I inspectors.
14 I talk about it in my testimony, and this is just one of
15 the earlier working sheets that we used.

16 Q It is a document entitled "Contention 3C,
17 Inspector Information"?

18 A Yes, sir. There is no date on it. It was just
19 a working document.

20 The next sheet is more working documents. It is
21 a memo. It says, "To R. Brown, L.K. Comstock QC," and
22 it's dated 12/11/85, and it's a cover memo followed by a

1 listing of Level I, Level II inspectors and their
2 certifications and certification dates.

3 Q I have a pretty poor copy of the cover memo.

4 A And I don't have a much better one.

5 Q Can you read the text of that cover memo?

6 A "Attached are potential QC inspectors to be
7 included in the above program. Those inspectors with an
8 asterisk have performed no welding inspections prior to the
9 listed dates." And it is signed John Downwald, and Mr.
10 Downwald works for a consultant to Commonwealth Edison,
11 Nuclear Power Services, or NPS.

12 The reply is, "Attached information is provided
13 as requested. If you have any questions, please contact
14 me." Or something like that. And the signature is -- I
15 can't see the signature, but I believe it was probably Mr.
16 Brown who was returning the memo.

17 Q Let me be clear, now. The source of the
18 attachments, the listings entitled "Level I, Level II Weld
19 Certs, comes from Mr. Brown in response to the memo, or is
20 attached by Mr. Downwald in the memo to Mr. Brown?

21 A Mr. Downwald's memo to Mr. Brown and then Mr.
22 Brown's reply.

1 MR. GALLO: But you haven't answered his
2 question.

3 BY MR. GUILD:

4 Q Downwald transmitted the attached lists to
5 Brown? Or is it the other way around?

6 A I believe the attached list comes from Mr.
7 Brown.

8 Q So Brown replied with the lists.

9 A Yes. It says -- Oh, I'm sorry. I understand it
10 now. If you look at the fourth page of the memo --

11 Q The fourth attachment?

12 A Yes, or the fourth page of the entire thing.

13 Q It's a handwritten list of names?

14 A Right. That's the list that was provided by Mr.
15 Downwald to Mr. Brown.

16 The second two pages, which lead off entitled,
17 "Level I/Level II Weld Certs," is the reply from Mr. Brown
18 to Mr. Downwald.

19 Q Those are the typed pages?

20 A Yes, sir.

21 Q And who is Mr. Brown?

22 A Mr. Brown works for L.K. Comstock QC Department
in the training area.

1 The next sheet is another memo authored by Mr.
2 Brown, dated August 19, 1985, and it was inquiries during
3 our quality control inspector reinspection program, which
4 talked about some of the old inspectors. And again, it
5 was information -- we were trying to confirm who was a
6 Level I and who was not a Level I, and this was information
7 that we gathered during the QC IRP program, which is the
8 quality control inspector reinspection program.

9 The last page in that section is a letter from
10 or authored by Mr. L.G. Seese of Comstock, dated 7/17/85.
11 Again, it is information on inspectors.

12 That completes the first section on 3C in the
13 notebook.

14 Q Are those the documents that you brought forward
15 on 3C?

16 A Yes, sir.

17 The second section is my working papers on
18 Contention item 9C. The first section is blank.

19 The second section contains the Motion for
20 Summary Disposition for Contention item 9C.

21 The next section is the responses to Interrogatories
22 58 and 59 concerning Contention item 9C.

1 The next section is blank.

2 The following section is a QA surveillance
3 report No. 4680, which I believe is a follow-up on the
4 NRC item concerning Contention item 9C.

5 The next section is additional information, and
6 that contains NCR 32075, which was also mentioned in the
7 closeout of Contention item 9C.

8 That completes the section on Contention item 9C.

9 The last section of my book concerns Contention
10 item 10F. The first section is blank.

11 The second section contains a copy of the
12 Motion for Summary Disposition of Contention item 10F.

13 The next section is the responses to Interrogatories
14 58 and 59 and Contention Item 10F.

15 The next section contains a copy of the Common-
16 wealth Edison Licensee response to NRC items, and it is
17 a letter from D.L. Farrar to Mr. James G. Keppler, dated
18 June 21, 1985.

19 The next item or section is a copy of a quality
20 assurance surveillance number 5186, and it is a follow-up
21 on the NRC item by the Quality Assurance Department which
22 concerns Contention item 10F.

1 The last section is a copy of L.K. Comstock
2 NCRs 41-39 and 45-13, which were both involved in the closeout
3 of the NRC item which is discussed in Contention item 10F.

4 That completes the book.

5 Q Mr. Gieseke, your counsel asked that a document
6 be marked as Exhibit 3. That appears to be a correction
7 to question and answer 6 of your affidavit with respect
8 to sub-item 3C.

9 Can you explain the basis for the correction,
10 please?

11 A Yes, sir. In, I believe it was, early January
12 this year, Mr. Jacobsen of Region III came to the site to
13 follow up on the NRC item of noncompliance, and during
14 that visit by Mr. Jacobsen, Mr. Jacobsen interviewed some
15 Comstock Level II inspectors who reviewed the checklist
16 completed by Level I inspectors.

17 I sat in on those interviews, and during those
18 interviews it was apparent to me that there was an
19 inconsistency in the implementation of the review by the
20 Level II inspectors. So I then revised my response to
21 question 6 of the Motion for Summary Disposition.

22 Q All right. When did that interview take place,

1 Mr. Gieseke?

2 A I believe it was in early January 1986.

3 I can't remember the specific date.

4 Q Did you make any notes of that interview?

5 A No, sir. It was an informal interview, and
6 again, it was conducted by Mr. Jacobsen and I just sat in
7 on it.

8 Q Do you know whether the results of those
9 interviews are reflected in any NRC document, an inspection
10 report or other notes of interview?

11 A Not to my knowledge.

12 Q Has Mr. Jacobsen reported on that inspection,
13 to your knowledge?

14 A Not to my knowledge.

15 Q Who were the Level IIs that were interviewed?

16 A Dan Holly, Mark Klachko. Mike Mustard. Irv
17 DeWald. I believe there were two others, and I cannot
18 remember their names. There were four or five, or five
19 or six that we interviewed, or that Mr. Jacobsen inter-
20 viewed.

21 Q And what was the nature of the inconsistencies
22 in the Level II review?

1 A They basically spanned the whole, or what I call
2 the whole range of the review. One of the inspectors said
3 that when he was doing the Level II review, he didn't know
4 if the original inspectors was a Level I or a Level II, and
5 one of the what I all kind of the middle-of-the-road
6 understanding of the requirements would be -- one of the
7 gentlemen said that, yes, I knew the original inspector
8 was a Level I, but -- and I participated in his training,
9 perhaps, but I did nothing special in my review of the
10 checklist, i.e., I did nothing different if the guy was a
11 Level I or a Level II, even though he did know that the
12 gentlemen was a Level II -- excuse me, a Level I.

13 Then there was one inspector who said --

14 Q Let me stop you right there. By nothing special,
15 did you understand him to mean nothing different than he
16 would have done if he were reviewing another Level II's
17 work?

18 A Yes, sir.

19 And then a third example was one of the guys,
20 one of the inspectors said, yes, I knew the guy was a
21 Level I and I knew that I was taking responsibility for his
22 inspections. He was quite sensitive to the fact that the

1 person was a Level I. He did not, however, indicate if he
2 did anything different with the checklist if it was a Level
3 I or a Level II. He was very adamant with the fact that he
4 was accepting the Level I's work by signing off the checklist.

5 Q Did he indicate what the nature of his reviewe
6 was?

7 A If my memory serves me correct, I believe that
8 he was familiar with the work of the Level I and --

9 Q Did he confirm --

10 MR. GALLO: Did you finish your answer?

11 MR. GUILD: I'm sorry. I didn't mean to
12 interrupt you.

13 THE WITNESS: And by that, I was led to understand
14 that he had worked with the person either in training or in
15 the field and was knowlegeable of the competence of that
16 Level I.

17 BY MR. GUILD:

18 Q Did you finish?

19 A Yes, sir.

20 Q Did you understand from that inspector, the
21 third case that you mentioned, that he actually reviewed the
22 welds that the Level I inspected?

A He did not indicate that he reviewed the welds

1 specific for a checklist, but he did mention that he
2 would go out every once in a while and review the guy's
3 work. But he did not tie it to a specific checklist. I
4 don't know if he took a particular checklist and did, like,
5 one out of three checklists or anything. It wasn't that
6 explicit.

7 Q He didn't physically verify the acceptability
8 of the welds that the Level I inspected?

9 A Not for the specific checklist, but he had looked
10 or was familiar with the Level I's work, the way he put it.
11 So he had looked at some welds, maybe not those specific
12 welds for the checklist he was signing off, but he was
13 knowledgeable of the Level I's competence.

14 Q All right.

15 Now, who were the inspectors that stated the
16 cases that you just put forward?

17 A The third case is Mr. Holly, I believe. The
18 second case was --

19 Q Let's be clear. The third case was he knew the
20 Level I's work.

21 A Right. He was accepting the Level I's work.

22 Q And he knew he was reviewing the Level I's work.

1 A Right.

2 Q The second case?

3 A Was Mr. DeWald. And as I said before, Irv
4 mentioned that he had been participating in the training of
5 many of the Level I's and so was in that respect knowledgeable
6 of their work, but he did nothing different when he
7 reviewed the checklist.

8 Q All right. No different than what he would do
9 in reviewing Level II's?

10 A Yes, sir.

11 Q And the first case?

12 A I can't remember who the first case was. I just
13 can't remember. I think it was Mr. Mustard, but I did not
14 take notes.

15 Q And what is the significance of the correction to
16 your testimony that is based on the interviews that you
17 observed?

18 A Well, as far as I'm concerned, the LRP program
19 will address the quality of the Level I's work, so I don't
20 really think there is any significance --

21 MR. GALLO: Compare the two answers and then
22 answer his question.

1 (Witness reviewing document.)

2 THE WITNESS: Oh. Well, originally when I wrote
3 the answer to the question in the Motion for Summary
4 Disposition, I was at the point where I didn't feel as
5 strongly that the Level I Reinspection Program was
6 required. After the interviews, when I realized an
7 inconsistency in the implementation of the program, I felt
8 stronger that the program was needed to determine the
9 adequacy of the Level I's welds.

10 Q In the first paragraph of your original answer
11 to question 6, you describe the lack of documentation of
12 the review by the Level II's as a procedural inadequacy.

13 A Yes, sir.

14 Q And you distinguish that inadequacy from the
15 absence of information concerning the E.C. Ernst practice
16 with respect to Level I's. Do you still distinguish the
17 Comstock practice from the Ernst practice?

18 A Oh, yes. The Ernst practice, there was no
19 review of the checklist by anybody. There was just one
20 signature on the checklist, and that was by the person that
21 performed the inspection. The Comstock checklist always
22 had two reviews. There was an inconsistency in the review

1 signature that we just discussed, but there were always two
2 signatures on the checklist.

3 Q All right.

4 The statement that you make in your original
5 answer is as follows with respect to LKC. He then said
6 Commonwealth Edison Company does not agree that this
7 documentation deficiency amounted to a violation of the ANSI
8 standard -- the quote is -- "because LKC Level II's were, in
9 fact, reviewing and accepting Level I results in accordance
10 with ANSI N45.2.6 1978 Code."

11 You no longer have that confidence?

12 A Right. That's the basic reason that I changed
13 the response, is because after the interviews, I could not
14 be as explicit with that statement anymore.

15 Q Let me ask you some preliminary questions, Mr.
16 Giesecker, before we get into some more detail on the 3C
17 issue. Can you tell me who prepared your affidavit, first
18 on the 3C issue, and then I want to turn to the other two
19 subcontentions.

20 A As indicated by the affidavits themselves, we
21 were provided questions by our attorneys, Isham, Lincoln
22 & Beale, and we then wrote responses to the questions, and

1 we went through that. We discussed our responses with
2 them, and in some cases we wrote some of the questions,
3 and then after the questions were rephrased, we went back
4 or I went back and rewrote the answers. So it was kind of
5 a process of questions and answers.

6 Q All right. Did anyone else participate in
7 writing responses or writing your affidavit other than
8 yourself and counsel?

9 A No, sir.

10 Q Now let's look at your affidavit supporting
11 item 3C. What changes were made in the questions or
12 answers in this affidavit testimony, Mr. Gieseke?

13 A Could you be more specific?

14 Q Sure. You described a drafting and editing
15 process.

16 A Yes, sir.

17 Q In general terms. And I would like for you to
18 identify the changes that were made that were a product
19 of that drafting and editing process.

20 A I guess I don't remember any specifically right
21 off the top of my head. I could go through here --

22 Q Please take a minute and go through.

1 (Witness reviewing document.)

2 A One that comes right to my mind, one of the
3 first things is that the questions we originally wrote
4 basically involved L.K. Comstock, and we had in our early
5 responses talked about 14 inspectors, and we realized that
6 the E.C. Ernst contractor, which is the electrical
7 contractor prior to Comstock, they also used Level I's,
8 so we had to expand the questions to include both Ernst
9 and Comstock. And when we did that, some of the numbers
10 changed.

11 For example, the original 14 number changed to
12 17. But as indicated in Exhibit 1, only 13 of those
13 inspectors actually performed weld inspections.

14 Q When did that change get made, Mr. Gieseke,
15 the one you just identified with respect to the Ernst --

16 A It was early in the question and answer process,
17 but I don't remember the specific date.

18 Q December, November, October?

19 A Well, we worked on this in early December because
20 I believe I signed my affidavit either the 19th or 20th of
21 December.

22 Q All right. How did it come to your attention

1 that you had omitted the Ernst Level I's up until that
2 point?

3 MR. GALLO: The questioner had omitted the
4 Ernst.

5 BY MR. GUILD:

6 Q Well, whoever had omitted the Ernst.

7 A Well, that's what happened, is that the questions
8 came out talking about Comstock. Even in the NRC item of
9 noncompliance I believe it talks about Ernst/Comstock, and
10 so I just knew that we had also used Ernst. So we just
11 wanted to make it clear that the program covered both of
12 the contractors Level I's.

13 Q All right. So it was an error by counsel and not
14 by you; correct?

15 A Yes, sir.

16 Q Any other changes?

17 A Well, some of them were -- the ones I can't
18 remember, like some of them, it was just phraseology and
19 clarification of what my sentence meant or didn't mean, so
20 I can't remember specifics on that. Question 11 talks
21 about the welding, what is the welding work.

22 When I went to answer that one, in talking with

1 counsel we decided we should get a representative from
2 Sargent & Lundy who is the architect engineer for Braidwood
3 to talk about the welding work because my responsibilities
4 for Commonwealth Edison are in the construction department.
5 I don't have any design responsibilities, and it was
6 determined to be a design question.

7 Q Why was that?

8 A Well, it is describing what -- the question
9 involves what is the welding work performed at Comstock?
10 Now, I can tell you from the construction aspect, but they
11 wanted a representative of the engineering department to
12 state from a design point of view.

13 Q When you say "they," do you mean counsel?

14 A They, yes. Yes.

15 Q Any other changes?

16 A In question 13, a similar situation is that we
17 described the sampling process. I could describe the
18 sampling process based on my conversations with Dr. Frankel
19 because what we did is we presented -- or I discussed it
20 with Dr. Frankel what we wanted to do, i.e., I told him the
21 parameters of the work that was done by the Level I's and
22 discussed with him then what a statistical representation of

1 that sample would be, but again, I indicated to the lawyers
2 that I was not a statistical expert, and we then decided
3 to elicit Mr. Frankel's affidavit to support the statistical
4 basis for the Level I program.

5 Q All right.

6 A Question 16 was changed. Originally, if you
7 read the earlier -- I think the earlier responses to
8 the contention item, we were going to use the weld inspec-
9 tion criteria in effect at the time of the original
10 inspection, and we changed that to do the current weld
11 inspection criteria because what we were looking for is
12 design-significant discrepancies. We were not -- so we were
13 trying to establish the acceptability of the welds them-
14 selves; we were not trying to prove any training program
15 or any programmatic requirements at the time of the
16 initial inspection. So we changed it to just use the
17 current inspection criteria.

18 I believe that's it.

19 Q All right.

20 MR. GALLO: Off the record.

21 (Discussion off the record.)

22 BY MR GUILD:

Q Mr. Gieseke, if you would turn to your affidavit,

1 with respect to sub-item 9C, would you describe, please,
2 how that affidavit was prepared, that testimony?

3 A Basically the same way as the previous one, and
4 we were provided or I was provided written questions by
5 counsel to which I provided written draft responses.

6 Q All right.

7 Can you identify any changes that were made to
8 your testimony that grew out of that editing process?

9 A All right.

10 (Witness reviewing document.)

11 Question 7 -- and when I talked about the
12 purpose of the cable pans, we determined that again we
13 should get a representative from the designer to talk about
14 the E70 series electrode versus the E60 series electrode,
15 again because I have no design responsibilities on site.

16 The only other item I remember off-hand is in
17 question -- I guess it's question and answer 10, the last
18 paragraph, which is on page 6. My counsel asked me if there
19 were any other additional inspections done by the NRC, and
20 I did not know that at the time. I had to go ask our
21 licensing department, and they provided the reports which
22 I based this final paragraph on.

1 It looks like we skipped a number. Question and
2 answer 10 goes to question and answer 12. I believe it's
3 just a typo. I don't believe we omitted a question and
4 answer.

5 Q All right.

6 Do you recall any other changes that were made
7 to your testimony and affidavit respecting Item 9C?

8 A Again, with the clarification that some of it
9 was phraseology and wording and I can't remember specifics
10 on that.

11 Q Turn, if you would, then, to your affidavit with
12 respect to Contention sub-item 10F. And again, could you
13 describe how that testimony was prepared and any changes
14 that were made?

15 A Certainly. Again, it was the same process as the
16 previous contention items 3C and 9C. I was provided the
17 question and answer -- or the questions, and I wrote the
18 answers. Again, it was an iterative process with
19 phraseology being discussed, and as far as the questions
20 themselves, for this item it was very straightforward. I
21 don't remember any changes in the questions themselves.

22 Q Okay. Take a moment and look at them.

1 (Witness reviewing document.)

2 A I guess one minor thing. In answer 6, the last
3 sentence there, again, I have no design responsibilities
4 on the site, and the NCR 4139 which was issued to resolve
5 the spacing of the concrete expansion anchor was dispo-
6 sitioned by Sargent & Lundy, and Mr. Jacques provided an
7 analysis of what S&L does when they look at an as-installed
8 spacing for these anchors.

9 Q Okay. Do you recall any other changes?

10 A Oh, okay. Answer 9 was the same thing. I was
11 asked if there were any other inspection reports that had
12 talked about the inspection of junction boxes, and again,
13 I didn't know it at the time, but we went to the licensing
14 department, which supplied us with a copy of these two
15 reports. Oh, excuse me. It's one report. 45/56, 85/32 and
16 31. And that's what I used for the basis of this last
17 paragraph.

18 Q All right.

19 Can you recall any other changes?

20 A No, sir.

21 Q Let's go back to item 3C, then, Mr. Giesege, please.
22 Has Commonwealth Edison conducted any review of

1 what Level I quality control inspectors at Braidwood actually
2 have done?

3 MR. GALLO: Do you mean in connection with
4 Comstock?

5 BY MR. GUILD:

6 Q No. I mean in general, at all, in any respect.

7 A Not to my knowledge. We have only talked about
8 the Level I, the use of Level I's for Comstock. However,
9 in our response to the item of noncompliance when we said --
10 we wrote a letter to Comstock saying from this point on only
11 use Level II inspectors to inspect welds. We wrote a similar
12 letter to all other contractors.

13 Q All right. And when was that letter written,
14 approximately, if you don't recall the specific date?

15 A I believe it was the spring of '85. I certainly
16 could get a copy of that letter. I don't recall the
17 specific date.

18 Q All right.

19 Did that letter or any other letter or
20 communication from Edison ask the contractors to identify
21 any prior inspection work performed by Level I's?

22 MR. GALLO: I'm going to object at this point.

1 The question is beyond the scope of the summary disposition
2 affidavit, and I thought we were going to limit the
3 inquiry to the scope of the summary disposition affidavit.
4 I mean you are not focusing on the 3C Comstock problem; you
5 are asking questions with respect to other contractors.

6 MR. GUILD: I am asking the question generally,
7 and I believe it is relevant; but I would ask you to answer
8 the question, nevertheless.

9 THE WITNESS: I don't know of any that the
10 construction department wrote. Quality Assurance -- I don't
11 know what the word is -- administers the contract for the
12 independent test lab, PTL, Pittsburgh Testing Laboratories,
13 and they wrote a letter similar to ours. I don't know if
14 they asked for -- you know, I don't know if they asked any
15 additional information on the use of Level I's or not.

16 BY MR. GUILD:

17 Q By "they," you mean site quality assurance?

18 A Right.

19 Q Wrote to PTL?

20 A Right, be we, the construction department,
21 administers the contracts for the contractors that are or
22 have been hired to do the construction, and then Quality

1 Assurance administers the contract for the independent
2 test lab.

3 Q And the independent test lab, PTL, employs
4 quality control inspectors?

5 A Right. Yes, sir.

6 Q Why was a letter then sent to contractors other
7 than L.K. Comstock in the spring of '85 instructing them to
8 no longer employ Level I's?

9 A Just to reinforce our decision at that time to
10 only use Level II's to do weld inspections.

11 Q Why was such an instruction relevant to the other
12 contractors?

13 A Well, we just wanted to make sure that they
14 did not start -- that their use of Level I's and Level II's
15 was consistent with what we were supplying Comstock. Just
16 to be consistent among the contractors.

17 Q Do you know whether any contractors other than
18 Ernst and Comstock employed Level I's in performing quality
19 control inspections?

20 A I do not know.

21 MR. GALLO: I just want to make my prior objection
22 clear. It was not based on relevancy grounds; it was based

1 on the understanding you and I have that the scope of this
2 deposition, at least, is limited to summary disposition
3 affidavits, and Mr. Gieseke has not been prepared by counsel
4 with respect to a broader range of questions you might ask
5 with respect to other areas, and it was on that basis that
6 I objected.

7 MR. GUILD: I am trying to limit my examination
8 to the scope of the summary disposition motions, and some
9 portions of which may involve some grey areas that are not
10 specifically addressed in Mr. Gieseke's affidavit. But
11 my belief is that the last subject was relevant to the
12 Motion for Summary Disposition.

13 BY MR. GUILD:

14 Q With regard, then, to Comstock and Ernst, what
15 work did the Level I inspectors perform, Mr. Gieseke?

16 A They performed visual inspections of welds.

17 Q And was that work governed by a written procedure?

18 A Yes. For both contractors -- I might mention just
19 for clarity that the Ernst was the first electrical contractor
20 on site, and in the beginning of 1979 it was replaced by
21 Comstock, so they were not there at the same time. But
22 during each of the tenures for the two contractors, their
work was governed, their inspection work for welds was

1 governed by the site approved procedures.

2 Q All right.

3 Did you provide me a copy of an excerpt from
4 one of those procedures?

5 A Yes. That was a Comstock 4.8.3. It is the L.K.
6 Comstock weld inspection procedures. That was in the last
7 section of general information. It's in the tail end of
8 that, Mr. Guild. The one that had the telecopy form from
9 myself to Lisa Styles of Isham, Lincoln & Beale.

10 Q That is several pages of a procedure that are
11 attached to the 9/25/80 copy?

12 A Yes, sir.

13 Q Now, does that excerpt from the procedure describe
14 the work activities that the procedure specified to be
15 performed by the Level I inspectors?

16 A In partial, certainly. I only supplied Ms. Styles
17 with page 7 of 13, so it's an incomplete document that you
18 see here. But certainly it provides the weld inspection
19 criteria to be used by either a Level I or a Level II
20 in the case of Revision F for visual inspections of welds.
21 In Revision G, which is the next copy of page 7, we eliminated
22 the use of the Level I and it indicates only a Level II can

1 inspect welds.

2 Q Do those excerpts describe the nature of the
3 inspection work that the Level I's perform?

4 A In partial. If you will note at the top of the
5 page, it talks about some of the criteria for the welds;
6 but again, it's only a portion of the procedure.

7 Q All right. You are referring to 3.21, plate
8 cut edges, 3.22, verification of welder stamp.

9 A Right.

10 Q Those are two of inspection attributes that the
11 Level I's inspected to?

12 A Yes.

13 Q And I take it that the preceding pages, they were
14 additional inspection attributes?

15 A Yes, sir.

16 Q All right.

17 Turn to the attachment to Revision F, and that
18 is the Form 19. Does that represent a weld inspection
19 checklist that was employed by Comstock when Level I's
20 performed visual inspection of welds?

21 A Yes, sir.

22 Q What do the items that are listed in the body of

1 the form there represent, Mr. Gieseke?

2 A That's a summary of the inspection criteria to
3 be looked at by the visual weld inspector. As you note,
4 it references some of the paragraphs in the procedure
5 itself which elaborate on the attribute being looked at.
6 So this is just kind of a brief reminder of what the item
7 is.

8 Q All right. And then adjacent, in the right-hand
9 column -- there are three columns. The word "Acc." for
10 accept?

11 A Yes.

12 Q "Rej." for reject?

13 A Yes, sir.

14 Q And "N/A" for not applicable?

15 A Correct.

16 Q And what is the task of inspector at this time, of
17 the Level I inspector?

18 A Well, for either the Level I or the Level II
19 inspector, they would visually inspect the welds, and
20 during that inspection would look at the attributes that
21 the individual item addressed and determine that to be
22 acceptable or rejectable and indicate on the inspection

1 checklist. If the item was then rejectable, they would
2 initiate the appropriate corrective action documentation.

3 Q Would the completion of the weld inspection
4 checklist by the QC inspector, the Level I or the Level II,
5 indicate that that inspector had inspected the subject
6 weld to that attribute?

7 A Yes, to the best of my knowledge, yes.

8 Q What is the significance of the "N/A" column,
9 Mr. Gieseke?

10 A It's a column that we put on all the checklists
11 if for some reason that specific item was not applicable
12 during that particular inspection.

13 Q Under what circumstances would the inspector
14 be permitted to employ the "N/A" column?

15 A Well, whenever he felt that that attribute didn't
16 apply for that particular inspection.

17 Q And when would that be?

18 A Oh, I can't really think of any examples off the
19 top of my head. Well, one good -- if the item was -- for
20 example, if the attribute that was found to be not acceptable
21 was one of the elements here, say the top one, 3.2, and all
22 t' additional elements were found to be acceptable, the

1 inspector would indicate that as being the item that was
2 found rejectable, and when it was repaired, in the subse-
3 quent reinspection there would be a requirement only to
4 inspect that attribute. They wouldn't necessarily have to
5 inspect the whole other weld again that had already been
6 QC accepted.

