

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)

DUKE POWER COMPANY, et al.) Docket Nos. 50-413
) 50-414

(Catawba Nuclear Station,)
Units 1 and 2))

JULY 13, 1983
8:32 A.M.

DEPOSITION OF:

~~REDACTED~~

A37
8410190392 840522
PDR ADDCK 05000413
Q PDR

Evelyn Berger Associates
STENOTYPE REPORTING SERVICE
P. O. BOX 18444



1 Q Good morning. [REDACTED]

2 A Good morning.

3 Q You have been previously sworn and you
4 are under oath.

5 A Yes.

6 Q I want to show you a document and tell
7 you this was made available to us in Discovery. It
8 is represented to me to be the handwritten notes of
9 [REDACTED]

10 Did [REDACTED] interview in the course
11 of reviewing the Task Force work?

12 A Yes, sir.

13 Q Would that have been approximately the
14 5th of February, 1982, to the best of your recollection?

15 A I couldn't recall the specific date.

16 Q I want to direct your attention to some
17 specific parts of that. Take a moment and look
18 through it.

19 It begins with your credentials, first.
20 Have you seen those notes before?

21 A No.

22 Q We are going to go through those, Hon.
23 It might be helpful if he could use your copy and he
24 would have one in front of him.

document to be attached, Bob? It was at the bottom of the stack.

MR. GUILD: No, I'll get to that in a minute.

BY MR. GUILD:

Q [REDACTED], hand that back to me, please, and we will mark this as the next Exhibit to Mr. [REDACTED] Deposition.

(Whereupon, the handwritten notes dated 2/5/82, were marked and received by the Court Reporter as [REDACTED] Exhibit A and entered into the Record.)

BY MR. GUILD:

Q [REDACTED] I know you cannot recall the date exactly, but given the time frame when the Task Force was doing its work and when [REDACTED] was on site reviewing the Task Force's work plan, would the 5th of February have been likely the date on which you were interviewed?

A It could very likely have been, yes.

Q You talked generally about the welding inspection concern and your perception of the basis

1 Engineer at McGuire now, I believe is his title.

2 Q Has he ever worked at Catawba?

3 A To my knowledge, no.

4 Q If [REDACTED] would have been the Third
5 Level Supervisor at McGuire--

6 A Yes.

7 Q ---who would have been the Second Level
8 Supervisor in the welding area, if you know?

9 A As I recall that would have been [REDACTED]

10 [REDACTED]

11 C [REDACTED] would have occupied the position
12 that was comparable to [REDACTED]?

13 A Yes.

14 Q What job was that?

15 A Technical Supervisor is the position title.

16 Q All right, sir; he would have also had
17 responsibility for reviewing nonconforming items at
18 McGuire?

19 A Up until 1981; of course, the Senior
20 Engineer reviewed--let me back up a little bit--the
21 NCI form used to be a Senior Engineer review; and
22 while it had that on it, the Senior Engineer would
23 review.

24 A As the procedure was revised that was

1 done that, I don't know at McGuire.

2 Mr. [REDACTED] did it at Catawba.

3 Q Mr. [REDACTED] was the Technical Supervisor

4 A Yes.

5 Q Who would have been the Senior Engineer?

6 Would that have been [REDACTED]?

7 A Yes, he was the Senior QC Engineer at
8 McGuire for a long period of time.

9 Q In your judgment, [REDACTED] did the
10 differences in these management personnel account for
11 the differences in communication at McGuire?

12 A They could, that could be a factor in that.

13 Q All right, sir; now I'm interested in
14 directing your attention to the second half of Page 7
15 "In October, '80, NRC Inspector Maxwell informed
16 [REDACTED] that WIs are bringing problems to him."

17 What kind of problems did Mr. Maxwell
18 tell you Welding Inspectors were having?

19 A He didn't go into specifics; he just said
20 that some of the Welding Inspectors had mentioned
21 things to him that they weren't happy about, and he
22 was letting me know that.

23 Q Why?

24 A He felt like that maybe we should know
25 that and should do, make an effort to pay more atten

1 tion perhaps to be sure that the Welding Inspectors
2 were satisfied with things.

