

RELATED CORRESPONDENCE

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ATTORNEY

July 26, 1983

Robert Guild, Esq.
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DOCKET NUMBER 50-413/414
PROD. & UTIL. FAC.

Dear Mr. Guild:

During the course of the recent depositions on Contention 6, various witnesses mentioned documents or reports which you indicated you were not aware of and which had not been made available to you during the course of discovery. As you requested, many of these documents were provided to you during the depositions. These documents were not made available to you because they were not requested under any of your discovery requests, and in some instances, they are not relevant to Contention 6. You became aware of these documents during the course of the depositions because you conducted basic discovery depositions instead of limiting the scope of the depositions as indicated in the Board's Orders of June 13 and June 20, 1983.

The Board's June 13, 1983 Order denied Palmetto's motion for additional discovery "insofar as it seeks several additional months of unrestricted discovery." (p.1) The Board granted Palmetto's motion "to the limited extent of allowing it to conduct depositions of . . . personnel who may have knowledge of matters relating to quality assurance and control in welding at Catawba." (p. 6-7) The Board noted that "Palmetto has foregone its opportunity for exploratory depositions on [Contention 6]," and allowed "an additional period of time for Palmetto to take depositions concerning quality assurance in welding." (p.2)

In its June 20, 1983 Order, the Board narrowed Contention 6 to three areas: "(1) the Hoopingartner and McAfee concerns; (2) the welding concerns; [and] (3) concerns first surfacing between [May 27, 1983] and the hearing." (p.6) The Board noted that this narrowing of Contention 6 was consistent with the June 13 Order which "authorized a more limited time for Palmetto to take depositions concerning quality assurance in welding." (p. 6) The Board did not precisely define the welding concerns, but referred to the attachments to your motion for additional discovery time.

You have intimated that Applicants are somehow at fault because these documents are just now coming to your attention. These documents in all likelihood would have come to your attention earlier if you had either requested them during discovery or had deposed these same witnesses earlier. We initially objected to questions that were broad and general in scope, and not clearly related to "quality assurance and quality control in welding at Catawba." Because the Board Chairman was unavailable for any expedited rulings on the scope of the depositions, and in an effort to minimize the

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disruptions and delay that would result from limiting the depositions to quality assurance in welding, we decided to allow Duke witnesses to respond to the more general questions. As indicated above, the witnesses identified documents that you were not aware of.

Some of the documents you requested were made available to you during the course of the depositions. I have compiled a list of these documents from my deposition notes which is set forth as attachment A to this letter. This list includes documents made available to you in response to the broad request for documents included in your Notice of deposition.

With respect to documents which we declined to produce, I requested that you make a list of those documents so that we could review these requests and attempt to resolve these matters without the necessity of a Board ruling. You have provided me a list of six requests. We are responding to these requests as follows:

1. Any new procedures, or revisions in existing procedures, used by welding inspectors to identify construction deficiencies and conditions adverse to quality, determine the cause of these conditions and the corrective actions to be taken, that have not already been provided by the Applications during the course of these depositions.

We are uncertain as to the scope of this request. We assume that you want to know how construction deficiencies are identified and the procedures used to resolve or correct these identified deficiencies. In other words, you are interested in changes in how the welding inspector goes about doing his job.

All procedures that were revised as a result of the welding inspector concerns and the task force recommendations were provided to you earlier. There were other procedure changes which did not result from the task force efforts, but were the result of the ongoing review and revision of all QA procedures. These procedures will be made available to you and are set forth on an attachment B to this letter.

2. The "INPO Self-Initiated Evaluation of Catawba, Design and Construction Criteria," (the self-evaluation, by whatever name, conducted around October of 1982).

We object to producing the entire evaluation report because it goes far beyond the present scope of Contention 6. In addition, this evaluation did not result from the welding inspector concerns, and is not in any significant way related to those concerns. We will produce for you those parts of the evaluation which deal with quality assurance and quality control as it may affect or mention welding inspection at Catawba. We will also produce general information from the evaluation so that you might understand the scope of the evaluation. We will similarly make available the same kind of information from an INPO practice audit which was not mentioned during the course of depositions and has not been requested by you.

3. Documents describing the "Performance Management Plan" including implementing forms and worksheets.

We will make available to you a copy of the manual which describes the Performance Management Plan. We are making this document available to you

because it may help you understand the performance evaluation and recourse of Mr. G. E. Ross, which was made available to you during the course of Mr. Davison's deposition. By making this manual available to you, we do not waive our objection to including within the scope of Contention 6 the performance evaluations of various Duke officials. During the course of the depositions, we declined to reveal the specific evaluations of Duke management officials, and as indicated below, we decline to make available the performance appraisal of Mr. Davison or other Duke management officials.

4. Any documents which analyze trends in the issuance of NCI's, R-2A's, M-4's, R-6's or other identified procedures which identify deficiencies in construction that have been used by welding inspectors from 1974 to the present.

These trending documents were not requested during the course of discovery in the case. I have been advised that these documents are quite voluminous. We will review the trending documents and will make available to you the documents which identify trends in welding. A review of the documents is underway, and as soon as that review is complete, we will forward to you copies of any documents which identify trends in welding.

5. Any documents reflecting the activities, mission, or reports of the NCI Review Team headed by Mr. W.H. Bradley, including Mr. Bradley's log and correspondence.

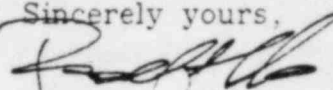
We made available to you earlier the document which describes the non-conformance evaluation team and the check list used by the team. You asked questions of Mr. Grier, Mr. Bradley, Mr. Dick, and Mr. Markle concerning this evaluation team. We have also made available to you the Bradley correspondence as chairman of the evaluation team which relates to welding non-conforming items, and Mr. Markle was available and answered questions concerning this correspondence. We will also make available to you the log referred to during the course of Mr. Bradley's deposition. We will not make any of the other documents relating to this team available. As we indicated during the course of depositions, this team was not formed as a result of the welding inspector task forces, the documents were not requested by you in discovery, and the documents that we have not produced are beyond the scope of the depositions which were limited to quality assurance in welding at Catawba.

6. Documents reflecting the performance/work evaluations of Mr. L.R. Davison made by his superiors from the time Mr. Davison took on supervisory duties with regard to the welding inspectors till the present.

This type of request seeks to open up an entirely new area of discovery in this case, and we object to making the performance appraisal of Mr. Davison or other Duke officials available.

The items that we are making available are included with this letter to the extent that have been able to identify and copy them to date. Those items not included will be forwarded to you as soon as possible.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'R. Gibson', written over the typed name.

Ronald L. Gibson

c: George M. Johnson w/encl.
J. Michael McGarry w/encl.
Service List w/o encl.