7 So in that case, they may N/A the rest of those
8 attributes.

9 Q Are there any other circumstances in an initial
10 inspection where the N/A column would be appropriate?

11 A Not to my knowledge for this particular checklist,
12 no.

13 Q Now, do you have a copy of Mr. Kostel's
14 affidavit with respect to 3C? Appended to Mr. Kostel's
15 affidavit are three figures. Figure 1, Mr. Kostel at page
16 4 of his affidavit describes it as depicting a typical cable
17 tray support system. Figure 2 is a detailed -- he describes
18 the same page as detail of the connection of the horizontal-
19 to-vertical connections.

20 A Yes.

21 Q Page 5 -- I'm sorry. Figure 3 shows Connection
22 1, which is the attachment of a vertical conduit support to
a plate embedded in concrete or a structural steel member.

Do you agree with Mr. Kostel's description of

1 those three figures?

2 A Yes, sir.

3 Q Now, what I would like for you to do is, using
4 those figures if they are appropriate, relate those depic-
5 tions of typical installations that are to be inspected by
6 Comstock to the use of the Form 19, the weld inspection
7 checklist. Describe for me how the Level I or Level II
8 inspector would inspect the welds that are shown in the
9 figures to Mr. Kostel's testimony.

10 A Okay. Again, what it is, it is a visual weld
11 inspection, and the weld inspector, Level I or Level II,
12 would go up to the particular hanger -- and let's take
13 Figure 1, for example, cable tray hanger. He would visually
14 inspect each of the welds that was required by the design
15 drawing to the attributes listed on his weld inspection
16 checklist.

17 Q All right. Figure 1 is one hanger?

18 A Yes, sir.

19 Q Figure 1 to Mr. Kostel's affidavit.

20 A Right.

21 Q How many welds are shown on Figure 1, the
22 example of a cable tray hanger?

1 A I would have to look at the specific design
2 drawing to tell you the exact number, but typically --

3 MR. GALLO: Why don't you just say there are
4 no welds shown on that if that's right.

5 THE WITNESS: Correct. This is just a for-
6 information sketch. There are no welds -- well, I think
7 Mr. Kostel is trying to depict some welds in his Connection
8 3, the circle of the Connection 3, but basically, I think
9 he is intending to show the locations of where the welds
10 would be.

11 A more explicit --

12 Q Let me stop you one second. Where you said his
13 depiction of Connection 3 on figure 1, there appears to be
14 a circle, and in the circle there is a rectangular figure
15 with hashed lines around the perimeter. Does that indicate
16 a weld?

17 A I think that's what he is trying to represent.

18 Q All right. I'm sorry. I interrupted you. You
19 were going to explain?

20 A Yes. Figure 2 is a closer representation of what
21 you actually would see on a design drawing, where it has the
22 actual weld symbols, okay? And that's how the inspector

1 would determine what the weld was to be.

2 Q Does Figure 2 indicate one of the typical
3 connections that is shown on Figure 1?

4 A The Connection 2 would be close to Connection 1,
5 probably the closest to Connection 1.

6 Q Connection 1 appearing on Figure 1?

7 A Yes, sir.

8 Q And that's the connection of the vertical member
9 to the plate, the horizontal plate in the ceiling, for
10 example?

11 A Right.

12 Q Are these representations, the Figures 1, 2 and
13 3 to Mr. Kostel's testimony -- are they typical of a drawing
14 that a Level I or Level II QC inspector would use to
15 inspect to?

16 A Oh, no, sir. The design drawings, like I said
17 before, are much more specific and detail exactly what the
18 weld is to be and the configuration of the weld.

19 Q Do you know what the source of the figures that
20 Mr. Kostel shows in this affidavit are?

21 A No, sir.

22 Q Do you know whether they were prepared for

1 purposes of supporting his testimony?

2 A I don't know where they came from.

3 Q Are you familiar with drawings of that sort?
4 Are they used in any respect in performing quality control
5 functions or construction activities?

6 A No, sir. In fact, I am missing the third page
7 here.

8 Q Well, I will show you the third.

9 A Yes, this is a cable pan hanger. Again, a
10 typical representation of a cable pan hanger, and Mr.
11 Kostel is again showing you where the typical welds would
12 be performed. Again, it's a vertical member attachment to
13 an imbed or ceiling plate. These connections here would be
14 bolted connections.

15 Q All right. You are indicating first the vertical
16 connection to the plate is circled and indicated as
17 Connection 1 on this Figure 3.

18 A Yes, sir.

19 Q And the last indications are dashed lines that
20 appear to be tubes that are bolted on?

21 A Right. Those are meant to represent actual
22 conduit, pieces of conduit that are attached to that
specific hanger.

1 Q With bolted connections?

2 A Yes, sir.

3 Q All right.

4 So the figures for Mr. Kostel's testimony do not
5 reflect specifications or design drawings that would have
6 been employed by the Level I or II QC inspectors; correct?

7 A Yes, sir.

8 Q But they do indicate the typical installations
9 that would be the subject of a visual inspection by a Level I
10 or a Level II; correct?

11 A Yes, sir.

12 Q Now, help me, if you can, Mr. Gieseke, correlate
13 what the Form 19, the weld inspection checklist -- what
14 scope of work would it comprise relative to the installation
15 depicted on Figure 1 to Mr. Kostel's affidavit? Do you
16 follow me?

17 A I believe so. I will give you two cases. The
18 first case. If the hanger was assembled and supplied to us
19 by a subcontractor, for example, Comstock responsibility
20 would be just to install that hanger to the imbed, in which
21 case they would place the hanger in position and weld it
22 to the imbed or structural steel, and that would involve
what Mr. Kostel calls Connection 1 in his figure 1 and

1 would typically be fillet welds that would attach those
2 two leg members in this particular case to the imbed.

3 The Level I or Level II inspector would go up
4 and inspect those welds, and the number and the orientation
5 and the configuration would be as described on the
6 installation detail on the design drawings. He would look
7 at each one of those welds to the criteria indicated on
8 Form 19. If any of those welds are, in his opinion -- if
9 any of those welds didn't meet one of the criteria in Form
10 19, then he would initiate the appropriate corrective
11 action.

12 Q All right.

13 A Okay. It should be noted at that time those
14 cable tray representations that are indicated on Mr. Kostel's
15 Figure 1 would not be installed. Those would be installed
16 at a later date. Typically, we put the hangers up first
17 and then we would follow on with the cable tray in the
18 example of Figure 1.

19 Q Now, going back to Figure 1, what portion of
20 that installation is the tray?

21 A If you look on the two horizontal members
22 represented on Figure 1, you will see two boxlike shapes
with x's through them. Those four pieces are meant to

1 represent the cable tray.

2 Q All right. So what is the installation that
3 would be received in your Case 1 from the supplier and
4 installed by Comstock?

5 A In Case 1 we see the whole hanger H frame, which
6 would be the two vertical members with the two horizontals.

7 Q Absent the actual cable trays themselves.

8 A Yes, sir.

9 Q And Comstock would install the trays at a later
10 date?

11 A Yes, sir.

12 Q Okay. Now, for the installation of the hanger,
13 the H member supplied by a vendor, would there be one Form
14 19 that would reflect the QC inspection of that installation?

15 A There would be one -- there would be one QC
16 inspection for the initial inspection of the installation
17 of the hanger. If, for example, there was a discrepancy
18 noted, there may be subsequent inspections to that same
19 hanger. If there was a rework issued to a design that
20 affected this hanger and the hanger was reworked, there
21 could be additional subsequent inspections that were
22 performed on the rework of that hanger.

1 Q All right.

2 Then for the initial installation inspection,
3 there would be one Form 19 that would reflect the visual
4 inspection of a Connection 1 as depicted on Mr. Kostel's
5 Figure 1 to his affidavit, and a comparable visual
6 inspection of the companion connection for the other
7 vertical member.

8 A It would be documented on the same Form 19.

9 Q All right. So there would be two welded
10 connections documented on a single Form 19 in that case;
11 correct?

12 A Right. The Form 19 is catalogued, for lack of
13 a better word, by the hanger number itself. So the
14 hanger includes whatever orientation. There could be one
15 leg or there could be two legs or there could be more legs
16 to a hanger.

17 Q All right. And if there were more legs to a
18 hanger than in your first case where the hanger was
19 received already preassembled and needed simply to be
20 installed, then the Form 19 for initial installation would
21 reflect more connections.

22 A Yes, sir.

1 Q Three legs, three connections, four legs, four
2 connections?

3 A Typically, in general, yes.

4 Q Now, using that typical representation again,
5 Mr. Kostel's Figure 1 to his affidavit, how many welds are
6 indicated in Connection 1?

7 A Well, as we said earlier, there is no specific
8 weld detail issued here, so I wouldn't know how many in
9 this particular case the designer asked to be installed.
10 I believe, again, he just meant to show the typical place
11 where a weld would be.

12 Q Let's assume, if it is a reasonable assumption --
13 and you tell me if otherwise -- that Figure 2 is a
14 representation of the Connection 1 appearing on Figure 1.
15 Is that a reasonable assumption?

16 A It is typical, yes.

17 Q Okay. In that case, the tube steel that is
18 shown as the vertical on Figure 2 we would assume is a
19 horizontal -- is the horizontal that's shown in Figure 1?

20 A Yes.

21 Q How many welds would then -- assuming that
22 Figure 2 shows Connection 1 on Figure 1, how many welds

1 would be reflected in that connection?

2 A Okay. This is to the best of my knowledge.
3 I am not an expert in weld details. But basically what
4 this is telling us is there is a weld on the top of the
5 plate that attaches -- that actually attaches to the tube
6 steel, in this case, top and bottom, and there is a
7 second -- so that's actually two welds. Then a third weld
8 on the top of the horizontal member, and the fourth weld
9 on the bottom of the horizontal member.

10 And again, I'm not a certified welder and I
11 can't tell you what those specific weld details mean.

12 Q The weld symbols A and B that are shown on this
13 Figure 2?

14 A Yes, sir.

15 Q Now, if in your Case 1, your typical Case 1,
16 this was a hanger that had been received preassembled and
17 was just to be installed by Comstock and inspected by
18 Comstock QC, would there typically be the weld B's that
19 are indicated on Mr. Kostal's Figure 2?

20 A I believe so, typically, yes.

21 Q So typically they would weld -- if Mr. Kostal's
22 Figure 2 is typical, four welds for that particular

1 connection.

2 A No. If the hanger was pre-received, typically
3 they just do the two welds, the A welds.

4 Q That's what I mean to say. Okay. So
5 typically, if it was preassembled, the B welds would already
6 be done. That's what I meant to say.

7 A Yes.

8 Q And the A welds would be the welds performed by
9 Comstock.

10 A Yes, sir.

11 Q And inspected by Comstock.

12 A Yes, sir.

13 Q So Figure 2 to Mr. Kostal's affidavit indicates
14 two welds in that connection that would be subject to the
15 inspection by the Comstock inspector?

16 A Typically, yes.

17 Q And assuming Figure 1 is typical and there are
18 two connections for the preassembled hanger, there would
19 be four welds that would be subject to inspection.

20 A Yes.

21 Q And the acceptability or the condition of those
22 four welds would be reflected in one Form 19 for that

1 particular hanger on initial installation.

2 A Yes, sir.

3 Q There would be a subsequent Form 19 reflecting
4 the installation of the cable trays to the hanger?

5 A Yes, sir.

6 Q When the cable trays are installed, would there
7 be one Form 19 for all four trays if they were initially
8 installed? Using Figure 1 as the example.

9 A I believe so.

10 Q You have some hesitance about saying that?

11 A Well, there is no reason that they couldn't
12 inspect one tray at a time, or they could do them all. It
13 depends on what was there when they went up to do the
14 inspection. And I don't know -- you just have to depend on
15 what was there at the time.

16 To clarify my statement, the cable tray is
17 identified by what we call node numbers on the side of the
18 tray, okay? And that's how the installation is turned in
19 to the QC Department. Based on that, they would go up and
20 they would do the inspection.

21 Now, they may have the installation reports for
22 all four cable pans when they go to do the inspection or

1 they may have one of the four or any combination, in which
2 case they could do whatever the installation report
3 indicated had been installed.

4 Q All right. And the procedure doesn't dictate
5 one way or the other whether you do all four at once or
6 four separately?

7 A Not to my knowledge, no.

8 Q Now, what is a node? N-o-d-e?

9 A Node, yes. It's the method used to route cable
10 in the cable pans. The cable pans contain node demarkers,
11 and as the cable is routed through the pan, the direction,
12 or getting the cable from point A to point B is governed by
13 the nodes that the cable goes by. So it's a way of
14 identifying the cable tray to provide for cable routing
15 through the tray.

16 Q All right.

17 Well, do the Form 19's for the inspection of
18 welds on cable tray installation correlate with the hanger,
19 the unique hanger?

20 A For which? I'm sorry. Could you clarify that?
21 For which -- if we are talking about trays now, or connec-
22 tions?

1 Q We will talk about trays, connections of a tray
2 to the hanger. That is a welding installation task that is
3 subject to inspection by Comstock, right?

4 A Uh-huh. I believe the Form 19 indicates the
5 hanger number, but there is a second inspection of the
6 cable tray which is governed by the node number of the
7 cable tray.

8 Q And what is the nature of that inspection?

9 A Well, it is the configuration inspection for the
10 cable tray itself.

11 Q So that is a separate inspection, a configuration
12 inspection of the tray?

13 A A separate procedure, right.

14 Q And is that procedure subject to the Level I
15 reverification program?

16 A No, sir.

17 Q So configuration is something separate?

18 A Yes, sir.

19 Q The configuration inspection is governed by a
20 separate visual inspection of welds?

21 A Yes, sir. It's a completely separate procedure.

22 Q All right.

1 Now, for the typical cable tray and hanger
2 shown by Mr. Kostal in his Figure 1, how many welds would
3 be called for inspection?

4 A For the whole hanger?

5 Q Yes.

6 A Well again, it depends on -- it depends on the
7 configuration of the hanger and it depends on whether or
8 not -- I assume that you are talking about Level I or Level
9 II Comstock inspectors. It would again determine whether
10 that hanger was supplied by a subcontractor or not.

11 Q Again, I am following your Case 1. It is a
12 preassembled hanger. You get the H member. You just
13 described the installation connections that were inspected,
14 and those are at the top of the Figure 1 drawing there.
15 Now you say later you come by and you install the trays
16 themselves.

17 A Right.

18 Q And I would like for you to identify what
19 additional welds would be reflected in the tray installation.

20 A Okay, I understand now. That installation is
21 what we call the cable pan hold down weld, which Mr. Kostal,
22 I believe, is trying to represent by his Connection 3 on his

1 Figure 1. And that is what we call a stitch weld, meaning
2 it is a weld -- it's a series of welds spaced by what the
3 design requirements indicate the spacing to be.

4 I believe, if my memory serves me correct, the
5 hold downs are typically two to four stitch welds per piece
6 of tray.

7 Q All right.

8 So, if I understand you correctly, Connection 3
9 on Mr. Kostal's Figure 1 would be three to four welds?

10 A Right. This would be one, two, and there may be
11 ones on the other side of this member. That's what I'm not
12 sure of. Do you see what I'm saying?

13 Q I am unclear. Connection 3 in the circle is how
14 many welds, how many stitch welds?

15 A I believe that that is just one. I think what
16 they are -- well, I believe it is only one weld. I don't
17 know why it is represented in the box.

18 MR. GALLO: You know, of course, that you can ask
19 Mr. Kostal the same question and get a more definitive
20 answer since it is his figure.

21 MR. GUILD: Maybe so.

22 BY MR. GUILD:

Q All right. For the actual installation of the

1 cable tray that is depicted on Figure 1, per tray, and there
2 are four trays shown there, how many welds would there be
3 per tray?

4 A Well, again, I believe it is two to four per
5 tray.

6 Q All right. And there are four trays, so that is
7 eight to sixteen welds?

8 A Yes.

9 Q Now looking at the Form 19, Rev. F, that is
10 Rev F to the procedure, and it appears to be Rev. E of the
11 Form 19; correct?

12 A Yes, sir.

13 Q Where would the identities of the welds
14 actually inspected be reflected on that checklist?

15 A Okay. Up in the top part of the Form 3.1 would
16 describe the drawing and the drawing revision, the item
17 type, and then the item number.

18 Q Item type would be what in our example that we
19 have been following, Figure 1?

20 A It would be the type of cable pan hanger.
21 And then the number would be the specific number of that
22 hanger.

1 Q The item equipment number?

2 A Yes, sir. And then just to the right of that it
3 says number of welds inspected, and that is where he would
4 indicate the actual number of welds he inspected.

5 And then the next would give the location of the
6 item that was inspected.

7 Q And how would the location be specified?

8 A Typically by the drawing coordinates. You know,
9 the building is divided into drawing coordinates and
10 they would indicate that.

11 Q And elevation?

12 A And elevation. And then the FCRECN, et cetera
13 is any additional design documents that would affect the
14 drawing. That was indicated at the top there. And then the
15 details inspected would be the connection details.

16 Q The detail is -- how is detail meant?

17 A Detail is meant as that circle that Mr. Kostal
18 represented on his example. That is what we call or could
19 be what we call a typical detail, okay? So the S&L drawing
20 system only represents that detail once, and then it is
21 referred to in the design drawing to say for the hanger that
22 you are installing, use this detail. And in that case, that

1 is the detail they would list there.

2 Q So assuming the detail as used in Form 19 is
3 equivalent with connection as used in Mr. Kostal's Figure 1,
4 if in your Case 1 the Level I QC inspector inspected a
5 hanger that had been received preassembled and just installed
6 it, details inspected would indicate inspection of Connection
7 1 and the other vertical connection that is not identified
8 on Mr. Kostal's Figure 1.

9 A Typically the same.

10 Q What do you mean, the same?

11 A It's the same detail. That's why Mr. Kostal
12 only circled it once. Typically we would use the same
13 detail to attach this leg as this leg as this leg
14 (indicating).

15 Q You are indicating the left leg as the right
16 leg.

17 A Yes, sir.

18 Q And then what would be entered on the Form 19
19 under the details inspected if that were the case?

20 A Well again, typically there would be a detail
21 number so that the weld inspector would know exactly what
22 the design requirement was, and that is the number that would
be listed under details inspected.

1 Q Now, in your example, Connection 1 you described
2 as typically consisting of two welds; correct?

3 A Typically, yes.

4 Q If the right vertical member were a similar
5 connection, that would be four weld total for the installa-
6 tion; correct?

7 A Yes, sir.

8 Q The Form 19 for that installation inspection,
9 then, would reflect under number of welds inspected the
10 number 4?

11 A Yes, sir.

12 Q And it would indicate under details inspected
13 the Connection 1?

14 A Yes.

15 Q That detail was inspected?

16 A Right.

17 Q At the bottom of Form 19 there is a space for a
18 signature over the line that says "QC Inspector." Is that
19 where formally the Level I signed?

20 A It was the inspector -- it was the QC inspector
21 that performed the inspection, either Level I or Level II,
22 who would sign there.

1 Q And then to the right of that is another signature
2 block, and it says Level II inspector.

3 A Yes, sir.

4 Q Would the Level I sign there?

5 A No, sir.

6 Q So the Level I, if the Level I performed the
7 inspection, would only sign on the left of those boxes where
8 it says QC inspector?

9 A Yes, sir.

10 Q And the Level II inspector would sign to the
11 right.

12 A No, sir. The left-hand signature is the person
13 that performed the inspection, be that a Level I or a Level
14 II inspector. The right-hand signature is a reviewer,
15 which is done after the initial inspection, and the reason
16 the Level II inspector -- it says Level II there -- is that
17 the review must be done by a Level II. It cannot be done
18 by a Level I.

19 Q All right. And the Level II box, the right-hand
20 signature box or signature space is the reviewer's signature,
21 not the signature of the inspector who actually performed
22 the visual weld inspection.

1 A That's correct.

2 Q Now, to the right of each of those signature
3 lines, there appears a blank that says "date." What does
4 the date blank on Form 19 indicate?

5 A To the best of my knowledge, it's the date that
6 the inspector signed the blank.

7 Q All right. Does that indicate the date that
8 the inspection was performed in the case of the left
9 signature box, that for the Level I?

10 A Typically.

11 Q Necessarily?

12 A I'm sorry?

13 Q Necessarily? Does the procedure call for dating
14 the signature box for the left signature on the date that
15 the inspection was performed?

16 A Not to my knowledge.

17 Q Did the procedure specify the completion of the
18 date portion of the Form 19 in any respect?

19 A I believe that the words were "sign and date"
20 the report.

21 Q Do you know whether or not Form 19s were signed
22 on dates other than the dates on which the inspections were

1 performed?

2 A There was -- the only item I do know is that
3 there was a practice back in the early project where the
4 results would be -- welds would be inspected for a number
5 of days and then recorded on one form, and I believe the
6 date then was the date, again, that the QC inspector signed
7 the checklist, and in those cases it is obvious that all the
8 welds weren't inspected on that day, but that was the date
9 that the inspector turned in the report. That's the only
10 exception. Typically it's the date that the weld is
11 performed, the weld inspection is performed on. Or, you
12 know, Mr. Guild, it could be like if it was done late in
13 the day, there is some time to do the paperwork.

14 So it's typically done the same day.

15 Q Though in that case, done at the end of the day,
16 the inspection is done at the end of the day and Form 19
17 perhaps is signed off the next day?

18 A I believe that could be a case, yes.

19 Q Now, describe some more, if you would, Mr.
20 Gieseke, the practice that you said was followed in the early
21 days of the project.

22 A What I am basing my statements on, some conversations

1 with the Comstock personnel that were here, and basically
2 that's what they said, that they would inspect welds for --
3 they would do all the visual inspections but then they
4 would "turn the welds in" on one day. So the checklist
5 would list a number of welds, and if it was -- the thing
6 that brought it to our attention was that there was a large
7 number of welds indicated and there were a number of welds
8 to be inspected, and it was unreasonable to think that all
9 those welds were inspected in one day, so we asked them
10 what the practice was.

11 Q How did that come to your attention?

12 A Well, there was an allegation that the NRC was
13 following up on, and I believe -- yes, that's how I
14 originally heard about it.

15 Q Are you familiar with the allegation involving
16 Mr. DeWald, his weld inspection practices when he was a
17 Level II inspector?

18 A I am familiar with that allegation, but it wasn't --
19 when I was asked about the practice, there was no indication
20 of who the inspector was, okay? And it was -- at that time.
21 But it was an allegation about a number of welds being
22 inspected on one day.

1 Q Well, Mr. DeWald aside, what did you do when
2 you became aware of the allegation that you referred to,
3 large number of welds listed on a single Form 19?

4 A Well, I talked to Comstock management and asked
5 them, you know, what was the practice back then.

6 Q Who did you talk to?

7 A I believe it was Mr. Seltmann and Mr. DeWald.

8 Q Can you tell me when you did this?

9 A No, I can't specifically. It was when Mr. Mendez
10 of Region III was doing his report on the allegations. That
11 report spanned a number of different trips to the site, and
12 I can't tell you specifically which trip it was on.

13 Q And what did Mr. DeWald and Mr. Seltmann tell
14 you about the past practices in this regard?

15 A Basically, like I said before, that there was
16 a practice that the welds would be inspected for some number
17 of days. There seemed to be no consistency in that. And
18 then just recorded on one day. So that led to some large
19 numbers in the welds to be inspected, and they signed the
20 report off the date that they signed it, and there was no
21 indication in the report itself that this inspection covered
22 a range of days.

1 So, looking back at the report, it was easy
2 for somebody to conclude that this practice perhaps occurred
3 on one day.

4 Q When you say large number of welds indicated,
5 what numbers?

6 A Well, I saw examples of 50, in the fifties. I
7 saw one that was -- the highest number I remember seeing
8 is 258, I believe.

9 Q 258?

10 A Yes, sir. Oh, excuse me. There is one other
11 one that was like 1215 or something, which is the subject
12 of Mr. Mendez' -- that's the one that Roger Mendez asked me
13 about, and that was, I believe, 1215.

14 Q Who performed the visual inspections involving
15 the 1215 welds?

16 A I can't remember. The inspector, you mean?

17 Q Yes.

18 A I can't remember the gentleman's name.

19 Q Was it Mr. DeWald?

20 A No.

21 Q The 1215 that you reviewed, those welds were
22 associated with a single Form 19, you say?

 A I believe it was a Form 19. My hesitation is it
 could have been a Form 91 by Ernst, but I believe it was a

1 Comstock inspection, an earlier version than the ones we
2 have here, I believe.

3 Q Did the earlier versions of the Form 19s differ
4 in any material respects from the Revision E that we have
5 been referring to?

6 A I believe so. I can't tell you specifically what
7 the differences are, though.

8 Q Do you know whether they are listed as does the
9 Rev. E information at the top, number of welds inspected?

10 A Yes. Lists number of welds. That's the number,
11 the 1215, that's how I know that 1215 number.

12 Q So on that document, an earlier revision of 19,
13 perhaps, under a box that says words to the effect of number
14 of welds inspected, the number 1215 would appear?

15 A Yes, sir.

16 Q And did that earlier version indicate the item
17 inspected, location, details inspected or to that effect?

18 A To that effect. Again, I can't remember the
19 exact similarities between those two documents.

20 Q Well, it would be easy enough to write 1215 on a
21 box that says number of welds inspected, but the Form 19,
22 Rev. E that we are looking at, Mr. Gieseke, calls for

1 showing the specific details inspected. And if one inspected.
2 And if one inspected 1215 welds, and typically the detail
3 calls for two to four welds, that would be an awful lot of
4 details to indicate in a line on Form 19, wouldn't it?

5 A Right, unless it was the same detail.

6 Q All right. So, using your example, Connection 1
7 from Mr. Kostal's Figure 1 was one detail.

8 A Right. But again, as I said, it's a generic
9 detail. It's a typical detail. It could be the same detail
10 used on a whole line of hangers.

11 Q All right.

12 Now, let's assume that it's a whole line of
13 hangers, and let's assume -- tell me if this is not a
14 reasonable assumption. If we are talking about four welds
15 per detail per connection, and you did 1215 welds and we
16 have got 300 connections that are being inspected on that
17 single inspection document -- correct?