3 He thought they might be keeping notes in
4 books, and he said, "You might need to be aware of
5 that and make sure that you are doing what you
6 should do in terms of satisfying them."

7 Q But he did not have any specific problem
8 that he wanted you to address?

9 A No, no specific problem or specific
10 individual.

11 C It has here, "[REDACTED]," I assume that's you,
12 "felt that the NFI," inspector; is that referencing
13 Mr. Maxwell?

14 A I assume so.

15 Q "...had, in fact, solicited this." What
16 does that mean?

17 A Well, Mr. Maxwell, as I recall, as Mr.
18 VanDoorn does, would be around the job, would have
19 free access to all the people on the job; and I felt
20 like he might be asking inspectors, "Are you having
21 any problems, or if you are having any problems
22 you are not happy with, come see me."

23 And I thought that might be an explanation
24 for why they may be expressing that.

25 C The use of the term "solicited," was that

1 your word?

2 A I don't remember specifically, but I might
3 have used that word.

4 Q Is that inconsistent with the context in
5 which you were discussing this subject with him?

6 A No.

7 Q The word "solicited," carries with it to me,
8 ~~REDACTED~~, the implication that the concerns did
9 not exist other than as a result of them being created
10 or instilled or solicited by Mr. Maxwell.

11 Was that your intention in the use of that
12 word?

13 A No, the way I would use that was in the
14 process of carrying out his job on site he had
15 occasion to talk with inspectors, Craftsmen, a lot
16 of different people; and he might ask them, "Do you
17 have any problems or are there any things you don't
18 like that aren't being done right or what is going on
19 that you don't like," questioning men, soliciting in
20 that sense.

21 And then the concern that I had was that
22 in so doing that, if that is what he was doing, he
23 might be leaving the impression with the inspectors
24 that anything they didn't like, they should go to him
25 as opposed to going to their management, or if their

1 management did something they didn't like, they
2 should go to him as opposed to confronting their
3 management with it.

4 Q Why shouldn't an inspector go to the NRC?

5 A No problem with the inspector going to the
6 NRC, but we have procedures and recourse procedure
7 in place.

8 Of course, they should use those also.

9 Q Should they use those first?

10 A In my view, yes, as an employee they should
11 use those avenues first. There is nothing that prevents
12 them from going to the NRC at any time about any
13 issue they want to.

14 Q All right, "Basically NCIs not safety re-
15 lated." Is that your judgment about NCIs generally
16 or the ones that Mr. Maxwell had in mind?

17 A As I recall, I believe Mr. Maxwell said
18 they had given him a list of several NCIs that they
19 talked to him about; and as I recall, he indicated
20 that a lot of them or most of them were not even
21 in safety related areas of the plant.

22 Q Only one was cited by the inspector?

23 A Yes, and I'm not positive on that point,
24 but as I understand it, as I recall it, Mr. Maxwell
25 may have indicated that there was only one of the

1 NCI; that he felt like a concern might be legitimate
2 over.

3 Q Did he investigate that particular one?

4 A I assume that he did, he did not indicate
5 to me when this was or anything like that.

6 Q Do you know whether his review of an NCI
7 was ever reflected in an inspection report?

8 A I don't know.

9 Q "Inspectors keep books--are encouraged to
10 do."

11 A That was my recollection of discussions
12 then. Mr. Maxwell felt like they would keep in a
13 black book a list of items they were not happy with;
14 and I believe he indicated they may be encouraged to
15 do that.

16 Q By whom?

17 A He didn't indicate, just that in general
18 this might be a thing that they are encouraged to do.

19 Q He encouraged them?

20 A No.

21 Q You, ~~REDACTED~~

22 A No, nobody in particular, just that that
23 practice might be encouraged.

24 Q Who did you understand he might be re-

1 A I really didn't understand it to be any
- 2 particular individual, just as a practice among them-
3 selves they felt that was something that they should
4 be doing and encouraged others to do.