18 A Yes. In your example, yes.

19 Q Well, is my example reasonable? I am trying to
20 follow how the paper flow works and how one would complete
21 this.

22 A It's reasonable from the -- I can't speak to the

1 numbers involved. What I mean is that if the detail calls
2 for four welds or eight welds, now the number of hangers
3 goes, in your example, from 300 to 150 or something to that
4 effect. But yes, the similarity -- I agree with the
5 process that you are describing.

6 Q Okay. So if it's 150 to 300 different hangers
7 that were inspected, each to detail Connection 1, which is
8 a typical detail, how would the scope of that inspection
9 as covering 150 to 300 hangers be indicated in the inspection
10 document, either this Form 19 or a predecessor document?

11 A Okay. The two ways that I am familiar that they
12 did it is they actually list the hanger numbers, so there
13 would be a long list of hanger numbers, or in some cases
14 they listed what we call a grid and describe the location,
15 line 12 line to 15 line, column line L to M, or
16 something like that. That's what they call a grid.

17 Q Is that a two-dimensional description of an area
18 where hangers would appear?

19 A Right.

20 Q And how would one know which specific items were
21 inspected if the inspection document indicated only a grid
22 identification?

1 A It's difficult.

2 Q How would you do it, if you could?

3 A Well, we would -- the practice at the time was
4 if it was a grid and all that was on the checklist was --
5 you know, from a definition of the boundaries of the grid,
6 we would have to look for more specific documentation
7 indicating what the actual hanger inspected was. One source
8 of that is the PTL overview inspections. PTL did overview
9 inspections on the weld inspections performed by site
10 contractors, and they would provide a report, and that
11 report typically indicated the specific hangers that they
12 looked at. In that case we would know those hanger
13 numbers.

14 Q All right. I am following you now. PTL might,
15 by chance, overview that particular inspection; is that what
16 you are saying?

17 A No, not by chance. I believe that the requirement
18 was that weld inspections performed by each contractor were
19 submitted to PTL and they chose a certain percentage to
20 overview.

21 Q My point is that in some at random process, PTL
22 selected those particular installations to overview.

1 A Yes, sir.

2 Q And in the way of documenting which particular
3 installations were contained in a grid only description on
4 an inspection document, you might by chance, as a result of
5 the at random selection by PTL, find another source of
6 documentation of which specific equipment was the subject
7 of the original Comstock or Ernst inspections.

8 A Well, the PTL report when it is returned to
9 Comstock is always attached to that original inspection
10 report. So we know that the percentage of PTL inspections,
11 which specific inspection report they apply to. I might
12 add that the grid system, if you would like to call it
13 that, we no longer use that because we need more specific
14 documentation for the components.

15 Q When was the grid system used?

16 A I can't give you an exact date. It was early
17 in the project, is about as close as I can get. I really
18 haven't done any research to find out explicitly when the
19 process was.

20 Q Was it used by Ernst?

21 A Yes.

22 Q Used by Comstock?

1 A Early in the project I believe it was. I have
2 seen examples of both Comstock and, I believe, Ernst weld
3 inspection forms that indicated the grid system.

4 Q Is there any other source of identification of
5 what grid identification comprises in terms of equipment
6 installations other than the PTL document that indicated
7 specific hangers, for example?

8 A For that particular inspection report, that would
9 be it.

10 Q How were grids defined initially for the
11 inspector to specify a grid description on an inspection
12 document?

13 A Well, the grid system is the mapping system for
14 the entire plant. It's indicated on the drawings. That's
15 how you find the location of a device or any component on
16 the drawings. It's this two-dimensional grid system, okay?

17 So what the inspector would do, what he was
18 trying to do is just indicate on his checklist the area that
19 he inspected these welds in, without specifically listing
20 each individual hanger. And as I said, now we require them
21 to list the specific hanger as opposed to the grid system.

22 Q So you can tell what the grid identification is

1 that the inspector indicated on the form, right?

2 A Yes, sir.

3 Q You just can't tell which hangers within that
4 grid were inspected; right?

5 A Yes, except for the clarification with the PTL
6 report that I mentioned.

7 Q What are you doing about the ones that you can't
8 tie to a PTL document?

9 A Well, we have told Comstock in our effort to
10 do area turnover, where it's the time that we make sure
11 that we have the quality control inspection documents that
12 we require, that a generic grid report is not acceptable,
13 that we have to have a more specific inspection document
14 to the component actually inspected. And this may entail
15 some -- you know, if the items in that grid haven't been
16 subsequently reworked for some other reason or reinspected
17 for some reason, then it may entail going out there and
18 reinspecting it a second time.

19 Q Has there been any reinspection on that subject?

20 A On that, because of the specific grid system,
21 because we are just getting into that area of turnover
22 process, but certainly there have been items reworked

1 throughout the history of the project which would affect
2 the amount remaining in the "grid" that had not been
3 subsequently reinspected.

4 Q Do you know how many inspection reports indicate
5 only a grid description of the subjects of inspection?

6 A No, sir.

7 Q Is it five, ten, one hundred, one thousand?
8 Order or magnitude?

9 A Oh, I would say it's -- order of magnitude, it's
10 less than one hundred, but I am guessing.

11 Q Do you know how many welds are included, visual
12 weld inspections that are described or documented only by
13 grid description?

14 A No, sir.

15 Q In the case of one, at least, it was 1215; correct?

16 A In the case of one, yes.

17 Q Had Edison or Comstock with respect to that
18 particular example, the 1215 welds on a single inspection
19 report, prior to the NRC's investigation that you described --
20 had Edison or Comstock previously identified inspection or
21 inspection document deficiencies regarding that item?

22 A Not to my knowledge.

1 Q Do you know whether any of the inspection
2 documents that describe the items inspected with reference to
3 a grid description only were performed by Level I inspec-
4 tors?

5 A Yes, I believe there was.

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END 6

1 Q Do you know how many?^a

2 A How many what?

3 Q How many inspection documents showing a Level I
4 inspection reference just a grid description only.

5 A I believe it was five.

6 Q Five inspection reports?

7 A Yes, sir.

8 Q And you're looking at a document --

9 A Exhibit 1 to the motion for summary disposition.

10 MR. GALLO: Exhibit 1 to his affidavit.

11 BY MR. GUILD:

12 Q All right. Can you tell me where you drew the
13 answer to that question?

14 A I believe it was inspector ID number C41, and he
15 has five reports. I believe that was a Level 1 that used --
16 I believe all five of those reports are "grid" reports.

17 Q Do you know how many welds were indicated in the
18 five inspection reports that C41 did?

19 A No, sir, I did not look at the reports or the
20 inspection checklists specifically.

21 Q Do you know if any of the other inspectors shown
22 on your Exhibit 1 employed the grid reference only?

1 A I do not know.

2 Q How do you happen to know for 41?

3 A When we were -- when I was asking about the
4 specific inspections, the quantity of inspection reports per
5 inspector, and in that conversation it was pointed out to me
6 by NPS, who was my consultant, that those five happened to
7 be all grid reports; and that therefore, they wouldn't be
8 reinspected.

9 Q In your Level I reinspection program?

10 A Right.

11 Q Why is that?

12 A Because you can't -- as I said before, you
13 can't say -- you can't determine what hangers were in the
14 grid at the time.

15 Q Do you know whether there are any other Comstock
16 or Ernst inspection documents that reflect the performance
17 of more than 1000 weld inspections on that -- on a single
18 inspection document?

19 A I only know of specifically one.

20 Q And that is the 1215 case you were talking about?

21 A Right, that's the one that was talked about with
22 Mr. Mendez. Yes.

1 Q Have you made any effort to identify weld
2 inspection documents reflecting inspection work by Mr. DeWald?

3 A Yes.

4 Q Have you identified any weld inspection documents
5 reflecting more than, as you characterized it, a reasonable
6 number of welds inspected on a single document?

7 MR. GALLO: Wait a minute, that's not his
8 characterization. The large number of welds led him to
9 question whether or not they were done in a single day, and
10 found that -- and as a result, uncovered this practice, that
11 they were the result of a number of days' inspection. That
12 doesn't make them unreasonable per se.

13 MR. GUILD: I'm not trying to mince words with
14 him or put words in his mouth; it was your word, unreasonable.
15 I'm just trying short circuit the discussion.

16 BY MR. GUILD:

17 Q Did you identify any weld inspection documents
18 reflecting Mr. DeWald's work that showed a large number of
19 unreasonable -- an unreasonably large number of welds to
20 be done in one day?

21 A Right. Yes, I did.

22 Q And how many of those did you identify?

1 A I believe there were four or five.

2 Q When did you identify those?

3 A After the deposition of Mr. Holly.

4 Q Did you do that in an effort to search for the
5 documents he said he saw in his document review?

6 A Right. Mr. Holly indicated one specific drawing
7 number and I asked Comstock to give me all the inspection
8 reports performed by Mr. DeWald on that drawing.

9 Q All right. And did you review those documents?

10 A Briefly.

11 Q And did those indicate any performance by
12 Mr. DeWald of what would have been an excessive number of
13 weld inspections in a single day, if they had been done in
14 one day?

15 A Yes.

16 Q And what was the largest number of welds indicated
17 in a single one of those inspection reports?

18 A If my memory serves me correctly, it was 258.

19 Q Have you spoken with Mr. Holly about the matter
20 since the deposition?

21 A No, sir.

22 Q Have you made any other effort to identify

1 Q Have you made any other effort to identify
2 inspection documents showing Mr. DeWald's inspection work
3 that indicate a large number of welds performed on a single
4 document?

5 A I have not, sir.

6 Q Are you aware of there being any other effort to
7 identify it?

8 A I don't know of any. Oh, excuse me, I do. I'm
9 sorry. I believe the counsel asked Mr. --

10 MR. GALLO: Wait a minute. What counsel are you
11 referring to?

12 THE WITNESS: Elena.

13 MR. GALLO: Are you about to discuss a conversation
14 between Elena Kezelis and some Edison person, or Comstock
15 person?

16 THE WITNESS: Yes. Me.

17 MR. GUILD: Just to make it clear where I'm
18 going, I submitted a request for the production of documents
19 shortly after Mr. Holly's deposition, and it sought
20 documents that one, indicated Mr. DeWald's work on the
21 drawing that Mr. Holly described. Those documents were made
22 available to me by Ms. Kezelis, and at the time she said,

1 "We are still looking for others that relate to the
2 second portion of my request," which were any documents
3 showing Mr. DeWald's performance of a large number of welds.

4 MR. GALLO: Can we take a brief recess so he
5 can tell me what he is going to tell you so I can see whether
6 or not I can interpose a privilege -- should interpose a
7 privilege objection?

8 MR. GUILD: Sure.

9 (Discussion off the record.)

10 BY MR. GUILD:

11 Q Mr. Gieseke, before the break I had asked you
12 a question about a search for documents reflecting Mr. DeWald's
13 work, and would you complete your answer on that?

14 A Yes, sir. To my understanding, Elena Kezelis
15 asked Irv --

16 Q Mr. DeWald?

17 A Excuse me, Mr. DeWald -- to get a copy of all of
18 his inspection reports that he did when he was a weld
19 inspector, and under the QCIRP program, quality control
20 inspector reinspection program, we looked at -- we gathered
21 as one of our data bases all the inspection reports performed
22 by inspectors that were here at the time.

1 Mr. DeWald's time as a QC inspector was bounded
2 by the program dates, okay? So under the QCIRP we had all
3 the records indexed -- inspection records by Mr. DeWald --
4 indexed under Mr. DeWald's name. We index them by inspector.
5 And so, I called Elena and I told her that rather than have
6 Comstock research their vault again, we had already done that
7 under the QCIRP program, so could she look at those. And
8 originally, she wanted to Xerox, and I said well, the number
9 of records is approximately a file drawer and a half; a
10 complete file drawer and then a half of a second one. And
11 so she said that she would come out to the site and look at
12 those and then determine which ones she wanted. AND to
13 my knowledge, that hasn't occurred yet. That's why the
14 process isn't done.

15 Q All right. And has anyone reviewed those
16 documents which I understand then to be Mr. DeWald's weld
17 records, to identify weld records indicating large numbers
18 of welds performed on a single document?

19 A NO.

20 Q Weld inspections rather?

21 A No.

22 Q Now, would those be weld inspection documents

1 indicating Mr. DeWald's work as the actual inspector or as
2 the reviewer?

3 A As the inspector.

4 Q Do you know if Mr. DeWald performed work as a
5 reviewer, a Level II reviewer of Level I inspector work?

6 A Oh, certainly. In the earlier discussions this
7 morning I talked about the four inspectors that we had
8 interviewed with Mr. Jacobsen, and Mr. DeWald was one of
9 those. So yes, he has reviewed inspection checklists as
10 the reviewer.

11 Q Do you know how many inspection reports Mr. DeWald
12 served as the Level II reviewer on?

13 A No, sir.

14 Q Do you know whether any of those inspection
15 reports indicate a large number of weld inspections performed
16 on a single inspection report?

17 A No, sir.

18 Q What was the purpose of the Level II review?

19 A On the weld inspection checklist?

20 Q Yes.

21 A The procedure indicates that if it was a Level I
22 that had done the initial review --

1 MR. GALLO: Do you mean the initial inspection?

2 THE WITNESS: Excuse me, the initial inspection;
3 i.e., the lefthand signature, then it was for acceptance of
4 the installation. If it was the original inspector had been
5 a Level II, then it was just for form and completeness of
6 the document.

7 BY MR. GUILD:

8 Q And if it was a Level I, would it be for
9 acceptance of the installation and form and completeness of
10 the document?

11 A Certainly.

12 Q So if there were any weld inspection documents
13 indicating the Level II review by Mr. DeWald, for example,
14 of installation inspections performed by Level I's, his
15 Level II review would indicate that he approved the
16 inspection document for form and completeness as well as
17 that he accepted -- he reviewed, excuse me, the acceptability
18 of the installations.

19 A Well, yes, he accepted -- yes, he accepted the
20 installation.

21 Q Had you ever heard of the claim that Mr. DeWald
22 had done over 1000 weld inspections a day, other than

1 listening to the statements being made in the depositions -- ?

2 A No. that was the first time that I heard it, was
3 from Mr. Holly and during Mr. Holly's deposition.

4 Q Had you ever understood that that was a belief
5 on the part of Comstock QC inspectors? Either general
6 knowledge or a belief on the part of one or more inspectors
7 that Mr. DeWald had done such a practice?

8 A No. Mr. Holly's deposition was the first time
9 that I had heard that feeling expressed; that he was saying
10 it was common knowledge, I hadn't heard that before.

11 Q You are aware of an allegation to that effect had
12 been made to the NRC, weren't you?

13 A Well again, the allegation that I reviewed with
14 Roger Mendez -- I didn't know who the alleged was, certainly,
15 but I didn't know who --

16 MR. GALLO: The accusee?

17 THE WITNESS: The accusee --

18 BY MR. GUILD:

19 Q The subject of the allegation?

20 A Yes, that's a better statement.

21 Q Mr. DeWald's name wasn't attached?

22 A No names were given to us.

1 Q Did you read Mr. Mendez's and Mr. Neisler's
2 inspection reports on the subject?

3 A Yes.

4 Q Are you aware that that makes specific reference
5 to the present Comstock QC manager who was formerly an
6 inspector, and interviewing him on that allegation?

7 A Yes, but to my knowledge when I read it, I was
8 thinking -- basically what I did was to ask Irv what the
9 practice was, or Mr. DeWald what the practice was.

10 Q You didn't pick up on inspection reports
11 referenced to asking Mr. DeWald specifically whether he had
12 done more than 1000 welds in a day?

13 A Well, I don't remember that. I could have read
14 it but I don't remember that specifically.

15 Q Who identified initially the concern regarding
16 the practice of the use of Level I's to perform visual
17 inspections of welds?

18 A I believe it was Mr. Gardner of NRC Region III.

19 Q Was there initial concern expressed by anyone
20 prior to Mr. Gardner making his inspection and inspection
21 finding?

22 A Oh, yes, I'm sorry. The copy of the audit that I

1 have in here, the general office audit, 84-122, which was
2 back in September of 1984, did have an open item on the
3 current practice of Comstock weld inspectors.

4 Q Okay. How about directing my attention to that.
5 Is that in the additional information portion?

6 A I believe so, yes.

7 Q Ok. I have got the audit report. It's the
8 first document?

9 A Page 13 of that report is the specific item. At
10 the bottom it says 5., question number 28.

11 Q Do you know how that audit question came to be
12 included in the scope of that audit?

13 A No, sir.

14 Q Now, that audit question doesn't relate to the
15 acceptability of the weld installations that were the
16 subject of the Level I's inspection work, does it?

17 A Could you be more specific?

18 Q Well, the recommendation that appears on page 14
19 calls only for deleting the reference to Level I's, or
20 more precisely, define the limited nature of the Level I
21 capabilities; correct?

22 A Right.

1 Q It doesn't relate to the adequacy of the past
2 work inspected by the Level I's.

3 A That's right.

4 Q How did that get translated; that audit question
5 and the recommendation resulting from that audit question
6 get translated into a concern about the effectiveness of
7 the Level I's inspection work and the acceptability of the
8 welds that were the subject of the Level I's inspection?

9 A I think it's only the first part of that, and
10 it was the usage of Level I's, okay? During the --
11 basically, the concern of the auditor, as I understand it,
12 was that the procedure said you can use Level I's or Level
13 II's to inspect welds. And he asked us, what is your current
14 program? And we said, well, we only have Level II's
15 inspecting welds right now. He said, why don't you revise
16 your procedure to say that? And that's what we did.

17 Q When you say "he said" and "he asked," did he
18 ask you?

19 A Well, what I'm talking about is the particular
20 auditor -- the discussions during the pre-exit -- you know,
21 the performance of the audit, so it would be discussions
22 during the audit exit.

1 Q And did you participate in those discussions?

2 A Yes, with both the auditor and Mr. Gruber,
3 which was the lead auditor.

4 Q All right. So you are testifying about the
5 questions by the auditor based on your personal knowledge
6 of what he said to you.

7 A Yes.

End 7

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1 Q Why wasn't the question of the effectiveness of
2 the Level I's past work raised at that time?

3 A I don't know.

4 Q Do you agree with the observation that is
5 reflected on page 13 under paragraph 5 of question 28, and
6 that is Level I inspectors would be required to pass judgment
7 on the acceptability of observed conditions to utilize
8 the checklist supplied by this procedure? With reference
9 to the Comstock welding inspection procedure.

10 A I agree with that statement.

11 Q And does that accurately characterize the
12 judgment required of Level I's under previous revisions of
13 the checklist and the welding inspection procedure?

14 A Yes, that's consistent, I believe.

15 Q Mr. Gieseke, if you have that understanding and
16 you evaluated the attributes that were called out in the
17 checklist for visual weld inspection that called for
18 judgment on the acceptability of observed conditions by
19 the Level I, why didn't you raise the question about the
20 effectiveness of the inspection work performed by the Level
21 I's up until the date of this audit finding?

22 A Well, in my opinion, the Level I's can inspect

1 welds to a prescribed procedure, and they always did, to
2 the best of my knowledge, when they performed inspections
3 have the appropriate contractor procedure. Therefore, they
4 were working to a prescribed procedure, and ANSI 45.2.6
5 allows Level I's to perform inspections to a procedure.

6 Q And to pass judgment on the acceptability of
7 observed conditions of welds as required by the weld
8 inspection checklist?

9 A As required by the procedure, yes, and documented
10 on the checklist.

11 Q And does that inspection activity, employing those
12 procedures and those acceptance criteria specified in the
13 weld inspection checklist, constitute data gathering, in
14 your opinion?

15 A Not in the context that he uses data gathering.
16 I believe that they were inspecting welds in accordance
17 with the inspection procedure.

18 Q All right.

19 A ANSI has a section on data gathering, and my
20 interpretation of that is -- what it says is that to be a
21 data gatherer, you don't have to be certified to anything.
22 The situation may be that you are up in the scaffolding

1 doing an inspection and calling down the results to me, who
2 is writing it down on the floor. I up here have to be
3 certified to some level. I down on the floor -- or excuse
4 me, you would if you were doing the inspections. Me down
5 on the floor recording the results, based on what you are
6 telling me, is what I consider a data gatherer.

7 Q In that example, the guy filling out the form
8 is a Level I, and the guy up on the scaffold looking at the
9 welds themselves and calling down the data would have to be
10 a certified inspector in the ANSI requirements?

11 A Well, the guy on the scaffolding, in my opinion,
12 could either be a Level I or a Level II if he is working to
13 an approved procedure. The person down on the floor, there
14 is no requirement for him to be certified to anything.

15 Q All right. So it doesn't even have to be a Level
16 I.

17 A Correct.

18 Q Do you agree with the statement that appears in
19 the last paragraph on page 13 of the audit report that you
20 have referred to: "Commonwealth Edison Company's QA
21 Department will only allow a Level I inspector to operate in
22 the capacity of a data gatherer. That data, in turn, must

1 be analyzed for acceptance by an inspector of a higher level."

2 A The data gatherer that he is talking about, I
3 believe, is the use of the Level I the way we were using
4 him, which was the Level I was doing the inspection in
5 accordance with the checklist and recording that "data" on
6 the checklist and then signing his name. And then the
7 second review that he is talking about there is our Level II
8 review.

9 Q So you agree with the statement that is made in
10 the last paragraph of page 13?

11 A Right. What I am saying, I guess, is his use
12 of data gatherer here isn't the same use of or description
13 of the data gatherer that I was just talking about, with
14 somebody being up on the scaffolding and somebody being down
15 on the floor.

16 Q Assuming that he is using the term "data gatherer"
17 as that term is used in the ANSI standard, do you agree with
18 the statement that appears in the last paragraph of page 13?

19 A Which term used in the ANSI standard?

20 Q Data gatherer.

21 A No, I don't agree with it if he is using the
22 data gatherer here the way that data gatherer is talked about
in ANSI, no.

1 Q Does the Commonwealth Edison Company QA Department
2 employ any other use of the term "data gatherer" other than
3 the term "data gatherer" as that same term is used in the
4 ANSI standard?

5 A I don't know.

6 Q Do you know what he is talking about, then, if he
7 is not talking about data gatherer as used in the ANSI
8 standard?

9 A I think what he is simply talking about here is
10 recording the objective evidence on the checklist, and he
11 is indicating that. And you could call it data, you can
12 call objective evidence. There are a lot of different terms
13 that we use to describe the actual completion of the
14 inspection form.

15 Q Okay. So to the best of your knowledge, the
16 question about the use of Level I's to perform visual
17 inspections was first raised in this general office audit?

18 A Right.

19 Q Okay. And how, then, did BCAP become involved
20 in the Level I issue?

21 A Boy. I did not specifically participate in the
22 BCAP program as part of the BCAP task force, but to my

1 understanding, that was one of the items that was raised,
2 which was after this audit, was raised in -- let me say
3 the first part of 1985, I believe, when they were doing a
4 document review and they saw that the inspection checklists
5 were signed by Level I's.

6 Q So to the best of your knowledge, the BCAP
7 concern on the Level I's was independent of the audit
8 observation?

9 A Yes, to the best of my knowledge, yes.

10 Q They weren't simply relying on what they saw in
11 the audit to raise the issue; they raised it on the basis
12 of the document review?

13 A To my knowledge, they didn't know about the audit.

14 Q Okay. Now, in your Group Exhibit 2, behind the
15 general office audit that we have been talking about, there
16 is a QA Surveillance Report 4178.

17 A Yes, sir.

18 Q How did the Level I issue arise in the context
19 of that surveillance report?

20 A If you will note at the top of that surveillance,
21 it says Braidwood QA Surveillance Report No. 4178, Follow-up
22 to Audit Report GA-AG84-122. What this surveillance is is

1 the documented evidence that the Quality Assurance Department
2 uses to close out audit items.

3 Q And it's a follow up to the general office audit
4 that we just talked about?

5 A That's correct.

6 Q Maybe I am missing dates, then. I have a general
7 office audit of September 1984.

8 A Right.

9 Q And I have a surveillance that is dated February
10 of 1984. And you said the surveillance follows on the
11 audit?

12 A Yes, sir. I think that's a typo. If you look
13 down in the "reported by" signatures, those dates are '85.
14 I think the typo should be 1985.

15 Q I always believe what I read until told otherwise.
16 So the surveillance happened after the audit
17 finding and closed it out?

18 A Certainly.

19 Q Was the surveillance before or after the NRC
20 inspection finding with regard to the Level I issue?

21 MR. GALLO: Do you need to look at the inspection
22 report?

1 THE WITNESS: Yes, I guess so. I would have to
2 compare dates. I don't remember. They were both in the
3 same time period. Exactly which followed which, I don't
4 know.

5 MR. GUILD: It would be helpful if we could.

6 (Discussion off the record.)

7 BY MR. GUILD:

8 Q Mr. Gieseke, did the surveillance that led to
9 the report that we were looking at, the February 12, 1985,
10 come before or after the BCAP identification of the Level I
11 issue?

12 A I don't know. I did not generate the surveillance.
13 The QA Department did. I just don't know.

14 Q Do you know anything about the BCAP's identification
15 of the concern about Level I's?

16 A A little bit.

17 Q Bad question. Good answer.

18 You told me that they identified it in the course
19 of a document review. They saw the checklist that was
20 signed off by the Level I?

21 A I think I can clarify it. The context that I
22 know is in this same NRC report, BCAP was giving a finding

1 or something -- I don't know what level it was -- and
2 that's how I know they were involved in this Level I issue.

3 Q You know about it from reading the inspection
4 report?

5 A Right.

6 Q Did you do any independent review of BCAP's
7 involvement in the Level I issue?

8 A No, not a review. Just discussed it with some
9 of the BCAP -- I think it was Mr. Orlov, just to understand
10 what it was, but that's all.

11 Q Did you have that discussion at the time that
12 the audit and surveillance were dealing with the issue or
13 subsequently?

14 A It was subsequently. It was when the audit
15 report was actually received. Okay.

16 Q Oh, the inspection report, you mean, the NRC
17 report?

18 A Yes, right, because once we receive the
19 inspection report from the NRC, then we have a specific
20 time requirement that we have to respond to. I believe it
21 was Mr. Orlov who was working on the BCAP response to their
22 item, and I was working on the response to this item. So

1 that's why we discussed it.