5 Q It says following, "[REDACTED]" you, "met with
6 supervision as a result." As a result of Maxwell's
7 contact?

8 A Yes.

9 Q "Discussed [REDACTED] and [REDACTED]"

10 A [REDACTED], yes.

11 Q And [REDACTED] and the First Level Super-
12 visor?

13 A Yes.

14 Q What did you discuss about [REDACTED] and
15 [REDACTED] at that time?

16 A Well, we discussed what had gone on with
17 my meeting with Mr. Maxwell and that we needed to
18 be sure our people understood that if they had con-
19 cerns or if they had items they were dissatisfied
20 with, we had recourse procedures in place that they
21 could and should use.

22 Q To handle those concerns? This was in
23 1980, did you have a recourse procedure at that time?

24 A Yes; October of '80, may not be correct
25 there. As I recall Mr. Maxwell left in the early

1 summer, 1980.

2 C So it may have been earlier?

3 A Yes, my best recollection would probably
4 be that was in the summer of 1980, as opposed to
5 October.

6 C It would have been before Mr. Maxwell
7 left as a Resident?

8 A Yes.

9 C And the meeting with the supervision
10 referenced here would have occurred in the same time
11 frame as your meeting with Mr. Maxwell, summer of
12 '82 or thereabouts?

13 A Yes.

14 C What is the significance of the reference
15 to ~~William~~ and ~~William~~ at that point?

16 A There is no particular significance there.
17 What I was telling him here, as I recall, it was that
18 as a result of that I met with both supervision and
19 the Welding Inspectors to be sure they understand
20 we had the recourse item, and if they had any con-
21 cerns about any work to be done, that is the proper
22 procedure to follow, and that they should follow that
23 procedure.

24 C Again, at that time you had a recourse
25 procedure?

1 A Yes.

2 Q In the summer of '80?

3 A Yes.

4 Q Help me identify what that was.

5 A We had the recourse procedure, as I re-
6 call, the first one came into official writing in 1977
7 or 1978, and it was part of the construction practice
8 book that was put out.

9 Later on it came out when the management
10 procedures came out. It came out as a corporate
11 management procedure in that book.

12 Q When would the corporate management pro-
13 cedure have come out?

14 A I don't know, I would just be guessing.

15 Q Is that the one in effect now?

16 A Yes, that one is still in effect now.

17 Q Were either of those procedures regularly
18 employed as a device to voice technical problems?

19 A Those procedures were known to the
20 employees, and they were used; I would have to say
21 ineffectively used, for items where the employee was
22 dissatisfied.

23 I don't recall any specific technical issues
24 that that was used for.

25 Q But you encouraged them to use it

1 that purpose?

2 A Yes.

3 Q "Solicited WIs to come to him before
4 Nuclear Regulatory Commission inspections."

5 A Yes.

6 Q That is basically use our procedures before

7 A Yes, you have the right to go talk to the
8 NRC Inspectors at any time about anything, but we
9 have those procedures in place, and we want you to
10 use those procedures.

11 Q Okay, "At that time Bryant," the Welding
12 Inspector?

13 A Yes.

14 Q "Brought up 50.55E item, other than that,
15 nothing." And the 55E being a significant deficiency
16 reported to the NRC?

17 A Yes.

18 Q What did he bring up?

19 A Specifically I don't recall all the details.
20 It had to do with welding around penetrations in the
21 Reactor Building.

22 During those meetings the Welding Inspector
23 I asked them if they had any concerns of a technical
24 nature; we would look into them, and if they had any
25 they should bring them up.

1 And I don't recall specifically how John
2 brought this one up. I don't think he brought it up
3 as a concern, he brought it up as a question.

4 I don't think he even brought it up before.
5 He brought it up as something he had a question
6 about, and I said, "We need to look into that."

7 And he looked into it. As I recall it end-
8 ed up being a 50.55E.

9 MR. GIBSON: Excuse me a minute, I
10 am not sure whether he meant [REDACTED],
11 the Welding Inspector, or Jack Bryant from
12 NRC.