2 Q You were responding to the 3C issue.

3 A Right.

4 Q And Mr. Orlov was dealing with the issue as it
5 related it BCAP?

6 A Right.

7 Q The observation?

8 A Right. It's a different part of the same
9 report.

10 Q Before that, before you read the inspection
11 report, did you know that there was an issue involving
12 BCAP's identification and documentation of the Level I
13 inspector issue?

14 A Yes. I knew it as kind of a side issue, I guess.
15 Mr. Gardner, who was the author of the item, I believe,
16 discussed the use of Level I's with Mr. Netzel of the QA
17 Department and myself one day. So that was, I think, the
18 first time that I basically knew that the NRC had a concern
19 in this area. And Mr. Gardner was just trying to understand
20 what the usage of our Level I's were.

21 MR. GALLO: How does that relate to BCAP, your
22 knowledge about BCAP?

1 THE WITNESS: I guess it doesn't. It's not
2 BCAP. It's just this Level I issue.

3 BY MR. GUILD:

4 Q All right.. And was Mr. Orlov or anyone from
5 BCAP a participant in the discussion that you had with Mr.
6 Gardner?

7 A Not to my knowledge. No. The answer is no.

8 MR. GALLO: Why don't we break now and get that
9 document.

10 (Whereupon, at 12:55 p.m. the taking of the
11 deposition was recessed, to resume at 1:55 p.m. the same
12 day.)
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AFTERNOON SESSION

(2:05 p.m.)

MR. GUILD: Let's go back on the record.

Whereupon,

JAMES W. GEISEKER,

having been sworn previously, was further examined and testified as follows:

EXAMINATION

BY MR. GUILD:

Q Mr. Gieseke, you have the inspection report that Mr. Neisler and Mr. Mendez conducted?

A Yes.

Q It deals with the Level I issue?

MR. GALLO: No, it's Mr. Gardner. It's 85-06.

MR. GUILD: I'm sorry. Mr. Gardner's report dealing with the Level I issue.

BY MR. GUILD:

Q And take a moment, if you can, and see if that clears up the question of the sequence of events.

A Right. The surveillance, with the one correction to the typographical error, is dated February 12, 1985, and the NRC report is dated March 8, 1985. So the surveillance preceded the inspection report.

1 Q Can you tell from the body of the report -- let's
2 take a minute and see if there is an indication of when Mr.
3 Gardner made the findings that were the basis for that
4 report.

5 (Witness reviewing document.)

6 A Okay. On page -- it must be page 1 -- there is
7 not an actual page number, under the inspection summary it
8 says the inspection on February 4th through March 1, 1985.
9 So this report dated March 8th covers that timeframe.

10 Q I was going to turn to the section that deals
11 with the Level I issue and see if Mr. Gardner was any more
12 specific on when he made the observations. I'm looking at
13 page 3. Well, the reference at page 3 states, "As
14 previously reported in NRC Inspection Report 85-02, the
15 inspector observed that the BCAP documentation review
16 checklist instructions for Population AWS D1.1 electrical
17 welds stated that the acceptable certification level for
18 L.K. Comstock electrical weld inspectors who inspected and
19 accepted welds was a minimum of Level I," et cetera.

20 So the observation initially by the NRC appears
21 to precede the report we have been talking about that had
22 been documented in 85-02.

 A The other thing I might mention is on page 3

1 of the Surveillance 41-78. The first QA follow-up is dated
2 at the bottom of that page 12/12/84 and gives follow-ups
3 on Concerns 1, 2, 3, 4 and 5.

4 Q Okay.

5 And it is Concern No. 5 on page 4 that you have
6 reference to noted on that 12/12 follow-up?

7 A Yes, sir.

8 Q I don't have Inspection Report 85-02, but do you
9 recall the NRC noting the Level I concern in that report?

10 A Yes, I believe I do remember it, but I can't
11 remember how they characterized it. I believe it was -- I
12 don't know. I don't remember what it said about it.

13 MR. GUILD: Mr. Berry, do you happen to have a copy
14 of that report?

15 MR. BERRY: Well, it's not in the notebook.

16 BY MR. GUILD:

17 Q Let's return to the Surveillance itself. The
18 audit that the surveillance closed or followed up on was
19 September of 1984; correct? That is 84-122?

20 A Yes, sir.

21 Q When was the first action taken in the surveillance
22 with respect to the Level I issue?

A I don't know. Again, I'm not the author of the
surveillance; the QA Department is. The only thing I can

1 say is the first date that I see in the surveillance is the
2 one previously mentioned on page 3, which is 12/12/84.

3 Q All right. What does the date 12/12/84 indicate
4 as it is employed on page 3 of the surveillance?

5 A It's titled -- it says "QA Follow-up," so that's
6 one of the dates that they did a follow-up on the concerns
7 raised during the audit.

8 Q Well, I'm asking you, if you know, to relate this
9 to what you know of the practice of the QA Department's
10 auditors. When they put a date such as 12/12/84 by QA
11 Follow-up, does that indicate that the actions there listed
12 under that heading were taken on that date?

13 A Well, they were recorded on that date. That is
14 the date that they actually wrote the follow-up. I can't
15 tell you if they had been -- you know, I don't know how long
16 it took them to prepare this information so that on the 12th
17 in this case they wrote it down.

18 Q So you don't know what the significance of the
19 12/12 date is?

20 A Not specifically in this case.

21 Q What was the subsequent follow-up with respect
22 to the Level I issue after 12/12, if any?

1 A Well again, indicated on page 4 of that
2 same surveillance, there is a QA follow-up dated 2/1/85,
3 and again, Concern 5 is addressed in that follow-up section.

4 Q And it notes that there was final approval for
5 a revision to the Comstock inspection procedure.

6 A Yes, sir.

7 Q Now, when it says final approval, what does that
8 term indicate, "final approval"?

9 A Okay. The process that we issue procedures is
10 that the revision is generated by the contractor, it is
11 reviewed by site personnel of the construction department
12 and the QA Department, and then it is sent downtown for
13 review by Sargent & Lundy, and when it comes back from
14 the Sargent & Lundy review, that date is considered the
15 "final approval" if indeed the procedure was found
16 acceptable to Sargent & Lundy.

17 Q Is it the day of the Sargent & Lundy review? Is
18 it the day it returns to the site?

19 A No. It is the date that the production department
20 returns a memo to Comstock saying that Rev. G of, in this
21 particular case, 4/8/83, was approved.

22 Q All right. And if I were looking on the face of
that procedure or any other procedure and looking for the

1 date of final approval, how would that be indicated on the
2 procedure?

3 A I don't believe that the date of final approval
4 is on the procedure. That is in their records. The
5 effective date of the procedure is on the front part of the
6 procedure, and the effective date is the date that they
7 issue it to the field for use.

8 Q Is that a date that follows the date of final
9 approval?

10 A Yes, sir.

11 Q Is there a specified time lapse between final
12 approval and effectiveness?

13 A In the document control procedure for Comstock,
14 there is a specified time that they have once they receive
15 a procedure approval to issue it to the field, and I believe
16 that is ten working days for a procedure.

17 Q The procedure itself does not go into effect
18 until that effective date.

19 A Right.

20 Q And up until that date, prior revision of the
21 procedure if there is one is applicable?

22 A Yes. With the one exception that the other

1 aspect of the process is that we can give an interim
2 approval when site QA and Construction review the procedure
3 and find it acceptable. We can give the contractor interim
4 approval, and the contractor can then work to the procedure
5 in parallel to the procedure being issued downtown for
6 final approval. And the only additional situation there is
7 that when the procedure comes back, if it wasn't approved,
8 then we have to review the work that was done by that
9 procedure during the interim process.

10 Q When you say "we," do you mean Commonwealth
11 Edison Company?

12 A "We" meaning PCD and the electrical contractor, yes.

13 Q Was there an interim approval given for the
14 provision with respect to the Level I inspectors?

15 A I can't remember.

16 Q For example, the letter that was directed to the
17 site contractors with respect to the future use of Level I's,
18 did it precede the effective date of the revision to the
19 Comstock weld inspection procedure?

20 A No. The letter that was written in response to
21 the audit item was written in the spring of '85.

22 Q I think your counsel may have 85-02, Mr.
Giesecker. Do you see the reference there to previous

1 note with respect to the Level I issue?

2 A It looks like on page 4, under paragraph 4,
3 the paragraph is titled "Review of CSR Documentation
4 Review Checklist," and then there is a paragraph which
5 talks about the use of Level I's.

6 Q All right. And what is the inspection period
7 for that inspection report? Or if there is a date in that
8 body that pinpoints when the inspector made those findings,
9 could you identify it, please?

10 (Witness reviewing document.)

11 A On page 1 it says, under inspection summary,
12 "Inspections on January 2 through February 1, 1985."

13 Q Do you see any reference in the body to a date
14 that is more precise for the inspector's findings on the
15 Level I issue?

16 (Witness reviewing document.)

17 A On page 4 under paragraph 4, there is no more
18 specific date.

19 Q All right. Thanks.

20 Let's look back at page 5 of the Surveillance
21 4178, Mr. Gieseke. Does that reflect subsequent action on
22 the Level I issue after the 1st of February, 1985 when the

1 final approval of the weld inspection procedure was received?

2 A On page 5, the top part continues or indicates
3 a 2/12/85 update, of which item 5 is mentioned, and also
4 an additional 7/9/85 QA follow-up.

5 Q All right.

6 The 2/12 follow-up of Concern 5 states, "This
7 concern remains open pending the establishment of a program
8 for evaluating the acceptability of previous work performed
9 by Level I inspectors. This open item is considered open
10 pending resolution of Concern 5."

11 Now, that appears to me, Mr. Gieseke, to be the
12 first indication that there was any concern for the
13 acceptability of the Level I's previous work. What were
14 the circumstances of the Edison surveillance identifying a
15 concern with regard to the acceptability of previous
16 Level I work?

17 MR. GALLO: Or do you know?

18 THE WITNESS: I don't know. Again, this is a
19 QA-authored document, and I don't know why they made that
20 update on 2/12/85.

21 BY MR. GUILD:

22 Q Do you know whether the auditors or those

1 responsible for the surveillance report had any contact
2 with the NRC on this issue prior to writing the 2/12
3 follow-up item?

4 A I don't know. Well, excuse me. I do know that
5 I mentioned earlier that we had talked with -- Ed Netzel
6 and I had talked with Mr. Gardner, but I can't remember when
7 that date is in conjunction with the 2/12/85 date.

8 Q Okay. Looking at the cover page to the
9 Surveillance, there appears there Mr. Netzel's signature as
10 a reviewer of the follow-up action; right?

11 A Right.

12 Q With the date of July 10, 1985.

13 A Yes.

14 Q Now, did this audit -- did Mr. Netzel approve
15 or review follow-ups on an interim basis, say, after the
16 follow-up on 2/12 was written?

17 A Well, if you look at the same page, the first
18 three signatures are the dates that the surveillance was
19 initially issued, okay?

20 Q The 3/7 date?

21 A 3/7, 4/5 and 4/8. When the surveillance is issued,
22 that's when those three signatures are signed. And then, if

1 the surveillance is issued open, i.e., there is something
2 that has to be followed up in it, then there will be no
3 signatures in the second three signature blocks.

4 Q The FU action --

5 A Follow-up action verified, reviewed and approved.
6 And when the surveillance is finally closed, i.e., the
7 follow-up action is completed, that's when this second
8 section of signature blocks will be completed and the
9 surveillance will be reissued at that time.

10 Q So on page 5 of the body of the surveillance,
11 after the block at the top -- it's dated 2/12/85 -- there is
12 the notation that this item is considered open -- there is
13 emphasis on the word "open" -- pending resolution of Concern
14 5. Now, does that indicate that the surveillance would be
15 treated as you just indicated, and that is it would be
16 reported and approved by the auditor and lead auditor, that
17 the follow-up action portions of the title page would remain
18 open?

19 A That's correct.

20 Q Page 5's further QA follow-up on July 9, 1985,
21 and by that heading, there appears initials and a date,
22 July 10, 1985. Do you know whose initials they are?

1 A Yes, sir.

2 Q Whose are they?

3 A Dick Spence, or Richard E. Spence, S-p-e-n-c-e.

4 Q And who is Mr. Spece?

5 A He was a consultant that worked for the QA
6 Department at that time.

7 Q In what capacity?

8 A I am not sure. I believe he was involved with
9 the BCAP effort.

10 Q By whom was he employed?

11 A I don't know. I don't know the firm he worked
12 for.

13 Q Does his signature indicate BCAP review or
14 approval of the follow-up item with respect to the Level I
15 issue?

16 A I don't know.

17 Q Do you know what it indicates?

18 A I think that he was primarily -- that he primarily
19 authored that section.

20 Q Well, he is not an auditor, is he?

21 A Not to my knowledge.

22 Q Did he have any other formal role in performing

1 QA surveillances?

2 A Not to my knowledge.

3 Q Is it consistent with surveillance practice that
4 a consultant would participate in a surveillance and write
5 a section of a surveillance follow-up?

6 A I don't know.

7 Q Do you know in what capacity Mr. Spence authored
8 the follow-up of July 9, 1985 on this issue?

9 A Mr. Spence was at that time following the QCIRP
10 program.

11 Q The QCIRP?

12 A Yes, sir. And in that capacity, this paragraph
13 talks about that program. I believe that was his involve-
14 ment.

15 Q Okay. What responsibility did Mr. Spence have
16 for the QCIRP?

17 A Well, he was kind of the QA representative for
18 the program.

19 Q He had QA responsibilities with regard to the
20 QCIRP program?

21 A He was their representative. I don't explicitly
22 know what his duties were, although we just -- when we had

1 meetings and that type of stuff, he was the QA representa-
2 tive.

3 Q For Edison?

4 A Yes.

5 Q Now, the follow-up action, that 7/9/85 follow-up
6 was verified, according to the cover page, by Christopher
7 Hayes. Who is Mr. Hayes?

8 A Chris Hayes is one of the QA engineers working
9 in the QA Department.

10 Q Okay. And Mr. Netzel reviewed it?

11 A Right. He is a QA supervisor in the QA Depart-
12 ment.

13 Q And Mr. Quaka approved it?

14 A He is the QA superintendent, the site QA super-
15 intendent.

16 Q And would those verifications, reviews and
17 approvals indicate that those gentlemen in their capacities
18 were approving the follow-up that Mr. Spence wrote that
19 appears on page 5 under the date of 7/9/85 regarding the
20 Level I issue?

21 A Yes.

22 Q When did you become aware, Mr. Gieseke, of this

1 treatment of the Level I issue with respect to the
2 adequacy of past Level I work? By that I mean the
3 follow-up of July 9, 1985, page 5 of the surveillance
4 report.

5 A Well, basically back in the 2/12 timeframe when
6 the indication that the item is open based on establishing
7 a program to evaluate the acceptability of the previous
8 work. So the February of '85 timeframe.

9 Q In February of '85 you were to establish a
10 program to review that past work; correct?

11 A Well, again, these are not my words, they are
12 QA's words.

13 Q I didn't mean you, Mr. Gieseke, I mean
14 Commonwealth Edison Company, Comstock, you institutionally
15 you were committed to establishing a program to review that
16 past work; correct?

17 A Right. What QA is saying is that they are
18 keeping the item open until such a program addresses the
19 acceptability of the Level I.

20 Q Was it your understanding in February of '85
21 that the QCIRP was to be that program?

22 A Well, not necessarily in February of '85. We

1 started talking about how we were going to address this
2 concern of QA's.

3 Q And what did you talk about?

4 A Well, just how we were going to resolve the
5 matter.

6 Q And did you identify the QCIRP as the program
7 that would do that?

8 A Oh, yes. We discussed it because QCIRP is a
9 review of inspectors' work prior to the fall of '82, which
10 is basically the cut-off dates for the QCIRP. And the
11 reason QCIRP was discussed is that most of the Level I's
12 we thought were used during that timeframe.

13 Q Did you consider at that time using any other
14 programs to review the Level I's past work?

15 A Not at that time. We were reviewing to see if
16 we could use QCIRP to answer this question.

17 Q And as of July, you, Edison reached the determina-
18 tion that you would use QCIRP for that purpose?

19 A Right. At that time that's what we thought we
20 would use.

21 Q Did the QCIRP program or procedures explicitly
22 cover Level I weld inspection within the scope of the QCIRP?

1 A Yes. The QCIRP procedure covered any inspector
2 certified at Comstock -- well, either at Comstock or Ernst,
3 be that at a Level I or a Level II.

4 Q Did it say either at a Level I or Level II or
5 did it just say all inspectors?

6 A I can't remember the specific wording.

7 Q I'm looking at page 5 of the surveillance, and
8 they have quotation marks around the words "all inspectors,"
9 and they cite to a specific paragraph of what appears to be
10 the QCIRP procedure.

11 A That is PM-11, yes, sir.

12 Q And the parenthetical is that all inspectors
13 should be understood to mean Level I, II or III.

14 A Right.

15 Q Do you know whether or not the program or
16 procedures explicitly identified Level I's as within that
17 coverage?

18 A No, I can't remember the explicit words of
19 PM-11, but the intent was that both Level I's and Level II's
20 be included in the program.

21 Q How do you know that?

22 A Well, one of my other responsibilities at the

1 site is implementation of the QCIRP program.

2 Q Okay. And in that capacity you are aware that
3 Level I's were within the scope that was intended for the
4 QCIRP?

5 A Certainly. I was one of the authors of PM-11,
6 but I can't remember the specific paragraph words of whether
7 or not we said all or said 1, 2 and 3.

8 Q And when did you author the PM-11? How far back
9 does that go?

10 A I should know this.

11 Q Did the QCIRP exist as of February 12, 1985 when
12 the last follow-up item was noted in the surveillance
13 regarding the Level I's?

14 A I'm sorry, Mr. Guild. I can't remember the issue
15 date of PM-11.

16 Q Can you give me a ballpark? Was it '85, '84?

17 MR. GALLO: He says he can't remember.

18 BY MR. GUILD:

19 Q Let me ask it another way.

20 Do you recall the QCIRP procedure was written
21 with the purpose of addressing the concern about past Level I
22 work in mind?

1 A Well, not specifically. We were concerned
2 about the training program for the inspectors, and QCIRP
3 is meant to make a statement on that, and that included both
4 Level I's and Level II's. So the level of the inspector was
5 never a question. It was always meant to include any of
6 the levels of certification that the training program would
7 be involved in for the particular contract.

8 Q And it was meant to test the effectiveness of
9 the training program?

10 A Right.

11 Q It wasn't designed to deal with the issue that
12 the Level I concern dealt with, and that was the appropriate-
13 ness of the work of Level I's in performing visual weld
14 inspections aside from their training?

15 A Correct. It was meant to make a statement on
16 the training program.

17 Q Page 4 of your affidavit, Mr. Geiseker, question
18 8 addresses the subject: why was the decision made to
19 develop and implement the LRP instead of relying on existing
20 QCIRP? And you state two reasons.

21 MR. GALLO: Wait a minute. He still doesn't
22 have it.

1 MR. GUILD: Okay.

2 (Pause.)

3 BY MR. GUILD:

4 Q One reason being that some of the Level I
5 inspection work took place after the cut-off of the QCIRP.

6 A Right.

7 Q And secondly, you state that the QCIRP was
8 designed to test the training of QC inspectors.

9 A Right, the training program.

10 Q And you end by saying that after discussions with
11 counsel for Commonwealth Edison Company, we determined that
12 it is unlikely that the QCIRP can be completed on a schedule
13 consistent with a timely Licensing Board decision in the
14 case; therefore, the LRP was developed for the specific
15 purpose of responding to -- I guess it should read --
16 Contention Item 3C.

17 A Yes, sir.

18 Q Now, what is the projected completion date for
19 the QCIRP?

20 A Currently it is in late March, I believe, of
21 1986.

22 Q Did you understand at the time of July 9, 1985

1 that, as noted in the surveillance, the QCIRP would be
2 used to establish the acceptability of past Level I work,
3 that the QCIRP would be completed in sufficient time to --
4 would be completed consistent with a schedule for a timely
5 Licensing Board decision?

6 A In July, no.

7 Q Maybe I'm not being clear. In July of '85,
8 Edison stated that the QCIRP would be relied upon to
9 establish the acceptability of past Level I work; correct?

10 A Correct.

11 Q And at that time, when you made that reliance,
12 did you understand that QCIRP would be done in time for
13 timely licensing?

14 A No. We don't even remember discussions about
15 licensing, when the licensing would be done or not done.

16 Q So what changed between the time -- on this
17 subject, what changed between the time, between July of
18 1985, when you initially committed to rely on QCIRP for
19 this purpose, and the subsequent decision to go to the LRP
20 instead?

21 A Okay. In December when we wrote this, or when I
22 wrote this affidavit, the licensing commitments were more
explicitly known. And the second thing is that when we

1 actually -- by December of 1985, I had done more review of
2 actually who the Level I's were that would be in the program
3 and what specific dates they had done their inspections.

4 And we found for a couple of the inspectors
5 their inspection period as a Level I extended past the
6 cut-off date for QCIRP. I did not know that in July of '85.

7 Q Okay. Well, I guess to put this in perspective,
8 when do you project that the Level I reverification program
9 will be complete?

10 A Right now it's scheduled for the end of
11 February.

12 Q Today is the 12th of February, Mr. Gieseke, and
13 the end of February is fast upon us. What has been done on
14 the LRP and what is left to be done?

15 A What we have done is we have gathered some of
16 the preliminary information as far as the records -- the
17 approximately 9000 records, and we have sorted them to get
18 the 475 that we need, and we have started preparing --

19 MR. GALLO: That you need for what?

20 THE WITNESS: Excuse me. The 475 that we need for
21 our sample. And we haven't started any inspections because
22 we don't have the procedure done yet, but we are preparing
those packages, and the way that we intend to approach it

1 is have a large number of inspections ready for the
2 Comstock inspection personnel, and then they can go out and
3 inspect it in short order, we believe.

4 BY MR. GUILD:

5 Q When do you plan on beginning the actual
6 inspections?

7 A As soon as we get the procedure done, which
8 could be as soon as the beginning of next week.

9 Q When you state that you project completion of the
10 LRP by the end of February, complete in what form, Mr.
11 Giesecker?

12 A Well, what we intend to do is we have to do the
13 inspections and then do the engineering review of the
14 results, and then issue a report. Like you said, the end
15 of February is fast upon us. That may be an incorrect --

16 MR. GALLO: Optimistic?

17 THE WITNESS: Optimistic schedule. But we intend
18 to get it done as quickly as possible.

19 BY MR. GUILD:

20 Q Do you know what a realistic schedule is for the
21 LRP?

22 A As quickly as possible is a realistic schedule.

1 Q Well, if end of February is optimistic, what
2 is realistic?

3 A Oh, I would say by the end of March, beginning
4 or middle of April.

5 Q Well, for comparison purposes, is your end of
6 March projection for the QCIRP realistic?

7 A I think that is optimistic also at this time.

8 Q What is the realistic projection for the QCIRP?

9 A Probably the beginning of the summer.

10 Q What does that mean, June?

11 A June, July, yes.

12 Q And complete for QCIRP the same -- the same
13 definition of complete, a report, a final report?

14 A Yes, sir.

15 Q Including whatever engineering evaluations are
16 required of the results if there are any?

17 A Those have to be done before we can issue the
18 report.

19 Q I am directing your attention to some documents
20 that you made available, Mr. Gieseke, with respect to the
21 LRP, and the first is the flow chart. If you could help
22 me identify some of these people and some of the steps.

1 What is the CTF?

2 A That is the CECo Task Force. It is a term we use
3 just to indicate the control by the Commonwealth Edison
4 Company, and in this particular case we have a consultant
5 which is working with us, which is Nuclear Power Services,
6 NPS, I mentioned before, and Mr. Dunawald works for that
7 company.

8 MR. GALLO: We were wondering how to spell
9 Dunawald. I see now. There it is.

10 BY MR. GUILD:

11 Q What is Mr. Dunawald's position?

12 A I don't know what his specific title is, but he
13 is the prime person in NPS that does the day-to-day function-
14 ing of the QCIRP program, and also now the LRP program.

15 Q What kind of background does Mr. Dunawald have?
16 What is his training; do you know?

17 A No, I don't know.

18 Q Generally what services is Nuclear Power Services
19 providing for Commonwealth Edison?

20 A In respect to the QCIRP program and LRP program,
21 they are just helping us administer the program. I believe
22 also they are doing some work for the Engineering Department

23

1 in instrumentation design. I'm not familiar with that
2 aspect.

3 Q Okay. Any other work that you are aware of?

4 A Not that I am aware of.

5 Q Who also is on the SECo Task Force?

6 A Myself, a representative from Quality Assurance--

7 Q Who is that?

8 A At one time it was Dick Spence, and then when he
9 left, Mr. Tony D'Antonio took responsibility, and Tony has
10 left the Department also, and I believe it is -- I'm not
11 sure who the current representative is.

12 Q Mr. Spence was a consultant?

13 A Right.

14 Q And you don't recall who he worked for?

15 A No. No, he never mentioned.

16 Q Okay. Mr. D'Antonio --

17 A He works for the Commonwealth Edison Company and
18 was assigned to the Quality Assurance Department.

19 Q Okay. And what were his duties? Did he have
20 any responsibility for the QCIRP?

21 A Right. As I mentioned earlier, Mr. Spence was the
22 QA representative to the SECo Task Force and implementation

1 of the QCIRP, and when he left, Mr. D'Antonio was that QA
2 representative.

3 Q And Mr. D'Antonio is no longer assigned to that
4 position?

5 A He was transferred to the station just recently,
6 and I don't know who they have reassigned.

7 Q But there is to be a QA representative on the
8 CTF?

9 A Yes.

10 Q And who else is on CTF?

11 A An S&L representative.

12 Q And who is that?

13 A Mr. Bruce Parduhn.

14 Q Can you spell his last name?

15 A P-a-r-d-u-h-n, I think.

16 Q What is Mr. Parduhn's position?

17 A I don't know his specific title either, but he is
18 a Sargent & Lundy representative that controls the engineer-
19 ing review of when a discrepant item is identified to
20 Sargent & Lundy for their design review. He is the
21 coordinator for that.

22 Q Does he perform any of the design review
himself?

1 A I do not know that.

2 Q Does he have any responsibility with regard to
3 the QCIRP?

4 A Yes, the same aspect of the QCIRP.

5 Q Do you know whether he performed any design
6 review of QCIRP discrepancies?

7 A No, I do not know.

8 Q Anyone else on the Task Force?

9 A No.

10 Q Does the Task Force meet? Does it perform a
11 function as a group?

12 A Yes. Periodically during the QCIRP timeframe,
13 we met approximately every other day just to follow the
14 flow of the program.

15 Q Okay. But you said during the timeframe as if it
16 were past history. Is it over?

17 A Well, we are getting down to completing inspec-
18 tions, and now the portion of the program is basically an
19 engineering house to do the reviews of the items that were
20 identified. So there is not really any need to meet every
21 day, so it is just kind of on demand now.

22 Q Has the CTF met with respect to the LRP?

1 A Yes, briefly, in trying to get the efforts to get
2 the procedure going and discuss the flow chart, that type
3 of thing.

4 Q And when did you do that?

5 A Oh, it's been on and off. There has been no
6 specific -- I can't remember a specific date, but it has
7 been in the past month or so that we started finalizing on
8 what we wanted to do with the program.

9 Q It met more than once?

10 A Oh, yes.

11 Q Are there minutes or documents that memorialize
12 your meetings?

13 A Not to my knowledge. Basically, it has just been
14 informal discussion of how to get the program up and going.
15 This is a result of one of the meetings, like this flow
16 chart where we are trying to decide the flow of documentation.

17 Q When was the last time the CTF met?

18 A When was the last time we met? I believe the last
19 time we met was when we came up with this, which was
20 approximately a week ago.

21 Q By "this," you mean the flow chart?

22 A Yes.

1 Q So that chart didn't exist prior to a week ago?

2 A Right.

3 Q The page behind the flow chart is an untitled
4 typewritten document, items 1 through 7. It appears to
5 describe what happens in the program.

6 A Right.

7 Q And when was that written?

8 A At the same time the flow chart was made.

9 Q Does it describe the flow chart, in effect?

10 A Yes, that's what's it's trying to do, is give
11 a better explanation of what the specific functions of each
12 of the blocks are.

13 Q And who wrote the narrative description?

14 A I believe this is Mr. Seltman who wrote this.

15 Q Mr. Seltman of Comstock?

16 A Right.

17 Q What role does Mr. Seltman have in CTF?

18 A He is not a member of the CTF but is the QA
19 manager for Comstock, and the majority in the LRP, the
20 majority of the efforts will be in the Comstock house, or
21 a large amount. And so he was in on the discussion.

22 Q He wrote the procedure, or the description of the

1 process?

2 A Yes, sir.

3 Q Did he participate in the CTF meeting that you
4 talked about?

5 A Right. Yes.

6 Q Anybody else besides the CTF members and Mr.
7 Seltman?

8 A Well, I don't even think that all the members
9 of the CTF were there. We came up with the chart and then
10 we discussed it. We passed it out to different people to
11 see if they agreed or disagreed. In the meeting that we
12 generated this, I believe it was myself, Mr. Seltman, Mr.
13 Groth, which is up at the top, and that's it.

14 Q And who is Mr. Groth?

15 A He is my supervisor.

16 Q How about helping me identify a few of these
17 people. Who is Mr. Bradfute.

18 A He works in the Comstock Engineering Department,
19 and the name under his, MacLean, works for NPS, who is
20 assigned to work in the Comstock Engineering Department for
21 Mr. Bradfute. To the left, the document control, Mr.
22 Sauer is, I believe, the doc control supervisor for

1 Comstock. To the left, the field access, Mr. Rod Petersen,
2 who is one of the production superintendents for Comstock.

3 Right underneath that, the GKN means Gus K.
4 Newberg, who is the contractor that is responsible to
5 direct the scaffolding on site. Then to the right, going
6 over to QC inspection, Mr. Darrell Landers. He works for
7 Mr. Seltman and is, as I understand it, the QC general
8 supervisor that will be responsible for the inspection
9 effort that's required for the program.

10 Then you go down, and if the item has been
11 rejected, it goes to Mr. Landers to issue a DR. That means
12 a discrepancy report. Then it goes to the third party at
13 Sargent & Lundy, and that is the responsibility of Mr.
14 Parduhn, we discussed, and if the item is acceptable, it
15 goes to the LRP status, which is just an in-house Comstock
16 recording that the item has been completed.

17 Q That's Mr. MacLean again, the consultant?

18 A I think it's a lady. I think "P" is for Pat.

19 Q The same Pat MacLean as under the Nuclear Power
20 Services?

21 A Yes, sir.

22 And then you go down to the CTF, who is Mr.

1 Dunawald again, and then the results, if it is a DR, it goes
2 to Sargent & Lundy, which would be Mr. Parduhn, although
3 his name is not indicated in there. And then the disposition
4 DRs, after the engineering review, if there is any rework
5 or whatever required, it will go back to Comstock to issue
6 the appropriate inspection -- or the appropriate corrective
7 action document to repair anything that requires repair after
8 the engineering review.

9 Q Okay. Who will be performing the actual
10 reinspection work under the LRP?

11 A Currently certified Level II inspections for
12 L.K. Comstock. Inspectors.

13 Q And how many Comstock inspectors are going to
14 work on LRP?

15 A Well, we don't know right now. We are going
16 to use the currently approved procedure.

17 Q The weld inspection procedure, you mean?

18 A The currently approved Comstock welding inspection
19 procedure. So they could use any of their currently
20 certified welding inspectors.

21 Q Okay. Well, did I understand from some of --

22 MR. GALLO: Can we go off the record a moment?

1 (Discussion off the record.)

2 BY MR.GUILD:

3 Q Did I understand correctly that the inspectors
4 who performed this work would be dedicated solely to the
5 LRP for the duration of the program?

6 A Right. The intent of the program is to build
7 up a lot of items that require inspection by inspection
8 area, go out and clean the welds and then send the QC
9 inspectors so they can be utilized most effectively and
10 their time period can be as short as possible. So
11 basically we could send a group of inspectors in and say
12 do these inspections in this area, and it will minimize the
13 impact on the day-to-day operation of the Comstock
14 program.

15 Q All right.

16 Have you selected inspectors to perform that
17 work, the inspection work?

18 A Not to my knowledge. Not yet. We haven't
19 started any inspections.

20 Q Have you identified the number of inspectors
21 that would be required to perform that work?

22 A No, I haven't.

1 Q Do you have an estimate of the number?

2 A I believe that Mr. Landers and Mr. Seltman have
3 talked about a number, but I do not remember them telling
4 me a specific number. They are familiar with the
5 quantity, the 475 items that will have to be -- the number
6 that will have to be inspected.

7 Q Have you projected how much time the actual
8 inspection work will take, reinspection work?

9 A We are trying to get the program done as quickly
10 as possible, so that's why we have the latitude of using
11 as many of the currently certified inspectors that they
12 have.

13 Q So you haven't projected how long it will take to
14 do the work?

15 A No, not specifically, I guess. No, I haven't.

16 Q Do you have a general projection of how long it
17 will take?

18 A If we can do it by an area basis, which will be
19 the most effective use of the inspectors, and we have all
20 the welds clean before they go out there so that there is
21 no waiting around for the inspectors, two to three weeks may
22 be an acceptable amount, and they may be even able to beat

1 that.

2 Q Who is performing QCIRP reinspections of
3 Comstock work?

4 A Comstock QC inspectors.

5 Q Are there specific Comstock QC inspectors that
6 are dedicated to the QCIRP effort?

7 A Yes.

8 Q And how many are they of that?

9 A At this time I don't know the exact number. They
10 are winding down the field inspection portion of the QCIRP
11 program. As I mentioned earlier, their workload is falling
12 now to the Engineering Department. So Comstock still has
13 some inspections to do, but as of today, I couldn't tell you
14 exactly how many inspectors are assigned to that program
15 specifically.

16 Q How many were assigned peak, or on average?

17 A In the weld inspection area, they had as many
18 as seven at one time.

19 Q Can you tell me who the inspectors were that did
20 the weld inspection at Comstock under the QCIRP?

21 A No. No, sir.

22 Q Who supervised those inspectors?

1 A Tony Simile. S-i-m-i-l-e.

2 Q Does he still supervise the QCIRP work for
3 Comstock?

4 A Yes.

5 Q Who was under Mr. Simile in supervision over the
6 QCIRP work, if you know?

7 MR. GALLO: I object at this point. We are
8 getting far afield from the scope of his affidavit on
9 3C. I haven't objected to any questions about why QCIRP
10 was initially selected as a corrective action in the
11 decision change, but now you are getting into the details
12 of QCIRP, which seem to have no relation, really, to the 3C
13 issue.

14 MR. GUILD: Well, I disagree.

15 BY MR. GUILD:

16 Q Could you tell me who was under Mr. Simile in
17 supervising?

18 A Mark Klachko.

19 Q What position did Mr. Klachko have?

20 A I believe he was what they determined lead
21 inspector for that effort.

22 Q For the QCIRP?

1 A Yes, sir.

2 Q And below Mr. Klachko, the Level II's?

3 A I'm not familiar with who they were.

4 Q But that's in the chain of command, the
5 Level II's would report to Mr. Klachko?

6 A Certainly, yes.

7 Q He was the lead?

8 A Right.

9 Q Do I understand correctly, Mr. Gieseke, that
10 if a weld is subject to the QCIRP, has been selected for
11 reinspection under the QCIRP, that it will be excluded from
12 the sample of the LRP?

13 A No.

14 Q Tell me what is the relationship, then, between
15 welds that have been sampled for the QCIRP?

16 A Okay. If the weld was selected under QCIRP and
17 reinspected under QCIRP, then those results can be used if
18 that same item is reselected under the LRP procedure.
19 Simply we see no reason to go back and reinspect the same
20 item twice.

21 Q Do you would rely on the results of the QCIRP
22 for reinspection of that work?

1 A Yes. If that item was reselected in the LRP.

2 Q If the weld is selected for reinspection under
3 another correction action program -- for example, under
4 the construction sampling reinspection of BCAP -- would it
5 be included in the sample for the LRP?

6 A I don't --

7 Q If that same weld were selected as an LRP
8 sample, would it be included in the LRP sample?

9 A The results of that reinspection?

10 Q In any way, shape or form. Would it be included
11 in the LRP sample? Let me be clear.

12 If a weld is selected and reinspected under
13 CSR and that same weld were selected for inclusion in the
14 LRP sample, would the results of the CSR inspection be
15 relied upon?

16 A No.

17 Q No?

18 A No, sir.

19 Q What would be done with the reinspection of
20 that weld?

21 A It would be reinspected under the LRP program.

22 Q Why the different treatment from the QCIRP?

1 A We never considered the CSR results, reinspection
2 results. We just didn't consider them.

3 Q Why not?

4 A Well, I don't know.

5 Q Were there reinspection results?

6 A CSR?

7 Q Yes.

8 A Well, the BCAP program was a program that was
9 implemented under the BCAP organization, and we never
10 considered those results, and we never considered using
11 those results in our LRP or QCIRP programs.

12 Q Have you evaluated the results of CSR reinspec-
13 tions to determine whether they would be appropriate for
14 reliance in the QCIRP or the LRP?

15 A No.

16 Q Why not?

17 A It just never occurred to me.

18 MR. GALLO: If we adopt your idea, we will give
19 you a credit.

20 MR. GUILD: Thanks.

21 BY MR. GUILD:

22 Q How about any other corrective action program

1 and its relationship with the LRP?

2 A No. The only tie is between -- if we reinspected
3 something under QCIRP, we could use that in the LRP. That's
4 the only connection that I am aware of.

5 Q Turn to page 6 of 16 of the draft PM-18
6 LRP procedure, Mr. Gieseke. Paragraph 3.1.7 states, "The
7 LRP is not applicable to those plant components which are
8 being reinspected, reworked and/or repaired to a
9 controlled program such as corrective action programs and
10 NCRs."

11 Now, is that an accurate statement of the LRP's
12 policy and procedure on that subject?

13 A Well, what that means is if the item has been
14 reworked and subsequently reinspected, then we can't
15 establish the original inspection by the Level I inspector.
16 Therefore, we would have to consider that item not
17 applicable.

18 Q Well, I read the statement as more expansive than
19 your characterization. If they are being reinspected,
20 wouldn't that be interpreted to mean an item that had been
21 selected for the CSR, for example?

22 A Well, that may be interpretation, but that's not

1 the intent of the program.

2 Q All right. So the intent of the program is
3 only where the actual condition of the original weld has
4 been altered through rework?

5 A Right. If we can't substantiate what the
6 original inspector looked at, then we have to go on to
7 select a different item.

8 Q So the condition that would preclude reinspection
9 under LRP, interpreting 3.1.7 of that draft procedure, would
10 be reinspection and rework or reinspection and repair, not
11 simply reinspection alone; is that correct?

12 A Excuse me. Could you be more specific?

13 Q Sure. The condition that would exclude an item
14 from the LRP sample is that item's having been reinspected
15 and reworked or reinspected and repaired under another
16 corrective action program.

17 A Okay. Well, maybe I didn't make myself clear.
18 There are cases -- if one of the corrective action programs
19 had a 100 percent reinspection of an item, then we may
20 exclude it. And the example that I am thinking of is cable
21 pan -- well, I don't know if that is a weld, though. No,
22 excuse me. The example I was thinking of didn't involve

1 welding, so it wouldn't be appropriate to the LRP.

2 Q Okay. Well, other than welds where there has been
3 a physical change to the condition of the weld, rework or
4 repair, are welds which have been identified in any other
5 corrective action program excluded from the LRP sample?

6 A I can't think of any examples of that right
7 now.

8 Q Well, is that the intent of the procedure, to
9 exclude welds that have been included in another
10 corrective action program although not physically altered
11 by rework or repair?

12 A If we had another corrective action program that
13 looked at a significant quantity of welds, and that
14 corrective action program involved the reinspection of
15 those welds, then we could exclude it under the LRP
16 because we are trying to prove quality of the welds, and
17 if that weld quality has been proven under some other
18 corrective action program, we would take credit for it.

19 Q That is what I am trying to identify. What
20 else, aside from LRP, are you trying to take credit for?
21 You told me one thing, and that is QCIRP.

22 A And to my knowledge, in welding that is the only
thing that we are taking credit for.

1 Q And as far as you know, you are not going to
2 take credit for CSR or any other corrective action programs
3 in the welding area.

4 A That's right.

5 Q Now, what is the status of the proposed
6 procedures, LRP procedures for which I have a draft?

7 A Well, this is the basic draft that -- this is
8 the latest draft, and I am working on finalizing that
9 draft so it can be issued again, hopefully -- we want to
10 get the program started in the inspection area, so we hope
11 to get it out by the beginning of next week.

12 Q Mr. Gallo was kind enough to make available a
13 copy of this yesterday to me, and his cover notes that it
14 is a draft that has been received from the office of Nuclear
15 Power Services. Who at NPS drafted the procedure?

16 A Mr. Dave McGath.

17 Q And who is Mr. McGath?

18 A He is the project director for NPS. He is the
19 main person. I don't know what his specific title is. He
20 is the main representative for NPS on site.

21 Q And is he located at the Braidwood site?

22 A Yes, sir.

1 Q This is what revision of the draft procedure?

2 A 2.

3 Q What does OD stand for there?

4 A I think it means just Draft 2. Second draft.

5 Q What changes have been made from the first to the
6 second draft?

7 A I don't remember.

8 Q And when was the second draft written?

9 A Oh, probably about a week or so ago I got it.

10 Q When was the first draft written?

11 A Oh, before that. There has been so much going
12 on lately, I can't remember exactly.

13 Q Before Christmas? January?

14 A No, it was after Christmas. It was probably
15 early January.

16 Q When did you first have contact with Dr.
17 Frankel on the subject of the LRP?

18 A December of '85, I believe.

19 Q Had Dr. Frankel done previous work for Edison
20 on reinspection programs?

21 A Yes, sir.

22 Q What work are you aware of?

1 A In my dealings with him, he was a consultant
2 on the QCIRP program.

3 Q Anything else?

4 A I believe he was a consultant in the BCAP effort,
5 also, and they used him up in Byron, I believe, also, on
6 I believe it was the QCIRP program up there. If there are
7 other ones up there, I'm not aware.

8 Q And you had contact with Dr. Frankel on the QCIRP
9 program?

10 A Yes.

11 Q And when did you have contact with him on that
12 work?

13 A It was at the conception of the QCIRP program.
14 Again, I'm sorry I can't remember the issue date of the
15 procedure, but it was some months in advance of that.

16 Q Okay. 1985?

17 A No. It was probably -- yes, it was probably --
18 probably 1985, early 1985.

19 Q And what was Dr. Frankel's involvement in the
20 QCIRP?

21 A Well, we were, again, talking about the sampling
22 process we were going to use.

1 Q And what was his involvement on that?

2 A Well, he was the consultant on the statistical
3 ramifications of the sampling process.

4 Q What did he do?

5 A Well, he attended various meetings that we had
6 on the program. He supplied the random number tables that
7 we selected the inspection reports from.

8 Q Did he make any other contribution to the
9 sampling process in the QCIRP?

10 A General input during the meetings that we held.

11 Q Did he provide any written contribution to the
12 QCIRP? Aside from supplying the random number tables.

13 A Not to my knowledge.

14 Q What was the nature of his oral comment, oral
15 contribution to the QCIRP?

16 A Well, it has been some timeframe since the
17 meetings. Basically, he was there to give advice on the
18 statistical -- the selection process and the statistical
19 aspects of the program. I can't remember any specific
20 comments that he had.

21 Q You are not aware of him submitting anything in
22 writing on the QCIRP?

1 A Other than supplying the tables, no.

2 Q Now, how about the LRP? When did Dr. Frankel
3 become involved in the LRP?

4 A Early December 1985.

5 Q And what was his involvement?

6 A Again, we needed him to provide the statistical
7 consulting as to the selection process we were going to use
8 in the LRP program.

9 Q What did he contribute on that subject?

10 A Okay. Given the population that we identified of
11 the approximately 9000 oral reports, he supplied us with the
12 number "475" for the random selection quantity.

13 Q When did he do that?

14 A I believe it was in December also.

15 Q Describe for me how you supplied him with a
16 description of the population of weld reports.

17 A Phone conversations, basically.

18 Q Okay. You called him?

19 A Right.

20 Q And how did he supply you with the sample size,
21 the 475 number?

22 A The telephone. And I can't remember -- he had

1 some meetings out here. He stopped by a few times and
2 we discussed it, but basically it was by phone.

3 Q Did he submit anything in writing reflecting his
4 contribution to the selection process?

5 A The only thing in writing I know is his affidavit
6 in support of the Motion for Summary Disposition.

7 Q Okay. He didn't submit anything in writing
8 describing how one ought to -- how Edison ought to design
9 the sampling process for the LRP?

10 A Not in writing.

11 Q What information was available to Dr. Frankel
12 regarding the description of the population?

13 A Again, it was basically verbal from me, describ-
14 ing the fact that we had some 9000 inspection reports, and
15 described the inspection reports and described the
16 number of inspectors, and then asked him what statistical
17 statement we could make about those items.

18 Q Did he ask you to describe the nature of the
19 work performed by the inspectors?

20 A I had explained it to him. He was familiar with
21 that from his involvement in the QCIRP program also.

22 Q Was familiar with what?

1 A The inspection report.

2 Q Are you talking about the Form 19?

3 A Yes. The fact that the inspection report is
4 for one item but it may actually indicate more than one weld.

5 Q I am focusing on another point right now. Did
6 he ask you about the nature of the work performed by the
7 Level I QC inspectors?

8 A Well, all I said -- the nature of the work? I
9 guess I don't understand that. I told him it was a weld
10 inspection.

11 Q All right. Did you tell him it was a weld
12 inspection performed by a Level I inspector? Did you discuss
13 with him the qualifications of the persons performing the
14 weld inspection?

15 A Oh, I'm sorry. Yes. What I explained to him
16 was that there was a question on the usage of the Level I's
17 and that we had approximately 17 inspectors, and 13 had
18 actually done work, and there were some 9000 reports, and
19 the reports contained a certain number of welds, you know,
20 depending on the report, and that we wanted to make a
21 statistical statement on the acceptability of the welds
22 inspected by the Level I's as a group.

1 Q Okay.

2 Did he ask you what the nature of their work was,
3 the Level I's work?

4 A I guess I can't remember. I explained to them
5 it was weld inspection, but I'm not following your question.
6 By the nature --

7 Q Well, did he ask you for any further description,
8 besides identifying it as weld inspection, of what the Level
9 I inspectors did? What the work was that was being
10 reviewed?

11 A Well, I'm sure I told him that it was the
12 electrical contractor and they were inspecting electrical
13 welds on components. Again, because he was familiar with
14 the QCIRP program, I'm sure he understood what type of
15 weld inspections, that it was visual --

16 Q What I guess I am trying to understand -- and if it
17 requires reference to something he got under QCIRP, then you
18 better tell me, but what I would like to know is what
19 information did Dr. Frankel seek from you, what information
20 did he have otherwise, and what information did you provide
21 him that was a basis for whatever his professional
22 contribution was to the LRP?

1 MR. GALLO: Wait a minute. That's three
2 questions.

3 MR. GUILD: I would be happy to break it down,
4 but I'm just trying to let you know where I'm going with
5 this.

6 BY MR. GUILD:

7 Q If your answer is, well, he already knew that
8 because he had been involved in some other program, I
9 understand where you are going, but I need some more
10 specifics.

11 A Okay.

12 Q So let's talk about first the nature of the
13 work that was being performed by the Level I inspectors.
14 What information did Dr. Frankel seek from you, Mr. Gieseke,
15 regarding their work, if any?

16 A The only thing I can recall, Mr. Guild, is that
17 I explained to him the fact that we were using --

18 MR. GALLO: His question is what did Frankel ask
19 you about the nature of the work?

20 THE WITNESS: I can't recall right now.

21 BY MR. GUILD:

22 Q What did you tell him about the nature of the
work?

1 A Again, I explained to him that it was for the
2 electrical contractor, it was a visual welding, it was
3 the Level I -- I can't remember if I explained the Level
4 I, Level II issue to him, but I said there is a subset
5 of people, Level I's, and we have got a population of
6 documents generated by those people, these 9000, and that
7 the documents themselves -- we don't know the exact
8 quantity of the welds, so we would want to make a
9 statistical statement, and can we use the weld reports to
10 select the population?

11 Q What is the population?

12 A The population of the inspection sample.

13 Q The population of the welds?

14 A No, the weld reports.

15 Q Population of weld reports?

16 A Yes, and that's the 475 number.

17 Q That's the 9000.

18 A Right. The 9000 is the total population of weld
19 reports generated by the Level I's.

20 Q And you told him you wanted to make a statistical
21 statement about the 9000 weld reports?

22 A Right.

1 Q Did he ask you whether there was participation
2 by any other inspectors in reviewing the acceptability of
3 the work approved by the Level I's?

4 A I don't recall that. No.

5 Q Did you explain to him that there were Level I
6 reviewers who participated in some fashion in reviewing
7 or approving the inspection reports that were signed by the
8 Level I's?

9 A I don't remember.

10 Q Did Dr. Frankel ask you about those subjects?

11 A I don't remember if he did or not.

12 Q Did Dr. Frankel have available to him -- well,
13 did you provide Dr. Frankel with copies of the relevant
14 Comstock and Ernst visual inspection procedures?

15 A No.

16 Q The visual weld inspection procedures?

17 A No.

18 Q Do you know whether Dr. Frankel was familiar
19 with those visual weld inspection procedures?

20 A I don't know. His involvement -- his involvement
21 in the QCIRP is we did discuss inspections by Comstock
22 inspectors, and the inspection checklists and the fact that

1 the checklist could have or indicate a number of different
2 welds.

3 Q Do you know whether Dr. Frankel obtained the
4 Comstock visual weld inspection procedures other than
5 through you? Perhaps, say, through the QCIRP?

6 A Not to my knowledge.

7 Q All right.

8 Now, did Dr. Frankel ask you how many welds total
9 were in the population of welds inspected by the Level I
10 inspectors?

11 A Well, we told him that the welds -- we didn't
12 know exactly the total population of welds, but we did know
13 the total population of weld inspection reports.

14 Q And you told him that much?

15 A Yes.

16 Q Both that you didn't know the total population
17 of welds -- right?

18 A Yes.

19 Q But that you did know the number of weld
20 inspection reports?

21 A Yes.

22

1 Q Did he ask you what the total population of
2 welds were?

3 A Not to my knowledge. I think we estimated,
4 you know, but I don't know.

5 Q Did you provide that information to him?

6 A I can't remember, Bob.

7 Q What is your estimate of the total population
8 of welds?

9 A Well, the average runs anywhere from two to
10 ten, and so you can multiply that times 9000 and get a
11 ballpark figure of the total number of welds.

12 Q Well, that provides a ballpark figure of
13 between 18,000 and 90,000 welds if my quick math is right,
14 and is that your estimation of the total population of
15 welds?

16 A Yes.

17 Q And did you provide that estimate to Dr. Frankel?

18 A I can't remember if I multiplied it out for him,
19 but I believe he knew that there was a range of welds
20 that could be inspected or any given inspection report.

21 Q Okay. Did he ask you what that range was?

22 A I can't remember.

1 Q Did you tell him that the typical inspection
2 report contained two to four welds?

3 A Two to ten. That's the number I believe --

4 Q That's the number you told him?

5 A Yes.

6 MR. GALLO: Can we at some appropriate time
7 maybe take five minutes?

8 MR. GUILD: Sure. Do you want to do it now?
9 All right.

10 (Brief recess.)

11 BY MR. GUILD:

12 Q Mr. Gieseke, I was asking you about information
13 that you provided to Dr. Frankel on the LRP, and you told
14 him that typically there were two to ten welds contained
15 in each weld inspection report.

16 A Right.

17 Q Now, what was the basis for your characterization
18 that two to ten represented a typical range?

19 A Based on my knowledge of the QCIRP program, I
20 had asked that question during that program, and the
21 average was seven to eight but the range was from two to
22 ten.

1 Q How was that average computed?

2 A Well, when the QCIRP results come in, the
3 reinspectors record exactly the number of welds that he
4 reinspected, and that is where that average seven to eight
5 and two to ten came from.

6 Q Now, did that reflect the welds that were
7 inspected by the Level I's?

8 A The Level I's -- yes. There are Level I's in
9 the QCIRP program, so I assume that the sample would be
10 the same.

11 Q Did Dr. Frankel ask you what were the largest
12 number of welds reported on an inspection report?

13 A No. I believe I just gave him the range.

14 Q And the range you gave him was two to ten?

15 A Yes, sir.

16 Q Did you inform him that there were as many as
17 1215 welds reported on a single inspection report?

18 A No, we never talked about that.

19 Q Did you give him any number greater than ten as
20 reflecting the range of welds included on a single inspection
21 report?