13 MR. GUILD: Mr. Maxwell was the
14 Resident Inspector and this was the Welding
15 Inspector Bryant?

16 THE WITNESS: Yes.

17
18 BY MR. GUILD:

19 Q What was his question about the 55E?

20 A I think he had some question about the way
21 the weld was being made or the way it had been weld-
22 ed, I don't recall specifically; but we did assign him
23 to go look into that, get the facts on that.

24 Q And ultimately it was written up as a
25 significant deficiency?

1 A That is my recollection, yes.

2 Q Related to a specific piece of welding
3 work?

4 A Yes.

5 Q Again, the reference to October, '80,
6 would have been in error; it would have been the
7 summer?

8 A As I recall it would have been the summer
9 of '80.

10 Q Okay, third page, again I guess in the same
11 context, "Beau began to develop attitude--won't
12 accept resolutions he doesn't agree with. Had to be
13 directed by supervisor but did comply."

14 What do you mean by that?

15 A Referring to the feeling on my part that
16 if Beau, being the First Line Supervisor, he would
17 have occasion to seek resolutions to NCIs, and if he
18 saw one that he did not agree with we would look into
19 it, get back with the people who wrote it, satisfy
20 ourselves; and it was very difficult to get him to be
21 satisfied with that.

22 Q With the resolution by the supervision and
23 him?

24 A To be satisfied with the resolution and the
25 explanation that he would be given.

1 Q That would be the resolution that you would
2 decide at that time?

3 A No, the resolution would be put on the
4 NCI by the Technical Group that was assigned to
5 resolve it.

6 Q When you had reference to resolutions,
7 did you mean resolutions in that sense?

8 A That is the way I recall it.

9 Q So it would have been by the technical
10 people, not by the QC individual and the origination
11 process?

12 A Right.

13 Q What was ~~the~~ ~~person~~ doing when he dis-
14 agreed, when he did not accept resolutions?

15 A Again, this is a general statement here.
16 I don't have any specific situations in mind for him,
17 but if an NCI had a resolution, for example, that said
18 that the Welding Inspector should be trained in this
19 particular area or whatever, and he did not think
20 that was appropriate, he would say, "I don't think
21 that's right," and we would look into that situation,
22 talk with the people that put it on there, come to a
23 decision as to whether it was appropriate or not;
24 and if we decided it was, it was very difficult to get
25 him to agree with that.

1 Q What was his responsibility, if any, with
2 respect to agreeing or not agreeing with that
3 resolution?

4 A Well, he didn't have any direct responsi-
5 bility for the resolution. He had responsibility for
6 carrying out the action.

7 Of course, anything that is involved in that
8 process, if you see something you think is wrong or
9 incorrect, I feel he has a responsibility to bring that
10 up.

11 Q In this instance it is not a question of
12 seeing something he doesn't agree with, it is accept-
13 ing the resolution of that identified deficiency?

14 A Right, as I recall this conversation.

15 Q Is it your position he did not have any
16 responsibility with regard to the resolution?

17 A That's correct.

18 C Unless he was directed to do something?

19 A That's correct, unless he was directed to
20 resolve it and sign the resolution. And the example
21 that comes to mind is a resolution that called for
22 training of an inspector.

23 Q Yes, how about the situation where the
24 resolution specified to accept welds as is; would
25 that have been an example of a situation?

1 A It might be, I don't recall any specifics.

2 Q What does the reference mean "had to be
3 directed by supervision," S-U-P-R, "did comply"?

4 A When he would bring the item up to his
5 supervision the supervision would look into it and give
6 him an answer, and he might not like the answer; but
7 the supervisor would tell him that is the answer on
8 the question.

9 Q And the supervisor would have been your-
10 self?

11 A More than likely ~~REDACTED~~ but it might
12 have been me.

13 Q Did you have to direct him to comply?

14 A I don't recall any specific cases of that,
15 but it could have occurred.

16 Q And the next paragraph, "~~REDACTED~~," would
17 that be ~~REDACTED~~?

18 A I assume so.

19 Q "~~REDACTED~~ made effort to get construction
20 side of dispute--made best decision--did not compro-
21 mise in favor of construction."

22 Was that in a compromise of ~~REDACTED~~
23 getting the construction side of the issue?

24 A Yes, in that context it was indicated

1 Q Okay, when the QC was in Construction,
2 this was before the Quality Control Inspectors were
3 placed under the Quality Assurance Department?