22 A No.

1 Q Were you aware at the time that you spoke with
2 Dr. Frankel that there were inspection reports that
3 reflected the inspection of welds numbering in excess of
4 ten?

5 A I can't remember. I don't remember ever
6 mentioning that to Mr. Frankel, however.

7 Q Well, when did you learn that there were more
8 welds than ten reported on Comstock or Ernst inspection
9 reports?

10 A Well, as I mentioned earlier, it was with my
11 work with Mr. Mendez and his allegation. Remember the --

12 Q Yes.

13 A Okay. And I never asked myself -- I never knew
14 who that was. And I believe we did look at -- I did look
15 at that inspection report that Mr. Mendez -- the report
16 that had the 1215 on it, but I never asked myself if the
17 guy was a Level I or a Level II.

18 Q All right. But as far as you know, you never
19 told Dr. Frankel that there was a range of welds reported
20 on inspection reports in excess of ten?

21 A Right. You know, we talked about the easiest
22 way for us to do the program was to take a random selection

1 of the inspection report, and I asked him if that was an
2 acceptable way to do it, and he indicated that because there
3 was more than one weld on a report, that he termed it, I
4 believe, a cluster sample and explained that it was okay if
5 you can identify the entire population of 9000 and some
6 reports to make the statistical statement on those, a sample
7 of those 9000 reports, regardless of the number of welds
8 that those reports entailed.

9 Q Did you tell him that you wanted to make a
10 statistical statement about the population of inspection
11 reports or about the population of welds inspected?

12 A We wanted to make a statement about the welds,
13 but we wanted to use the reports to select the sample from.

14 Q Did you tell him that you wanted to make a
15 statistical statement about the welds?

16 A Right

17 Q And he never asked you what the population of
18 welds was?

19 A Other than the estimate of from two to ten.

20 Q Did he ask that just to be clear? Did he ask
21 what is the population of the total welds?

22 A I can't remember specifically if I offered that

1 information or if Dr. Frankel requested it of me.

2 Q Have you since informed Dr. Frankel regarding
3 the higher range of welds reported on Inspection reports?

4 A No, sir.

5 Q Do you know whether he has learned of that
6 greater number other than through you?

7 A No, I do not know.

8 Q How many other times did you talk with Dr.
9 Frankel about the LRP? By other, I mean you referred to
10 one telephone conversation.

11 A I believe myself and Mr. Steptoe talked to him
12 during the preparation of his affidavit.

13 Q When was that?

14 A Well, it was shortly before the 20th. I don't
15 remember specifically what date.

16 Q And where did you talk to him?

17 A This telephone conversation again.

18 Q And what did you discuss then?

19 MR. GALLO: Wait a minute. I'm sorry. I lost
20 track. I gave counsel his inspection report. What was
21 the --

22 MR. GUILD: The question was are there

1 conversations that Mr. Gieseke has had with Mr. Frankel?
2 And he identified another one with Dr. Frankel and Mr.
3 Steptoe prior to the preparation of Frankel's affidavit
4 of 12/20.

5 MR. GALLO: Well, I am not privy to that
6 conversation, but it sounds to me that any questions
7 concerning what was said is privileged as communication with
8 counsel or work product or both, and I would assert that
9 objection to that question.

10 MR. GUILD: Well, nonetheless, I would like to
11 have the witness answer the question of what was said
12 regarding the LRP.

13 MR. GALLO: I will instruct the witness not to
14 answer on the basis of the privilege assertion and objection
15 that I have made.

16 MR. GUILD: I don't know any other way to get
17 the information. We have laid the foundation. That is
18 facts. It has nothing to do with legal advice or work
19 product, Joe; it's a question of what did your expert,
20 Dr. Frankel, seek out and what did he, in fact, receive
21 in terms of basic facts that were the foundation for his
22 opinion evidence as offered through his affidavit. I don't

1 know any other way to reach that than through the
2 communications that Dr. Frankel has had with the witness,
3 and that's why I asked the question. I don't have any
4 interest in transgressing work product or attorney-client
5 privilege, but I do need to get the basic facts.

6 I don't have any difficulty if you would like
7 to consult with the witness before he answers the question.

8 MR. GALLO: Well, if you could ask specific
9 questions, but when you ask what was said, that calls for
10 an answer that covers the entire waterfront.

11 MR. GUILD: Let me try. I will try.

12 BY MR. GUILD:

13 Q Did Dr. Frankel ask any further questions in
14 this conversation regarding first the nature of the work
15 of the inspectors, the Level I inspectors?

16 A My involvement in this second conversation was
17 that I knew the phone number for Mr. Frankel, and Mr. Steptoe
18 wanted to send him some questions that he was to answer for
19 his affidavit, and all I did was arrange those questions
20 would be express mailed to Mr. Frankel. So there was really
21 no discussion of the LRP. It was just an administrative
22 call that he was going to be home to receive the questions.

1 Q All right. So he didn't ask any further
2 questions about the LRP in that conversation?

3 A Right.

4 Q And you didn't provide any further information?

5 A Right.

6 Q And have you had any further communications with
7 Dr. Frankel about the LRP?

8 A No.

9 Q Has Dr. Frankel received the draft of the LRP
10 procedures?

11 A No.

12 Q Has Dr. Frankel received the LRP flow chart that
13 you have identified?

14 A No.

15 Q Has he received the narrative that is appended
16 to the flow chart that was written by Mr. Seltman?

17 A No.

18 Q Has he received any other information, to your
19 knowledge, regarding the LRP?

20 A Not to my knowledge.

21 Q Has Dr. Frankel received copies of the NRC's
22 inspection reports that discuss the Level I inspector
concerns?

1 A Not to my knowledge.

2 Q Has Dr. Frankel received copies of the audits
3 or the audit and surveillance that discussed the Level I
4 concern?

5 A Not to my knowledge.

6 Q Do you have a copy of Dr. Frankel's affidavit?

7 A Yes.

8 Q I direct your attention to page 9.

9 A Okay.

10 Q There in the middle of the page is a paragraph
11 that reads as follows: "In discussions with Mr. Gieseke,
12 it is clear to me that engineering judgment will also provide
13 the basis for certain inferences that would be made from the
14 results of the LRP."

15 A Yes.

16 Q Describe those discussions?

17 A I believe in talking with Mr. Frankel the
18 statistical statement was based on the total population of
19 9000 and some records. If you look at Exhibit 1 --

20 Q To your affidavit?

21 A To my affidavit.

22 Q -- some of the inspectors had a very small

1 quantity of inspection reports. An example would be C21,
2 who has three. Example is C41. That would have five.
3 C45 would have 12. So as an engineer, I just added the
4 requirement to the program that if the random selection
5 process doesn't pick up a minimum of five reports for any
6 given inspector, that we would add that as a minimum, those
7 five to the inspection sample.

8 Q Well, how do you do that for C21, who only had
9 three?

10 A Well, we do them all then, obviously.

11 Q So you don't do a minimum of five for him?

12 A Right. Excuse me. More correctly, do a minimum
13 of five, or if they don't have five, we do them all.

14 Q Now, is there any other engineering judgment that
15 you are aware of that will provide the basis for certain
16 inferences from the results of the LRP as discussed by Dr.
17 Frankel on page 9 of his affidavit?

18 A Well, the statistical statement that the 475
19 sample quantity gives us this 99 percent reliability with
20 99 percent confidence -- so there is an additional one
21 percent there that could still be in question. And my
22 engineering judgment is that we would have to rely -- we would

1 have to --

2 Q I'm sorry. I missed that last part.

3 A Would have to address that one percent.

4 Q And how would you do that?

5 A Well, basically, I know that the program -- that
6 the training program for the Level I's was the same as the
7 Level II's, and this whole issue is not based on somebody
8 identifying a hardware problem in the field. It has all been
9 with paperwork review. I feel confident that even though
10 the statistical statement only makes a 99 percent reliability
11 and confidence statement, I feel confident there is no other
12 design significant discrepancies in that remaining one
13 percent.

14 Q You feel confident today of that fact?

15 A Based on the results of the program.

16 Q You don't know what the results will be.

17 A Right.

18 Q How can you express an engineering judgment about
19 results you don't know about, Mr. Gieseke?

20 A If the program is -- if you read the whole
21 paragraph here, the program is meant to provide a 99 percent
22 reliability plus 99 percent confidence statement. If we find

1 any problems, we are going to expand the sample to again
2 regain the 99 percent reliability with 99 percent
3 confidence. That could, if the number of design significant
4 discrepancies preclude -- or may require that the entire
5 population is inspected.

6 Q All right. Are there any other respects in
7 which engineering judgment will provide a basis for certain
8 inferences from the LRP results?

9 A Not that I can think of.

10 Q Dr. Frankel continues on page 9: "In this context,
11 it should be noted that the choice of sample size that would
12 support the objective statistical inference was the result
13 itself of engineering judgment on the part of Commonwealth
14 Edison Company."

15 What engineering judgment was made in that
16 regard, Mr. Gieseke?

17 A I don't know exactly what Mr. Frankel used for
18 that statement. I would assume he used the 99 percent
19 reliability with 99 percent confidence with respect to some
20 other lesser percent confidence, percent reliable, like, say,
21 90 percent. You know, if we would have selected a smaller
22 inspection sample, we wouldn't have been able to make a

1 strong 99 percent reliability with 99 percent confidence
2 statement. We chose to do that.

3 Q All right. And that was an engineering judgment?

4 A Yes.

5 Q Well, did you understand it as an engineering
6 judgment when you made that decision? Do you know what
7 Dr. Frankel is talking about there or not?

8 A I guess -- my understanding of what he is talking
9 about is that the choosing of the 99 percent as opposed to
10 some other lesser percentage -- he is referring to some
11 other thing. I guess you will have to talk to Mr. Frankel.

12 Q How about a greater percentage? How about a
13 higher level of reliability and a higher confidence level?

14 A Well, in discussions with Mr. Frankel, going
15 above the 99 -- adding higher numbers of inspection samples
16 would give a smaller benefit, like -- so it wasn't really
17 worth the effort, in my opinion, to any higher than 99 and
18 99.

19 Q Did you consider doing a 100 percent reinspection
20 of the Level I visual weld inspection work?

21 A Well, yes. We considered it. But we thought
22 that the sample inspection would give us a clear understand-
ing of the quality of Level I's work without spending the

1 time and effort to do the entire sample or an entire
2 reinspection.

3 Q What consideration did you give to doing a
4 100 percent reinspection?

5 A Basically, the consideration is when we found
6 out or were attempting to find out the entire sample size
7 of reports that were inspected by Level I's, an example would
8 be if we found out that there was only one Level I and he
9 did one report, then I would say we are going to do a 100
10 percent sample; but when we find out that the sample was
11 9000, we thought that that would spend a lot of time and
12 effort and we could accomplish the same confidence in
13 Level I's work by doing a sample.

14 Q Well, not the same confidence.

15 A A 99 percent reliability with 99 percent
16 confidence.

17 Q And did Dr. Frankel tell you that you could
18 conclude -- make a valid statistical inference concerning
19 the population of welds inspected by the Level I inspectors
20 with a 99 percent reliability and a 99 percent confidence
21 level from the sample of inspection reports that you have
22 described in your affidavit?

1 A That was my understanding, yes.

2 Q Did he tell you that? Did Dr. Frankel tell you
3 that?

4 A Yes.

5 Q I think you volunteered earlier, Mr. Gieseke,
6 that you are not an expert on statistical matters; correct?

7 A Right.

8 Q You rely on Dr. Frankel to perform that expert
9 function.

10 A Yes.

11 Q You are going to save me time asking you to
12 define terms of art that are used by experts in statistical
13 methods? I am being somewhat casual about it, but you
14 don't hold yourself out as an expert in statistical matters;
15 correct?

16 A No, sir.

17 Q Do you know what a cluster sample is as the
18 term is used by experts in the field of statistical
19 analysis?

20 A In my discussions with Mr. Frankel, my interpre-
21 tation of what he termed a cluster sample was the example
22 of the weld reports, where you sample the reports but the

1 reports may have more than one item, a cluster.

2 Q Do you know whether the population that is being
3 sampled in the case of the LRP is a homogeneous population
4 as that term is used by persons with expertise in statistical
5 analysis?

6 A I don't know.

7 Q Do you know whether it matters? By "it," whether
8 the population that is being sampled is an homogenous
9 population?

10 A No, I don't know.

11 Q Dr. Frankel at page 3 of his affidavit said he
12 consulted with you, Mr. McGath; and again, who is Mr.
13 McGath?

14 A McGath was the person that --

15 Q I think you mentioned it before.

16 A Yes. He was the lead person for NPS on site.

17 Q He is the gentleman who drafted the procedure;
18 is that correct?

19 A That's correct.

20 Q At page 10 of Dr. Frankel's affidavit, he addresses
21 the point about the weld inspection reports reflecting
22 the inspection of more than one weld. He states: "As a

1 result, if on the basis of the results of the LRP a
2 statistical statement is made of reliability 99 percent
3 with confidence 99 percent, the actual reliability level
4 and confidence level are most likely somewhat higher than
5 those claimed levels."

6 Do you know what Dr. Frankel means when he uses
7 the term "most likely"?

8 A No, sir.

9 Q Do you know whether he has expressed that in
10 quantitative terms?

11 A My understanding of that was, I believe, the
12 fact that you are actually looking at more than 475 welds,
13 some higher number of welds, and if you recalculated 99
14 and 99, it would come up with higher than 99 and 99 based on
15 the actual number of welds inspected. That is what I thought
16 that meant.

17 Q Do you know, is that possible? Is it possible to
18 simply take the total number of welds inspected and therefore
19 draw a higher level of reliability at a higher level of
20 confidence about the inferences from the LRP results?

21 A I don't know that.

22 Q Do you know whether Dr. Frankel has expressed

1 his "most likely" characterization in quantitative terms?

2 A I have to give you the same answer. I think he
3 means that you are actually looking at --

4 MR. GALLO: Either you know or you don't.

5 THE WITNESS: No.

6 BY MR. GUILD:

7 Q Are you aware whether he has made any
8 calculations, for example?

9 A No, I am not aware that he has made any
10 calculations, no.

11 Q He says somewhat higher than these claimed
12 levels. Do you know whether he has made a calculation of
13 any higher level of reliability, higher confidence level as
14 a result of the number of welds that are sampled in the
15 number of inspection reports sampled?

16 A I don't know.

17 Q Let me get you to look at Mr. Kostal's affidavit
18 supporting Summary Disposition on 3C, Mr. Gieseke.

19 At page 4 of his affidavit, the top of the page,
20 in response to question 5 Mr. Kostal states: "These S&L
21 evaluations will be performed in exactly the same way as
22 the evaluations of AWS welding performed by S&L for purposes
of the Byron quality control inspector reinspection program."

1 Is the method by which S&L is to make those
2 evaluations described in the LRP procedure?

3 A No, sir.

4 Q It's not. Where is the method of S&L evaluation
5 described?

6 A S&L has internal work instructions, I believe,
7 that describes their involvement with the program.

8 Q Have you reviewed those?

9 A No, sir.

10 Q Has the CTF reviewed those?

11 A No, sir.

12 Q How is design significance defined as Sargent
13 & Lundy employs the term in its evaluations to be performed
14 of deficiencies in the LRP?

15 Do you know?

16 A No, I don't know. I mean I read the answer, Mr.
17 Kostal's answer also.

18 Q Other than what he says in his affidavit, you
19 don't have any further knowledge?

20 A No, sir.

21 Q Is that term defined in the LRP program proce-
22 dures?

1 A No.

2 Q Page 6. Mr. Kostal describes how discrepant
3 welds are to be evaluated. He states: "Arc strikes and
4 spatter are cosmetic discrepancies, and they would only
5 create a strength problem if there was a large amount in a
6 given weld."

7 How large an arc strike would create a strength
8 problem in a given weld?

9 A I don't know.

10 Q Do you know whether arc strikes will create a
11 strength problem in any given weld?

12 A Arc strikes are one of the things that we inspect
13 for in our procedures.

14 Q Do you know whether they will adversely affect
15 the strength of a weld?

16 A I believe so, but I can't quantify yes or no.

17 Q Do you know whether arc strikes are only
18 cosmetic discrepancies?

19 A No.

20 Q Do you know whether the description of engineer-
21 ing evaluation on page 7 of Mr. Kostal's affidavit -- for
22 example, to reduce the effective size of a weld by two
inches from 12 inches to 10 inches to account for

1 detectable porosity -- represents a conservative design
2 evaluation of that discrepancy?

3 A In my opinion, it sounds conservative.

4 Q Do you know what the conservative and less
5 conservative seismic design analyses are that Mr. Kostal
6 refers to on pages 7 and 8 of his affidavit?

7 A No, sir.

8 Q Are any of those matters set forth in the LRP
9 procedures?

10 A No, sir.

11 Q Mr. Gieseke, what review has been made of the
12 reliability of the L.K. Comstock and Ernst weld inspection
13 documents?

14 A I don't understand the question on
15 reliability.

16 Q Well, I understand and use the term "reliability"
17 to represent accuracy, trustworthiness, completeness, the
18 degree to which the user of the document can have confidence
19 in the data that is reflected on the document. For
20 examples, results of visual weld inspections, identity of
21 the inspector, the identity of the equipment or installation
22 being inspected, for example. Critical inspection data.

1 In that sense, has there been a review performed of the
2 reliability of the Comstock and Ernst weld inspection
3 documentation?

4 A There is a program of review of the quality
5 control records called the QC Document Review.

6 Q Does that relate to Comstock?

7 A Yes, sir.

8 Q What is the purpose of that review?

9 A To review the quality control records, to
10 establish procedures, to assure completeness.

11 Q Reliability?

12 A Reliability.

13 Q Is it to do that? I'm not trying to put words
14 in your mouth, but is that a purpose of the program, to
15 assure reliability of the Comstock records?

16 A In the aspect that they are complete, it's a
17 review of the form, like I said, to a prescribed checklist
18 controlled by a procedure.

19 Q All right. Does it include among its purposes
20 to assure that the Comstock weld inspection documentation
21 includes the data that I used as examples in my definition
22 of reliability, the reliability of the inspection results,
identity of inspector, equipment and installation

1 inspected?

2 A Yes. It covered items like was the inspector
3 certified to do that inspection at the time the inspection
4 checklist was completed, verified that the drawing revision
5 indicated -- these are examples, Bob. Verified that the
6 revision of the drawing was in effect that the checklist
7 was filled out. Those types of items.

8 Q All right.

9 And was the conduct of such a review founded
10 on concerns about the reliability of Comstock quality
11 control documents?

12 A This review was an old item that resulted in the
13 50.55(e) issuance, and the program stemmed out of that.

14 Q Is this review complete?

15 A It is very near complete.

16 Q How near complete?

17 A I believe the review of all the inspection
18 checklists is complete, and then they have to resolve any
19 problems, and the resolution of the problems is ongoing.
20 The two exceptions are the two later types of documents
21 that were added into the review, which is the general
22 inspection report and the welder qualification report.
That review is --

1 Q What is a general inspection report?

2 A It is a document in the Comstock system that is
3 used -- it's a multipurpose inspection form. If you want
4 to do an inspection that is not governed by a specific
5 checklist and you want to document the inspection, you use
6 a general inspection report.

7 Q What problems are identified in the completeness
8 or reliability of the Comstock weld inspection reports?

9 A Excuse me?

10 Q Were there problems identified in the reliability,
11 completeness of the Comstock weld inspection reports, the
12 Form 19s?

13 A Yes. The review did indicate some problems, yes.

14 Q Did it indicate problems in the example that you
15 cited with regard to the certification of inspectors, the
16 verification of revisions to drawings and completion of
17 checklists, for example?

18 A I have not personally done a trend on the
19 results of that inspection. I am sure that there were
20 discrepancies noted, but in what area they were, I can't
21 speak to.

22 Q I recall seeing a recent NRC inspection report
that observed the status of the Comstock document review
program, and would you accept as an approximation of the

1 characterization that of the documents reviewed,
2 approximately 20 percent were found to reflect document
3 deficiencies?

4 A I can't remember the specific number, but that
5 sounds reasonable from the reviews I have seen.

6 Q And those deficiencies would require correction?

7 A Yes, sir.

8 Q Mr. Gieseke, do you know why in past times, as
9 you described, weld inspection results were aggregated and
10 submitted after a period of time on a single Form 19 or
11 other weld inspection document?

12 A No.

13 Q Did you ask Mr. DeWald and the others that you
14 asked to describe that practice why they did that?

15 A I didn't ask that specific question, Bob. I
16 just asked was it the practice to do that. I didn't
17 specifically ask that question, though.

18 Q Do you think it is potentially significant, the
19 reason why the weld inspection reports were held back and
20 aggregated and submitted in a single batch?

21 A No.

22 Q How did you come to include the provision in

1 the LRP for expanding the sample, first in the event of
2 design-significant deficiency where it is found in the
3 initial cut, and second, to expand to 100 percent in the
4 event that a design-significant deficiency was identified
5 in the second expanded sample?

6 A Well, we asked Mr. Frankel the question that,
7 okay, we will do the sample of 475; what if we find a
8 design-significant attribute, okay? And then the
9 discussssion was how do we regain the 99/99 percent confi-
10 dence? And since we didn't know how many, if any,
11 design-significant discrepancies we would find in the
12 original sample, we decided just to make the program state
13 that, given that result, we would then expand the program
14 to regain the 99/99.

15 The possibility is that if we find a sufficient
16 number of the design-significant discrepancies, that we
17 won't be able to expand the program any less than 100
18 percent.

19 MR. GUIDO: That is all I have got for you on
20 subject number one, Mr. Gieseke. I hope to briefly touch
21 on the other two, and I will get you done quick.

22 BY MR. GUILD:

Q Let's turn to the Summary Disposition Motion

1 with respect to subcontention 9C. What was your involvement
2 in the identification or the response to the item of
3 noncompliance which is reflected in 9C? And that has to do
4 with the use of the 7018 weld rod for the E6013 rod,
5 inspection report 84-13.

6 A I provided the PCD response to Licensing, which
7 was then used as the basis of the response to the Commission.

8 Q What involvement did you have in the decision
9 by Comstock to disposition the NCR with respect to this
10 nonconformance by performing the engineering evaluation of
11 the substitute rod as opposed to completing the commitment
12 to 100 percent review of the weld rod issue slips?

13 A Well, they proposed that change to the NCR, and
14 I reviewed it and accepted it. And in addition to -- I
15 believe there was myself, Mr. Shamblin and the QA representa-
16 tive also -- I don't know who that was -- who accepted it
17 for the Commonwealth Edison Company. It would be that last
18 section, Bob.

19 You have an earlier version, I guess, or I have
20 an earlier version.

21 Q This is NCR 3275, and I am looking at Rev. 1. It
22 has a date of 11/7/85 on the top on the first page.

1 A Yes. We just have the copy of the NCR that
2 hasn't been signed off by QA yet. I believe we sent you in
3 the update to the interrogatories a completed copy of this
4 NCR, in which case these signatures would be completed.

5 Q By "these signatures," you mean the boxes below
6 your name on the copy I have that is in evidence or an
7 exhibit.

8 A Yes.

9 Q And that would show QC verification of corrective
10 action.

11 A Right.

12 Q Now, who proposed to revise the disposition of
13 the NCR?

14 A The Comstock engineering department.

15 Q Who, in particular?

16 A It is signed by Mr. Dave Bradfute, Assistant
17 Project Engineer.

18 Q And did he speak to you about the matter or did
19 you see the paperwork?

20 A Yes. If you will read in the disposition, a
21 letter was written by Mr. Simile to Mr. Netzel of the QA
22 Department proposing this change.

1 Q Is that letter attached?

2 A It should be the last part. Yes, there it is.

3 Q I see it. 2/9/85. Simile to Netzel.

4 A Yes, sir.

5 I might point out also that the memorandum right
6 in front of that, I discussed some of the aspects of this
7 with Mr. Jacques of S&L, and that documents that phone
8 conversation.

9 Q When was the ECN issued that that memorandum of
10 the telephone conversation references that allowed the
11 substitution of the E7018 for the E60 electrode?

12 A I don't have the specific date, but it was some-
13 time after the NCR was issued. Mr. Netzel was the one
14 that asked me that question. He said does the issuance of
15 ECN 23-028 provide engineering justification to accept
16 substitutions that may have occurred prior to the issuance
17 of the ECN? That's the question I was trying to ask Mr.
18 Jacques, and he agreed, yes, it did.

19 Q Now, how did the ECN come to be issued?

20 A Well, when the subject came up, we discussed it
21 with S&L, saying, hey, we could have used E7018 when we
22 should have used -- when the drawing said E6013. We believe

1 using #7018 is technically okay, do you agree? They agreed
2 and they issued the ECN.

3 Q Now, you, meaning project construction, said
4 that to S&L?

5 A I believe the specific request came through
6 Comstock to S&L.

7 Q Is that a request or is the ECN itself in this
8 package?

9 A Excuse me. The ECN is not attached. It's
10 certainly no problem with giving you a copy of that, but
11 I do not have one in my possession right now.

12 Q Do you know how extensive the improper or
13 unauthorized, shall I say, at the time substitution of
14 E70 electrode for E60 was?

15 A The only number I know is identified by the NRC
16 inspector, which is the five out of 300 or something like
17 that.

18 Q Do you know whether any further review was
19 performed as the original disposition of the NCR called for
20 that would have identified further any additional
21 substitutions of electrode E70 for E60?

22 A I can't remember off-hand exactly how many
additional ones were reviewed by Comstock. I believe

1 additional forms were reviewed, though, but I don't know
2 the exact number.

3 Q And do you know the results of that review?

4 A There was, to my knowledge, no different type of
5 things than were identified by the original NRC inspector.

6 Q Well, aside from different type, were there any
7 additional cases of substitution of E70 for the E60 elec-
8 trode?

END 14

9 A I don't know.
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1 Q Do you know whether the substitution of the E70
2 for the E60 electrode creates any enhanced problems in
3 workmanship for the welding?

4 A No. In fact, in talking with Mr. Simile, who
5 is the Level III weld inspector for Comstock, generally
6 the welders prefer to use the E7018 electrode.

7 Q So you're not aware of any problems in workmanship
8 occasioned by the use of the E70 in place of the E60?

9 A Not the E70 in turn for the E60. The E60 is
10 a little harder rod to use, I think. I may not be
11 classifying this right, but my information is they prefer
12 using the 7018.

13 Q Excuse me. For what application did you have
14 in mind?

15 A Well, most of the predominant welding onsite is
16 with the 7018 electrode. The E6013 electrode is only used
17 for the cable pan hold-down welds that we discussed earlier.
18 And I believe the original reason for that is because it's
19 a little deeper penetrating rod.

20 Q The E60?

21 A The E6013. But in my understanding from talking
22 with Mr. Simile, they basically prepare the cable tray the

1 same way no matter which rod they use. That is, they
2 remove the galvanizing, so they do it for either rod.

3 Now, the 6013 is deeper penetrating. They may
4 not have to remove galvanizing but they did it anyway and
5 they did it with the 7018. So from that respect, I didn't
6 see any difference in using the two electrodes.

7 Q Would you agree that the E60 was specified for
8 use with the smaller gauge galvanized base metal, typically
9 found in cable pan welds that you spoke of because of its
10 greater suitability for use on galvanized material and
11 material of a thinner gauge?

12 A The reason I understand that we used 6013 is
13 for its deeper penetrating, and that may be because of the
14 galvanizing. But since you remove the galvanizing anyway,
15 that doesn't present a problem.

16 Q Are you aware of any difficulty in removing
17 the galvanizing?

18 A Any difficulty?

19 Q Yes. Is the galvanizing completely removed in
20 weld prep prior to the use of the E70 or the E60 weld rod?

21 A To my knowledge, yes.

22 Q Are you aware of any problems with use of the

1 E70 rod in the event that the galvanizing is not completely
2 removed?

3 A That question came up with -- and I can't
4 remember how it was related, but Mr. Jacobsen of the NRC
5 asked that same question. So what we did is we qualified
6 the procedure with 7018, specifically not removing the
7 galvanizing, and those were accepted and Mr. Jacobsen
8 closed out his concern.

9 Q Are you aware of any problems with increased
10 porosity occurring through the use of the E7018 electrode
11 on the galvanized material?

12 A No, sir.

13 Q When did you requalify that procedure? The use
14 of the 7018 without removal of the galvanizing?

15 A I can't specifically remember. I believe it
16 was the end of last year sometime. I can't specifically
17 remember.

18 Q End of 1985?

19 A Yes, sir.

20 Q Is that requalification reflected in any of the
21 documents you have given me?

22 A Not here, no, sir.

1 Q Have you made any inspection of actual
2 workmanship in the field to determine whether or not any
3 adverse effects on weld quality have occurred as a result
4 of the substitution of the E70 for the E60 electrode?

5 A None other than the normal QC inspection that's
6 required; a visual inspection of this type of weld.
7 No special inspections were performed.

8 Q Okay. Let's move on to the final item.

9 MR. BERRY: Before you move on, Bob, I just want
10 to get one clarification. I think Mr. Gieseke indicated
11 that Mr. Jacobsen closed out the item.

12 MR. GALLO: He closed out some concern.

13 MR. BERRY: It was unclear to me whether we
14 were referring to Item 9C, because if that were the case --

15 THE WITNESS: No, it's a separate item that
16 involved whether or not we remove the galvanizing or
17 don't remove the galvanizing.

18 MR. BERRY: Okay.

19 BY MR. GUILD:

20 Q Do you know what that item was of noncompliance?

21 A I'm sorry, no. I'm not even sure it was an
22 item of nonconformance, Bob. It was a concern of some type.

1 Q It wasn't this particular item of noncompliance
2 that's reflected in 9C, though?

3 A Right. I don't remember.

4 Q 10F, let's look at that one. Mr. Gieseke, what
5 was your involvement in the identification or the response
6 to the item of noncompliance that has been identified as
7 10F, and it was -- I'll tell you the inspection report
8 number. It is -- it has to do with the mislocation of the
9 Comstock junction boxes.

10 A Right. Again, I provided the response to our
11 Licensing Department who provided the NRC with the
12 Commonwealth Edison response to the item.

13 Q And how about corrective action or followup?

14 A Well, I just verified that the NRC's that were
15 involved have been closed out, and we supplied those to you
16 I believe, Mr. Guild, in our last set of updates which we
17 just sent out. That should be a duplicate set of the two
18 that are in the back of the book here.

19 Q What was the cause of the item of noncompliance?

20 A It seems to be an inadequate inspection by one
21 of the Comstock QC inspectors.

22 Q Is this a difficult attribute to inspect?

1 A I am not a certified inspector, but in my
2 opinion it is -- it's a straightforward inspection.

3 Q How was the inspection of this attribute carried
4 out? How does an inspector do an inspection of the location
5 of the junction box anchors?

6 A What he would do is he would have the design
7 document which indicated what the installation was to look at,
8 and he would compare the physical installation to the
9 design document, and if there was an agreement it would be
10 acceptable and if there wasn't, it would be unacceptable.

11 Q And how does he make the comparison to the design
12 document?

13 A By physical measurements and just visual
14 inspection of the box and the attachment.

15 Q How would physical measurements be taken?

16 A Ruler, a tape measure.

17 Q Do you know whether the inspector in this
18 instance employed a ruler or a tape measure to verify the
19 acceptance of these attributes?

20 A No, sir.

21 Q Is it reasonable to believe, in your opinion,
22 Mr. Gieseke, that the failure of the inspector to identify

1 the mislocation of these anchors was a result of an error
2 in measurement? Did an inspector read his tape wrong and
3 read two inches instead of two and a half inches, as the
4 design drawing specified, if that were the requirement?

5 A It could have been. I really don't know how
6 the inspector made the mistake.

7 Q Well, how far off was the installation from the
8 specification?

9 A I believe the NRC report says up to three inches.
10 If you look on NCR 4139, which is the back, the first NCR
11 there, look on the third page -- that is an "as built."
12 That is a drawing of the actual -- I can't tell you off the
13 top of my head. What I believe the gentleman measures --
14 you see those dimensions on the righthand side that says
15 the "spacing of the anchors"? The 4 3/4, the 10 inches,
16 11 1/1 inches, down the righthand side?

17 Q Yes.

18 A I believe that is the spacing violation that
19 we're talking about. It's either that side or the left side.
20 And that's what the gentleman failed to confirm with the
21 design drawings. And I can't really -- the only thing I
22 remember is the NRC report, which I believe he said up to

1 three inches or something like that, that some of the
2 dimensions were off.

3 Q Well, this document which appears to be sheet
4 2 of 2 of a continuation sheet to that NCR-4139 -- you believe
5 it to represent the as-built condition of the junction box
6 anchors; correct?

7 A Right.

8 Q And it appears to show that the top anchor is
9 4 3/4 inches from the top of the junction box.

10 A Well, I might point out something. If you look
11 on the righthand side, it says three one-half inch hex head
12 cap screws. On the lefthand side of the box it says,
13 three 1/2 inch CEA's, concrete expansion anchors. Those are
14 the concrete expansion anchors that I believe the NRC
15 inspector was saying were not in accordance with the
16 drawings.

17 Q I see, all right. I have a hard time reading
18 the numbers on the as-built ones.

19 A The first number is 4 7/8 inches from the top.

20 Q And that reflects the concrete expansion anchor
21 is that distance from the top of the junction box?

22 A Yes, sir. The centerline of the anchor. And then

1 the next spacing I believe is 9 3/4 inches, which is the
2 centerline of the first anchor to the centerline of the
3 second anchor. And then 11 3/4 inches between the centerline
4 of the second anchor and the centerline of the third or
5 bottom anchor.

6 And then there's a dimension of 4 3/4 inches to
7 I believe the wall ends there. The concrete wall. It's that
8 dashed line underneath the box. And then there's another
9 dimension from the bottom of that wall or opening, whatever
10 it is, to the bottom of the box which is 10 7/8 inches.

11 Q All right. And can you tell me what the design
12 specification called for in terms of the placement of that
13 box?

14 A No, not off the top of my head. I would have to
15 get the design drawing out. I don't have that with me.

16 Q Well, do you dispute the NRC inspector's finding
17 that the anchors were accepted even though they were three
18 inches from the required location per the specification?

19 A No, sir.

20 Q Well, let's work with a three-inch dimension.
21 Assuming that it is three inches off, does that seem to
22 reasonably represent a measurement error? He read the tape
wrong?

1 A It seems -- the measurement seems straightforward
2 to me. I don't know how the man could miss it by three
3 inches.

4 Q Do you know whether he actually performed the
5 inspection at all?

6 A No, I don't know.

7 Q He signed off the inspection report.

8 A He signed off the inspection report, yes.

9 Q Does it appear reasonable that he may not have
10 done the inspection at all and simply signed off on the
11 inspection report?

12 A I have no evidence of that. I don't think it's
13 reasonable. There's no reason for him to do it that I
14 know of.

15 Q Well, my question to you is: how can someone
16 miss something, an obvious attribute, by three inches if you
17 have a ruler or you're provided with some other measuring
18 device, a tape or a ruler --

19 MR. GALLO: I'm sorry. I'm going to object when
20 you are finished.

21 BY MR. GUILD:

22 Q Do you know of any other explanation for why the

1 inspection attribute was mis-inspected?

2 MR. GALLO: Objection. You have asked him that
3 question, this is the third time. He said he doesn't know
4 how the mistake was made. You are trying to get him to
5 agree with you that the inspection was so simple that the
6 only way it could have been made was that the inspection
7 wasn't done at all. He has disagreed with that. The
8 question has been asked and answered and I think we ought to
9 move on to something else.

10 BY MR. GUILD:

11 Q Well, how do you know that the inspector simply
12 didn't do the inspection? If you do.

13 A I don't know. All I know is that the gentleman
14 filled out an inspection report.

15 Q Was any review made to determine why the
16 discrepant inspection was documented?

17 A Not to my knowledge.

18 Q Why it was three inches off?

19 A Not to my knowledge.

20 Q Now, the corrective action for the discrepancy
21 was what, Mr. Giesecker?

22 A The corrective action was to -- for the hardware

1 portion of it -- that is, we asked to have Sargent & Lundy
2 look at the as-built installation to see if we could leave
3 the box the way it was installed, and that is 4139. And
4 we also have action to prevent reoccurrence. We obviously
5 retrained the inspector, and then also in answer to the item
6 of noncompliance, we also reinspected six other junction boxes,
7 safety-related junction boxes, also inspected by that
8 inspector.

9 It turns out there were actually seven inspected,
10 but one had been subsequently deleted by another rework,
11 so we obviously couldn't reinspect that one.

12 Q The corrective action for the NRC itself, 4139,
13 was simply to accept the installation as is and retrain the
14 inspector?

15 A Right.

16 Q You determined to inspect the additional boxes
17 that the same man had accepted only after the NRC identified
18 the item of noncompliance?

19 A Excuse me?

20 Q You determined to reinspect the man's additional
21 junction box inspections only after the NRC identified the
22 item of noncompliance?

1 A Right. Well, we didn't know the gentleman had
2 mis-inspected the box until the NRC identified it.

3 Q All right. My question is why wasn't that
4 specified as a corrective action for the NCR; the reinspection
5 of that man's additional work?
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1 (Witness reviewing document.)

2 A Well, my answer is that when we wrote the NRC
3 we were also writing the response to the item of non-
4 compliance, and we documented the additional inspections
5 in the item of noncompliance, and we didn't mention it on
6 4139. But we did -- then our QA Department identified that
7 to us; that we had forgotten to address additional work
8 inspected by this inspector, so that was one of the reasons
9 that the 4513 NCR which was issued, which does reflect
10 that the additional boxes of the -- the safety-related boxes
11 by that inspector were inspected.

12 Q Okay. Now, how did QA bring to your attention
13 the failure to provide for the reinspection of the man's
14 other work?

15 A I believe when Mr. Kropp was closing out the
16 item, he reviewed our licensing response and was talking
17 with our QA Department, and during that discussion it was
18 brought up that the 4139 didn't mention anything about these
19 additional inspections. So the QA Department asked us to
20 address that also.

21 Q You had already committed to the NRC in your
22 response that you would do the additional inspections?

1 A We had already done them, physically done them.

2 Q And you just hadn't documented that as a
3 corrective action to the NCR?

4 A We didn't put that on NCR 4139 because that was
5 mainly to address the hardware issue, which was the
6 installation of the box itself.

7 Q So then you originated a new NCR 4513, and that
8 documents the inspection of the other work; correct?

9 A Right. And that is a letter that is -- the
10 last attachment C to 4513 dated 5/31/85 from Mr. Seltman,
11 and this letter was written during the time that we responded
12 to the original noncompliance by the Commission.

13 Q What certification does an inspector have to
14 inspect the junction box attributes that were the subject
15 of this item of noncompliance?

16 A One of the certification areas in the Comstock
17 program is equipment, and under equipment, junction box
18 inspections are included. And there's a procedure that
19 governs the installation of equipment/junction box and also
20 the inspection of them.

21 Q And in order to be qualified to inspect these
22 attributes does the inspector have to be certified

1 specifically for junction box inspection?

2 A He has to be certified in the area of equipment,
3 and equipment includes junction boxes.

4 Q So he is certified in the general area of
5 equipment and that includes training and qualification in
6 the area of inspection of junction boxes?

7 A Yes, sir.

8 Q Do you know how many Comstock inspectors are
9 certified in the area of equipment inspection?

10 A No, not off the top of my head.

11 Q Do you have an estimate?

12 A No.

13 Q Is it one or two?

14 A No, it's more than one. I would say it's
15 probably 10 to 20, and that's a guess.

16 Q Do you know how many safety-related junction
17 boxes -- or how many safety-related junction boxes have
18 attributes of the sort that are the basis for this item of
19 noncompliance? In other words, do they have concrete
20 expansion anchors or other bolted attachments?

21 A I don't know the specific quantity, but most of --
22 the typical installation of a junction box is to mount it to

1 something so it's either concrete expansion anchored into
2 the wall or it has cap screws that connect it to a hanger
3 of some sort.

4 Q And do you know how many junction boxes there
5 are? Safety-related junction boxes?

6 A No.

7 Q Do you have an estimate? Is ten, 100, 1000?

8 A Oh, it's thousands.

9 Q And are they within the scope of Comstock's
10 work?

11 A Yes.

12 Q And inspection work?

13 A The safety-related ones, yes.

14 Q So Comstock installs and Comstock provides QC
15 inspection of the safety-related junction boxes?

16 A Right.

17 Q Have there been any audits or surveillances in
18 the area of the inspection of junction box installation?

19 A Yes. As a minimum, there is the surveillance
20 that I attached in our response here, or in my booklet.

21 Q And where does that appear?

22 A It's just right in front of the tab we were just

1 looking at. And we would have to ask the QA Department of
2 other audits and surveillances.

3 Q And does this address the subject of junction
4 box installation?

5 A Yes. It addresses a specific item of non-
6 compliance. In addition, I believe the NRC inspected some
7 additional boxes, also.

8 I mentioned very early in this process the fact
9 that one of the NRC reports that we talked about in our
10 motion for summary disposition looked at some additional
11 boxes.

12 Q Okay. I know where to find them. The surveillance
13 that you talked about simply observes what we have just
14 gotten done discussing about the disposition of the item
15 of noncompliance in the NCR?

16 A Yes.

17 Q It doesn't represent any additional surveillance
18 or audit of junction box inspection activity, does it?

19 A Yes, that's right. From looking at it.

20 Q And has Edison or Comstock conducted any
21 additional reinspections of junction box installation to
22 determine whether or not similar deficiencies exist in

1 inspection of the placement of concrete expansion anchors
2 or cap screws?

3 A Not specifically in relation to this. It is a
4 part of the overall QA program to periodically go out and
5 do audits, to cite installation procedures. Also, Comstock
6 is required by their audit program to audit installations,
7 and the QA Department does surveillances. So I'm sure that
8 additional junction boxes have been looked at through that
9 process but I don't have specific documents to show you.

10 Q In terms of the corrective action for this
11 deficiency, though, only the inspections performed by this
12 specific inspector were looked at; correct?

13 A The only followup that I'm aware of by the QA
14 Department is the surveillance I showed you.

15 Q And that reflects the inspection of the
16 additional boxes by this man?

17 MR. GALLO: Could we just go off the record
18 a moment?

19 (Discussion off the record.)

20 BY MR. GUILD:

21 Q The question was that there were no further
22 inspections done as a response or corrective action for this

1 discrepant inspection of junction box location other than
2 to look at the six additional safety-related boxes that
3 were inspected by this particular man; correct?

4 A Yes. I assume on that last one you meant by
5 Commonwealth Edison Department -- excuse me, Commonwealth
6 Edison Company or Comstock?

7 Q Right. You mentioned the NRC.

8 A I mentioned the NRC, right. Okay.

9 Q But none other by Comstock or Edison?

10 A Not that I know of, no.

11 MR. GUILD: That's all I've got. And thanks.

12 MR. BERRY: Staff doesn't have any questions
13 for Mr. Gieseke regarding the items for which this
14 deposition was convened.

15 MR. GALLO: I have some questions.

16 EXAMINATION

17 BY MR. GALLO:

18 Q Let's turn to 3C, the subcontention item, and
19 particularly Mr. Kostal's affidavit. On page 4, Mr. Guild
20 made reference to the last sentence in the incomplete
21 paragraph at the top of the page, and I believe he asked
22 you whether or not the method for evaluation of A8 WS

1 welding to be performed by Sargent & Lundy was included in
2 the LRP procedure that you were in the process of working
3 on, PM-18. And I believe you answered no. Do you recall
4 that testimony?

5 A Yes, sir.

6 Q Then further along, Mr. Guild asked you whether
7 the term "design significant" was included within the same
8 procedure, PM-18, and you said no. Do you recall that?

9 A Well, I believe -- I understood the question to
10 be was it defined in the procedure.

11 Q All right. And --

12 A And I said no, it is not defined in the
13 procedure.

14 Q All right. And then finally, he asked you
15 whether or not the seismic loadings and the mechanism for
16 determining the seismic loadings as described in answer
17 number 10 to Mr. Kostal's affidavit were set forth or
18 discussed in the procedure, PM-18. Do you recall that
19 question?

20 A Yes.

21 Q And what did you tell him in response to that?

22 A I said it is not defined. The procedure simply

1 says that a design review will be performed, and it doesn't
2 describe that process in any detail.

3 Q Well, my question to you is: in your judgment,
4 should the procedure, PM-18, include those matters in the
5 detail discussed in Mr. Kostal's affidavit?

6 A No. We simply made the commitment in the
7 procedure to have that review done and that's what the
8 reference to the design review -- the specifics of how that
9 is to be done need not be in the procedure, in my opinion.

10 Q Why not? Can you explain?

11 A Well, that's governed by the Sargent & Lundy
12 design -- it's just -- that level of detail is not required
13 in our PM procedure. The procedure is an administrative
14 procedure to conduct the program.

15 Q To conduct the program.

16 A Yes.

17 Q You mean the actual reinspection called for
18 by the LRP?

19 A Right.

20 Q And I believe you testified you are the
21 administrator of that program? Is that correct?

22 A Yes.

1 Q And during the course of the program, if design--
2 strike that. If discrepant weld conditions are referred to
3 Sargent & Lundy for evaluation, on what basis will you rely
4 on the information they provide you?

5 A As far as their review of whether or not the --
6 we will accept the S&L evaluation if they determine the
7 item to be design-significant.

8 Q And what is the basis for your reliance on their
9 judgment, their engineering judgment, in these matters?

10 A Well, they are the architect engineer of the
11 plant and they established the design parameters for the
12 plant, so they can then determine if the discrepancy is
13 design significant.

14 Q And on what basis do you determine that their
15 opinion is reliable for purposes of your reliance on their
16 advice?

17 A They are the architect engineer that Commonwealth
18 Edison has hired to design the plant. Maybe I don't
19 understand your question.

20 Q Well, do you just rely on what Sargent & Lundy
21 tells you on the basis of faith and human nature, or is
22 there some further basis beyond that?

1 A Well again, Sargent & Lundy is the designer of
2 the plant and their program is controlled to a quality
3 assurance program the same as the other contractors on the
4 site. I am not voicing the specifics of that program -- .

5 Q Who at Sargent & Lundy will do the actual design
6 evaluation of any discrepant welds that might be uncovered
7 during the LRP?

8 A I believe it would primarily be by the structural
9 department.

10 Q Do you know who in the structural department
11 will perform these reviews?

12 A No. None other than the overall coordinator,
13 Mr. Parduhn, who we talked about earlier. I don't know
14 the specific persons that would actually physically do the
15 review.

16 Q Have you worked with Mr. -- how do you pronounce
17 that fellow's name?

18 A Parduhn.

19 Q Have you worked with Mr. Parduhn before in
20 connection with the evaluation that he might have performed
21 on design-significant evaluations for the Braidwood Project?

22 A Mr. Parduhn is also the coordinator for the

1 Quality Control Inspector Reinspection Program, and that's
2 when I first started working with him.

3 Q Has Sargent & Lundy done any design evaluations
4 in connection with the QCIRP program?

5 A Yes.

6 Q Have you reviewed any of those evaluations?

7 A Not personally, no.

8 Q Let's turn to Mr. Frankel's affidavit, and in
9 particular, Answer 12. In the middle of the answer,
10 Dr. Frankel says that the sample size will be 475
11 inspection reports, but he indicates that in fact, more than
12 that number of welds will be inspected. Have the actual
13 475 weld inspection reports been identified yet?

14 A Yes.

15 Q Have the number of welds that have been represented by
16 those reports been totaled?

17 A No.

18 Q In your opinion, would Dr. Frankel need to know
19 that number in order to come up with any quantitative
20 computation to attempt to quantify the term he uses in
21 Answer 10, "most likely somewhat higher"?

22 A No. He indicated that the number that we should

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1 use is the 475 checklists.

2 Q Now listen to my question. If you wanted to
3 quantify the term -- you see it on the next to the last line
4 in Answer 12 -- "are most likely somewhat higher." If
5 he wanted to quantify that term would he need to know the
6 number of welds represented by the 475 inspection reports?

7 A If he wanted to quantify it, yes.

8 Q And does he know that number?

9 A Not now.

10 Q Do you know it?

11 A No.

12 Q All right. On page 9 of Dr. Frankel's affidavit,
13 Mr. Guild asked you a series of questions about the use of
14 engineering judgment in connection with statistical
15 inferences, and this is down at the bottom of page 9. It's
16 the last paragraph in Answer 11. Just take a moment and
17 read that paragraph to yourself.

18 (Witness reviewing document.)

19 A Okay.

20 Q You indicated in answer to Mr. Guild's question
21 some uncertainty as to what exactly what was the engineering
22 judgment being referred to by Dr. Frankel in this paragraph.

1 Now that you have re-read it, can you testify with any
2 greater degree of certainty as to what he was referring to
3 when he was talking about the use of engineering judgment?

4 A Well, I believe what he is getting at there is
5 that we decided to request a 99 percent reliability,
6 99 percent confidence as opposed to some other level of
7 confidence, some lesser level.

8 Q Like 95, 95?

9 A Correct, like 95, 95. And then the last
10 sentence here, he says, given 99, 99, I came up with the
11 calculation to support that.

12 Q And was the engineering judgment used to
13 determine whether it ought to be 99, 99 or some lesser
14 degree of reliability in competence level?

15 A Right. Yes.

16 Q Did you make that engineering judgment?

17 A In discussions with Mr. DelGeorge.

18 Q You and Mr. Del George discussed this matter?

19 A The 99, 99, right. Yes, sir.

20 Q And did you consider some other confidence and
21 reliability level in that discussion?

22 A Well, we talked about the -- you know, what is

1 the best statement we can make about these, the welds, and
2 we decided that a 99, 99 was a very forceful statement,
3 and if we tried to go above 99, 99 it wouldn't be
4 appreciably worth the additional inspection effort. So we
5 decided 99 was a very stringent statement that we could
6 make and we decided to use 99, 99.

7 Q On the basis of engineering judgment; is that
8 correct?

9 A Yes.

10 Q At the top, the point that you have just made is
11 referred to -- no, strike that. It isn't referred to.
12 It's in your affidavit that you indicate that to go higher
13 than 99, 99 might not be a useful exercise. Is that a
14 correct paraphrase of your affidavit?

15 A Right.

16 Q Did you make any computation as to -- let's say
17 that instead of inspection 475 inspection reports out of
18 the 9000 inspection reports, let's say you inspected 2000
19 inspection reports. Did you make any computation as to
20 what improvement that would give to the 99, 99 reliability
21 and confidence level?

22 A I didn't make any calculations, but that was

1 in discussion with Dr. Frankel, and I can't remember
2 exactly which discussion. But he indicated that you can
3 greatly increase the number of inspections and only increase
4 the reliability and confidence statement by 99.1 or .2 or
5 something. I don't remember the specific figures, but I was
6 led to believe that it wouldn't be cost-effective to us.

7 Q All right. Mr. Guild asked you a series of
8 questions about the reliability of the Comstock and Ernst
9 inspection reports; that is, the checklist Form 19 and the
10 Ernst equivalent. And you described in answer to that
11 question a corrective action program being conducted by
12 Comstock with respect to their documentation. Do you
13 recall that line of questioning? Well, what's the name of
14 that corrective action program again?

15 A The QC document review -- quality control
16 document review.

17 Q And do you recall in answer to Mr. Guild's
18 questions that that review has uncovered -- strike that.
19 Do you recall in answer to Mr. Guild's questions that that
20 review has uncovered some errors in the inspection checklist
21 used by the Level I inspectors for Comstock? Is that also
22 true of Ernst?

A The document review includes all the records in

1 the records vault which would include any Ernst records,
2 yes.

3 Q Do you know whether or not discrepancies or
4 errors were uncovered with respect to Level I inspection
5 reports filled out by Ernst Level I inspectors?

6 A Well, I am not specifically knowledgeable of any.

7 Q Do you know specifically whether any errors or
8 discrepancies were uncovered during the QC document review
9 concerning the Form 19 checklist filled out by Comstock
10 Level I inspectors, which are the subject of the LRP?

11 A Not specifically.

12 Q Do you know whether any errors or discrepancies
13 were uncovered with respect to any Form 19's filled out by
14 Comstock Level I inspectors?

15 A Well, I don't know of a specific, but I do know
16 that there were problems found with the Form 19's, as
17 Mr. Guild indicated. I don't know the exact percentage.

18 I do also know that the percentage that required
19 actual reinspection in the field is quite a bit less than
20 the --

21 Q Well, I recall your answer to Mr. Guild. You
22 agreed with him that generally there was about a 20 percent

1 error rate in the documentation that was the subject of
2 the reinspection of the QC document review.

3 A I believe that's an across-the-board approximate
4 percentage.

5 Q Was the QC document review a 100 percent
6 reinspection of Comstock documents?

7 A Yes.

8 Q Now when a discrepant document was uncovered in
9 the QC document review, what kind of corrective action was
10 taken?

11 A A Level II certified inspector in that area would
12 have to review the documents to resolve it.

13 Q Well, do you go back and -- will the Level II
14 inspector go back and reconstruct the documentation, or
15 how will this be done, if you know?

16 A Okay. I'll give you an example. If the drawing
17 in effect at the time was supposed to be Revision F, and
18 say that the inspection checklist indicated Revision D. One
19 thing that the QC inspector would look and see is if the
20 drawing -- or the item identified on the inspection checklist
21 changed between Revision D and Revision F. If it did not,
22 then we can conclude that that would be a good -- still a

1 valid QC inspection.

2 If the item did change between Item D and Item F,
3 we would look to see if there is a subsequent inspection
4 for that item. If there wasn't, then we would go out and
5 reinspect the item, or the Level II would.

6 Q Well, I want you to correct me if I'm wrong.
7 I don't know what inference Mr. Guild will draw, but the
8 inference I drew from the answers to his questions in this
9 area was that there was a degree of unreliability attached
10 to the Level I inspection checklist that would be used for
11 purposes of the LRP activity. And that that reliability
12 might be as high as 20 percent.

13 And I guess the first question I have for you
14 is: do you agree with that inference that I have just made?

15 A Well, not specifically because you must understand
16 the program that -- the original inspection checklist
17 identified by the Level I, we just wanted to find out what
18 component he inspected. And then we would go out with a
19 brand new inspection checklist and inspect that item.

20 So if for example, -- say the worst thing that
21 could happen is a guy wrote down the wrong equipment number,
22 which is not very plausible but it could happen, I guess,
atypo error of some type. And then the reinspector would

1 get out there and he wouldn't be able to reinspect it.
2 So the reinspector might get a ding if the original inspector
3 would have a ding against him if that item couldn't be
4 reverified.

5 Q We're talking the LRP activity now, so if the
6 wrong connection or hanger number was listed on the Comstock
7 or Ernst checklist and the reinspector went out based on
8 the checklist and found that that number or that particular
9 hanger didn't exist or was not in that particular location,
10 or was able to determine that something was wrong, what
11 would he do then?

12 A The reinspector?

13 Q The reinspector.

14 A Well, he would give the problem back to the
15 Engineering Department to see if they could supply any
16 additional design information that may have affected the
17 item. If the item was totally unrecratable, then we
18 would have to select another document and reinspect to
19 get our 475.

20 Q All right. What if the error in the Comstock
21 or Ernst checklist was an "accept" rather than a "reject"?

22 A On the original checklist?

1 Q Yes, on the original checklist.

2 A It wouldn't affect the program at all because
3 we are reinspecting the item to see if any design-
4 significant attributes exist out there now. If the original
5 inspector had missed an item that was rejectable, then the
6 reinspector would pick that up and that would be a
7 disagreement that would have to be analyzed by S&L for
8 design significance.

9 Q So if the error was reject and he really
10 intended accept, that would be a discrepant weld, regardless
11 of how the error was made; whether it was an inadequate
12 inspection or whether it was just simply an error in the
13 recording. Is that correct?

14 A I didn't follow that question. I'm sorry.

15 Q All right. It's a complicated question. Let
16 me try to make it simple.

17 I am trying to understand your last answer. If
18 the error by the original inspector was simply a recording
19 error as opposed to an improper inspection, it would show
20 up regardless as a discrepant condition for purposes of
21 S&L evaluation, assuming a second inspector picked it up as
22 well.

1 A Right.

2 Q And that's the point you're making. Okay.

3 Looking at this checklist -- and because of
4 the lateness of the hour I will try and shortcut my
5 question. Looking at this checklist and looking at the
6 Section 3.1 items, if we assume a mistake, a recording error
7 by the original Level I inspector, how, if at all, with
8 respect to the items listed under 3.1, would that affect
9 the LRP program results?

10 A Well, this is --

11 Q I want you to take your time because there are
12 six or seven items listed under 3.1.

13 A Well, I guess -- what is filled out in the
14 reinspection checklist is the information on the top here,
15 and what the reinspector would have to do is he would go
16 out to the drawing indicated, the current drawing, and try
17 to find that piece of equipment.

18 If he went out to the drawing, for example, and
19 there wasn't any piece of equipment there, then he would
20 have to do further investigation to find out if that item
21 had been deleted or not.

22 Now, what we do upfront to minimize this work is

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1 we look to see if the items have indeed been reworked or
2 deleted, okay, in which case there wouldn't be something
3 to reinspect.

4 Q What if the Level I just simply wrote down the
5 wrong -- the original Level I wrote down the wrong drawing
6 number?

7 A Well, if we couldn't find the item, then we would
8 have to pull another item to reinspect.

9 Q What if he wrote down the wrong number of welds
10 inspected? Again, the original Level I inspector. How
11 would that, if at all, affect the results of the LRP program?

12 A It wouldn't affect it because the reinspector
13 inspects to the detail that is indicated. If the detail
14 says there should be five welds there, the reinspector looks
15 for five welds.

16 I should also note that in the procedure, if for
17 some reason the report is totally not understandable, we
18 can't find it out there, then we throw it out of the program
19 and select another inspection report in its place. But we
20 make Comstock address this in their own program. You know,
21 Hey, you've got a document out there that doesn't make sense.

22 We don't address it inside the LRP program, but

1 we don't just let them ignore the fact that the document
2 doesn't make sense. We make them address that in their
3 normal QA program.

4 Q You referred in your answer to if the wrong
5 number of welds were inserted in the column indicating
6 number of welds inspected that the reinspector would
7 determine the right number of welds by looking at the
8 detail. To what are you referring when you say that?

9 A Okay. In the last line there it says "detail
10 inspected." That is meant to be the design detail that
11 says what that connection should look like. And at that
12 time the reinspector will look at it and say okay, this
13 design detail says I am supposed to have this configuration
14 of welds and that's what I'm going to reinspect for. If
15 I don't see that then I'm going to indicate it as a
16 rejectable item.

17 Q What if we have multiple errors? That is, we've
18 got the wrong number of welds inspected and we also have an
19 inaccurate reference under the "detail inspected." How would
20 that, if at all, affect the LRP result?

21 A Well, if the reinspector goes out there to
22 reinspect an item and it doesn't match the design that he is

1 inspecting to, he rejects the item.

2 Q What do you mean, he rejects the item?

3 A Well, he says, for example, -- if he goes out
4 there and the design detail says there should be three welds
5 and there's something wrong with those welds, then he will
6 indicate it as an item -- as a discrepant item.

7 Q Do you mean a discrepant weld, or do you mean
8 an inspection report that has to be replaced by another
9 inspection report?

10 A It depends on how bad the description is that
11 we're talking about. Like I said before, if the description
12 is a typo error and the reinspector can -- for example,
13 there's a transposition in the hanger number that is obvious
14 to the reinspector -- he just may say that that should be
15 corrected in accordance with Comstock's procedure to correct
16 those typographical errors.

17 If the errors are so severe that the report is
18 not understandable, then we say you select another report
19 for the program but you must address this now not
20 understandable document in your own program.

21 Q All right. Do you have an opinion as to whether
22 or not the discrepancies in the checklist used by the

1 Comstock Level I inspectors that were uncovered during the
2 QC document review have any significant impact, or will have
3 any significant impact on the LRP activity?

4 A To my knowledge, there has not been a problem
5 with identifying the checklists that have been incompletely
6 filled out that would affect the inspection.

7 Q But you have found in the QC document review some
8 errors in checklists?

9 A Yes.

10 Q All right. And do you have an opinion as to
11 whether or not those errors will affect your LRP activity?

12 A To my knowledge, no.

13 Q And can you explain why not?

14 A Well, one of the basic things that I understand
15 they are finding is an incorrect revision to a drawing.
16 For example, the example I gave earlier of the drawing that
17 was in the field at the time was -- from the dot control was
18 D but the QC inspection report indicates C. And we looked
19 at those and we saw that the item that the report is on
20 didn't change between Items C and D, and that's an
21 acceptable inspection report then. So those types of items
22 wouldn't affect the LRP at all.

1 Q And if the inspection report is unsuable because
2 of errors in the reporting of data on that report, is it
3 my understanding that you will simply just replace that
4 report with a newly selected item?

5 A Yes.

6 Q Newly-selected report?

7 A Right. If the information makes the report not
8 understandable, then yes.

9 Q How do you select the new inspection report to
10 replace the one that you found unsuable?

11 A That is the next random number.

12 Q Two more on this checklist. Looking at the
13 checklist, let's use Mr. Guild's example that he used early
14 on about the connection with four welds. Let's assume a
15 hypothetical inspector has put or inserted in the number
16 of welds inspected four welds. And let's go to Item or
17 attribute 3.2 as to whether or not the weld was sufficiently
18 cleaned. And let's assume that there was an "accept" checked
19 on this hypothetical checklist. What does that mean in
20 terms of the four welds? Does it mean one of the four was
21 acceptable, or all four were acceptable?

22 A All four were acceptable.

1 Q What if there was a check in the "reject" box?
2 What does that mean?

3 A It means that one or all of the welds were not
4 sufficiently cleaned, and what typically they will do is
5 they will indicate like a 1 or a 2 or a star or an asterisk,
6 and in the remarks column they would --

7 Q Well, wait a minute. Where would the star or
8 asterisk go?

9 A Near or in the reject column. And then they
10 would go down to the remarks column and explain the
11 discrepancy or they would indicate the corrective action
12 document that they generated to resolve that, such as an
13 inspection correction report or an NCR.

14 Q Would this other reference you're referring to
15 explain which of the welds were rejected, or whether or not
16 one or more of them was rejected and what the condition was?

17 A Right. It would give the description of the
18 item that is described to be discrepant by the QC inspector.
19 In addition, a procedure for a weld inspection requires
20 that the weld inspector mark the area of rejectability on
21 the weld itself to help the repair crew find the actual
22 discrepant area.

1 Q I think you indicated in answer to one of
2 Mr. Guild's questions an example of when the n/a; that is,
3 not applicable, box would be used. A situation where if
4 during the original inspection the only attribute that was
5 marked "reject" was, let's say, 3.3 dealing with the fillet
6 size and fillet size throat, and that was marked n/a and
7 the rest of the attributes were marked -- I'm sorry, let
8 me start again. I have just mis-stated myself.

9 That if during the original inspection all the
10 attributes were marked or checked "acceptable" except one,
11 then on the reinspection the only item that might be marked
12 would be the one item that was initially rejected, and all
13 the other attributes would be marked n/a. Is that the case
14 in each and every instance, as you understand it?

15 A No. I believe it's done both ways. It can
16 either be just that one specific attribute or the inspector
17 may choose to inspect all the rest of the attributes, also.

18 Q Do you know what would determine which approach
19 would be used?

20 A I believe it would have to be the policy of
21 the QC Department at the time, and certainly there is

1 inspector preference there, too. Either way is acceptable
2 to me.

3 Q Would the nature of the weld discrepancy play
4 any role in such a decision?

5 A Oh, certainly. If the item that was rejected was
6 sufficient to require complete replacement of the weld, for
7 example, obviously then we would have to perform a complete
8 reinspection of the weld.

9 Q I see. All right.

10 Do you recall answering some questions with
11 respect to -- no, I guess that's all the questions I have.

12 MR. GUILD: I have a few more that have been
13 inspired by Mr. Gallo.

14 EXAMINATION (Further)

15 BY MR. GUILD:

16 Q You stated in response to Mr. Gallo's questions
17 that the 475 sample reports have been selected already?

18 A Yes, sir.

19 Q All right. If you would turn in your affidavit
20 to your Exhibit 1, Mr. Gieseke, that exhibit lists the
21 Level 1 QC inspectors who are the subject of the LRP; does
22 it not?

1 A Yes, sir.

2 Q And in the rightmost column it lists the
3 number of inspections performed by each of those inspectors;
4 correct?

5 A Right.

6 Q And those numbers represent inspection reports
7 that identify that inspector as the inspector who performed
8 the visual weld inspection?

9 A As a Level I, yes.

10 Q As a Level I, correct. Having selected the 475
11 reports, can you tell me how many inspection reports have
12 been selected for sampling with respect to the inspections
13 conducted by Inspector C01?

14 A I believe I have a document in my briefcase that
15 gives the breakdown of the items -- the number that was
16 selected for each individual inspector.

17 Q All right, if you could put your hands on that
18 I would appreciate it.

19 A I guess I don't have it with me. All it was is
20 I asked NPS to give me a breakdown of how many inspections
21 were selected for each of the inspectors, and I probably
22 didn't keep it because it changes as the 475 are looked at

tl9sy

1 by the Engineering Department, and if the items have been
2 subsequently deleted or reworked, they ask for another
3 inspection report. So the quantities for each particular
4 contractor or inspector can change.

5 Q All right. When was the sample drawn? The 475.

6 A Initially, about -- oh, about a week ago. Maybe
7 a week and a half ago.

8 Q How many welds are represented in the inspections
9 that are to be sampled for each of the inspectors under
10 the LRP?

11 A I don't know.

12 MR. GALLO: That's what he just said in answer
13 to my question.

14 BY MR. GUILD:

15 Q Let me direct your attention to the same
16 exhibit with respect to Inspector C41. He is shown as
17 having five inspections. That would be for five inspection
18 reports; correct?

19 A Right.

20 Q And that was the inspector as to whom each of
21 those inspection reports identified the area inspected by
grid; correct?

1 A Yeah, I believe that was the one, yes.

2 Q All right. How are you going to sample C41's
3 inspection reports?

4 A Well, if they are all grid reports we won't be
5 able to sample.

6 Q So you will not sample for C41.

7 A Under the LRP program, no. Right. If they are
8 all grid reports, yes.

9 Q Are they or are they not all grid reports?

10 A Well, as I stated earlier, I believe that is
11 the gentleman with the five grid reports. To the best of
12 my knowledge right now it is.

13 Q Well, might it be someone else?

14 A No, because the number that sticks -- it has got
15 to be one of the Level I's indicated on the chart here, Bob.
16 But the reason that I think it was five is because the
17 number five sticks in my head, and that's the reason that
18 I believe it's C41.

19 Q And do you recall there being one inspector, all
20 of whose -- for whom all reports were grid reports?

21 A Yes, sir. And it was, as I say, the number five
22 sticks in my head.

1 Q You mentioned in response to a question by
2 Mr. Gallo that with respect to the engineering judgment
3 concerning the sample size, you reached the conclusion,
4 along with Mr. Del George, to specify the sample size that
5 Dr. Frankel relied upon; correct?

6 A Right. We asked -- we determined the 99 and 99
7 as opposed to some other confidence/reliability, and then
8 Mr. Frankel said, to do that you need 475 reports.

9 Q All right. Now, was there a discussion between
10 you and Mr. Del George about performing a 100 percent
11 reinspection of the Level I weld work?

12 A I can't specifically remember the entire
13 conversation, but it was a conversation about what the
14 sample size should be.

15 Q And you reached the conclusion based on the
16 cost-effectiveness I think you said, that the 99, 99 was
17 the appropriate sample size?

18 A The cost effectiveness statement was the fact
19 that if we do -- we can get to 99, 99 with 475; we cannot
20 appreciably go higher than 99 because then -- and I can't
21 remember the exact numbers, but the quantity of additional
22 inspection reports gets rather large with the very small

1 incremental increase in the level of confidence and
2 reliability.

3 Q And that was a cost--effectiveness judgment on
4 your part and on the part of Mr. Del George?

5 A Well, cost-effectiveness and engineering judgment,
6 and the fact that 99, 99 is a very rigorous statement in
7 and of itself. And making it 99.1 or 99.2 wouldn't be
8 appreciably any better than the 99 statement.

9 Q What cost did you attribute to the existence of
10 a safety-significant defect that remained unidentified and
11 uncorrected because of failure to perform a 100 percent
12 reinspection?

13 A We never discussed that. I mean, I never put a
14 value on it.

15 Q What position does Mr. Del George hold with the
16 company?

17 A He is a vice president, I believe, or assistant
18 vice president.

19 Q Does he work in the Engineering Department of the
20 company?

21 A I'm sorry, I don't specifically know his title.

22 Q Would you accept that Mr. Del George works in the

1 Licensing area and not in the Engineering Department?

2 A Mr. Del George used to work in Licensing. I
3 don't know if he works in the licensing area right now or
4 not. I know that he is the management person that has
5 been involved in the licensing hearings with us.

6 Q All right. He is not in management over the
7 Engineering Department, is he?

8 A I'm sorry, I don't specifically know his title.

9 Q Do you know whether he has engineering
10 responsibilities for the company?

11 A I do not know.

12 Q Why have you undertaken part of the LRP program
13 prior to the approval of the LRP procedures that govern
14 those portions of the program that you have undertaken?

15 A Okay. We felt that these preparatory items
16 were just routine administrative items, and that -- we we
17 went ahead with them in parallel with developing the
18 program so that we could get the program completed in the
19 most expedient manner.

20 Q Was that decision approved by the CTF, the CECO
21 Task Force that oversees the LRP?

22 A Well, as the responsible person in the CTF,

1 obviously I knew about it and discussed it with Mr. Groth
2 who was my supervisor.

3 Q And it was okay by him?

4 A Yes, sir.

5 Q Was the Sargent & Lundy representative aware of
6 the decision to go forward prior to the approval of the
7 LRP procedures?

8 A I don't know that.

9 Q How about the CECO QA representative?

10 A I don't know that, either.

11 Q The Nuclear Power Services representative?

12 A Certainly. Yes, they knew about it.

13 Q They performed the sampling.

14 A Right.

15 Q How were the Level I inspectors, who were the
16 subject of the LRP, identified?

17 A Some of the certification books for the
18 inspectors were reviewed and determined the -- any
19 Level I's that were certified in welding and the time
20 period for which they were certified.

21 Q And what documents are reflected in those books?
22 What was the document you referred to that indicated the

1 Level I --

2 A It's their certificate of certification.

3 Q And you relied on the data that appeared in
4 those certificates of certification that identified the
5 inspector by name and number and the dates of the Level I
6 certification?

7 A Right.

8 Q Have there been any deficiencies identified in
9 the Comstock document review program in the certificates
10 of certification by Comstock or Ernst?

11 A I don't believe the certification books are
12 included in the QC document review.

13 Q Do you know whether there are any deficiencies
14 in certificates of certification with respect to the
15 accuracy of the data that is included in those documents?

16 A Not off the top of my head, no.

17 MR. GUILD: Okay, that's all I have. Thanks.

18 MR. GALLO: Well, you have prompted a couple
19 questions.

20 EXAMINATION (Further)

21 BY MR. GALLO:

22 Q Do you know whether or not Mr. Del George is an

1 engineer or has an engineering education?

2 A I believe he is an engineer, yes.

3 Q Are you aware that Mr. Del George participated
4 in the development of the Quality Control Inspector
5 Reinspection Program in the Byron case?

6 A Yes, he did.

7 Q Are you aware that he worked with Dr. Frankel
8 in connection with developing the sample processes for that
9 reinspection program?

10 A Yes, he did.

11 Q Let's go to Exhibit 1. This is your Exhibit 1.
12 Let's assume that the five inspections for Inspector C41
13 are "grid" inspections.

14 A Yes, sir.

15 Q Will you be able to make a statistical
16 statement -- strike that. If I understand what the term
17 "grid inspections" means, it's that you are not able to, on
18 the basis of just the grid inspections alone, determine
19 exactly what connections were reinspected or were inspected
20 by a Level I inspector; in this case, C41. Is that correct?

21 A That's correct.

22 Q Will you be able to make any statistical statement

1 with respect to Inspector C41's five inspection reports?
2 Assuming that they are grid inspections?

3 A No.

4 Q Therefore, will the LRP address his inspections
5 at all?

6 A Only to the extent that they were selected and
7 were found to be non-reinspectable because of their generic
8 nature.

9 Q Well, let's assume that that is the case. How
10 will C41's inspections be handled, if at all, by
11 Commonwealth Edison and Comstock with respect to the
12 validity of those inspection reports?

13 A During the area turnover process of the contractor,
14 he must verify that he has the appropriate quality
15 inspection documentation for any given area that is required--

16 Q Who is he?

17 A Comstock Quality Control. And if we do not have
18 a document that specifically indicates the component
19 requiring inspection, then we would generate a new one.

20 There have been a number of reworks that could
21 have reinspected these items by Mr. C41, which could have
22 prompted subsequent reinspections. And if not, if there is

1 no QC inspection of the installed component, and the program
2 requires one to be, then we would generate a new one at
3 that time.

4 Q Let me see if I understand what you told me.
5 Let's assume that C41 has prepared one of these five
6 inspection reports and it is a grid type inspection, and
7 you search the Comstock documents and you find no rework
8 activity or no PTL over-inspection activity so that there
9 are no reinspections.

10 A Okay.

11 Q Then what would you do in that circumstance
12 with respect to that inspection report during the turnover
13 from Comstock?

14 A We would request that Comstock perform an
15 inspection of that item.

16 Q In other words, you reinspect those items?

17 A Yes, sir.

18 Q Since you are not able to determine from the
19 Level I -- or in this case, Mr. C41's five inspections what
20 connections were inspected, how will you be able to
21 identify -- or how will Comstock be able to identify what
22 connections to reinspect?

1 A All right. To clarify my earlier statement, we
2 can't identify what the status of the area was at the
3 time the "generic grid inspection" was performed. But we
4 can, during area turnover, say here is the drawing area as
5 defined by the design drawing, and here's all the things on
6 the design drawing that should be installed, and do we have
7 an inspection report for each one of those items. And if
8 we don't, then we would reinspect the item.

9 Q So you would necessarily catch it through that
10 process; is that it?

11 A Yes, sir.

12 MR. GALLO: That's all.

13 (Whereupon, at 6:10 p.m., the taking of the
14 instant deposition was concluded.)

15

16

(Signature Waived.)

17

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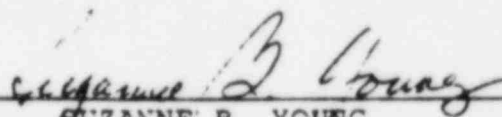
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CERTIFICATE OF NOTARY PUBLIC

I, Suzanne B. Young, the officer before whom the foregoing deposition was taken, pages 1 through 245, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by the witness; that I am neither counsel for, related to nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.


SUZANNE B. YOUNG

Notary Public in and for the
District of Columbia

My Commission expires: December 14, 1989

Bob

1/30/86

DEPOSITION
EXHIBIT

*Hierker Depo
Ex. to 1*

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

COMMONWEALTH EDISON COMPANY

(Braidwood Nuclear Power
Station, Units 1 and 2)

)
)
) Docket No. 50-456
) 50-457
)
)

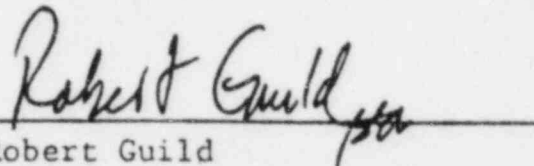
INTERVENORS ROREM, ET AL.
NOTICE OF DEPOSITIONS

Pursuant to 10 C.F.R. §2.740(a), Intervenors Rorem, et al. hereby give notice that they shall take the depositions of the following witnesses, who are employees of Commonwealth Edison Company or its contractors: James W. Geiseke; Kenneth T. Kostal; Edward M. Shevlin; George Orlov and Thomas E. Quaka. The depositions shall commence on Wednesday, February 12, 1986, at 10:00 A.M., and shall continue thereafter until completed, at the offices of Isham, Lincoln and Beale, Three First National Plaza, Chicago, Illinois; or at such time and place between February 12-14, 1986 as the parties may agree. The depositions shall be taken before a certified court reporter, and shall be on the subject of the witnesses' knowledge of the quality assurance deficiencies at the Braidwood nuclear power station alleged in Intervenors' Amended Quality Assurance Contention.

The deponents shall bring with them all documents in their possession, or subject to their control, which are the basis for the witnesses' affidavit in support of Applicant's December 20, 1985, Motion For Summary Disposition.

DATED: January 30, 1986

Submitted by,

A handwritten signature in cursive script, reading "Robert Guild", is written over a horizontal line. The signature is in dark ink and appears to be a personal or professional signature.

Robert Guild
One of the Attorneys for
Intervenors Rorem, et al.

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1/30/86

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	
)	
COMMONWEALTH EDISON COMPANY)	Docket No. 50-456
)	50-457
(Braidwood Nuclear Power)	
Station, Units 1 and 2))	

CERTIFICATE OF SERVICE

I hereby certify that I have served copies of Intervenor's Rorem, et al. Notice of Depositions on each party listed on the attached Service List by having said copies placed in envelopes, properly addressed and postaged (first class) and deposited in the U.S. mail at 109 North Dearborn, Chicago, Illinois 60602, on this 30th day of January, 1986; except that NRC Staff Counsel Mr. Treby was served via Federal Express overnight delivery and Mr. Stahl, counsel for Edison, was served by messenger on Friday, January 31, 1986.

Robert E. Mulder

BRAIDWOOD SERVICE LIST

50-456/50-457 OL

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U.S. Nuclear Regulatory Commission
Washington D.C. 20555

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Atomic Safety and Licensing
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- Q.6. Do you agree that LKC's and E.C. Ernst's use of Level I QC inspectors constitutes a violation of ANSI N45.2.6 and 10 C.F.R. Part 50 Appendix B?
- A.6. Commonwealth Edison Company agrees that the lack of documentation showing the methods used by Level II inspectors to establish the acceptability of the results of Level I inspections is a procedural inadequacy.

I agree that the NRC Staff concern is a reasonable one and Commonwealth Edison has developed the LRP to address it. I initially thought that this matter was not of sufficient significance to warrant the issuance of an item of non-compliance by the NRC. However, I have since interviewed several of the Level II inspectors employed by L. K. Comstock Company and I have learned that not all of the Level II inspectors were effectively implementing ANSI N45.2.6-1978 with respect to the acceptance of inspection results compiled by LKC Level I inspectors. Thus, I conclude that the overall practice employed by LKC for use of Level I and II inspectors was not in conformance with the ANSI standard.