4 A Correct, I assume it is.

5 Q When QC was under Construction--

6 A And it was changed and put under QA, yes.

7 Q It was QC's job to determine acceptability?

8 A I don't know what you mean by "determine
9 acceptability." It was their job to do the inspection
10 and perform the inspection, that was their job before
11 and is now.

12 Q What was QC's job with respect to accept-
13 ability before?

14 A Essentially there is no difference.

15 Q What difference at all?

16 A As far as their job, the only difference
17 would be the department they were in.

18 C "After QA/QC needed technical support to
19 take load off supervisor and do technical evaluation--
20 make decisions."

21 A I don't recall anything along those lines,
22 and I don't know what that might mean.

23 Q Okay, what, if anything, changed with
24 respect to technical support's responsibilities or roles
25 with regard to reviewing construction deficiencies?

1 A None because of the QA or QC moving into
2 QA part.

3 Q For any reason what changed?

4 A The program was the same; the only change
5 was that administratively now in terms of hours
6 worked, that type thing, that was handled in the QA
7 Department; whereas before it had been handled in
8 Construction.

9 Q "Needed technical support to take load off
10 supervision." Was technical support needed to take
11 load off supervision?

12 A No, Construction technical support did the
13 same thing before as they did after, just as QC did
14 the same thing they did before as after.

15 They just reported to a different depart-
16 ment.

17 Q How was reporting for the Construction
18 Technical Department changed?

19 A At that time when QC was brought into the
20 QA Department?

21 Q Anything, how was it changed?

22 A At that time it wasn't changed at all to my
23 knowledge. Construction has had some organizational
24 changes throughout the project, and I could not
25 describe all of those.

1 C I want to understand how the organization
2 or responsibility of Construction technical support
3 has changed.

4 A Basically I would say they have essentially
5 been the same throughout.

6 Q No changes?

7 A No significant changes.

8 Q No changes to take load off supervision?

9 A No.

10 Q No changes with respect to technical
11 evaluations?

12 A No.

13 Q Where did [REDACTED] get this idea?

14 A I don't know, you would have to ask him
15 that.

16 C We can do that, but this is on a note of
17 an interview he had with you, [REDACTED] I'm try-
18 ing to understand if you know anything.

19 A I don't recall that, what he's got written
20 down here as a subject we discussed or if we did,
21 I don't recall what we said.

22 It doesn't ring any bell with me in terms
23 of my discussions with him.

24 C Not only don't you recall having any such
25 discussions, it doesn't reflect anything that

1 about the organization?

2 A Not Construction technical support.

3 Q How about technical support?

4 A Technical support refers to Construction
5 technical support.

6 Q Okay, so this is all in error, it does not
7 reflect the way things are?

8 A I don't have any recollection, I mean you
9 might refresh me, and I might remember something
10 about it.

11 Q Okay, "NRC said too many NCIs over in-
12 significant items."

13 A We had R2 as they were used in other
14 areas that would handle a lot of things that in welding
15 would be an NCI.

16 Q The NRC said that?

17 A As I recall in one of their inspection
18 reports they indicated they thought we had too many
19 insignificant NCIs.

20 Q And that was the source that you had in
21 mind here?

22 A Yes.

23 Q An inspection report?

24 A Yes.

25 Q And would this have been in the summer

1 of '80 time frame?

2 A I don't recall when that would have been;
3 I can't say.

4 Q Did the NRC determine that those NCIs were
5 not related necessarily?

6 A I can't say, that was not a determination that
7 they had.

8 Q That they did say they were not a safety
9 related item?

10 A No, they did not say they were safety
11 related items.

12 Q But they did say they were insignificant?

13 A Yes.

14 Q Or minor?

15 A They tried to reduce NCIs by looking for
16 other ways to handle those.

17 Q Which is the reference here; when did you
18 do that?

19 A As I recall the NRC looked at the NCI pro-
20 cess during one of their inspections in 1981, maybe
21 February of 1981; and we looked at--okay--we may be
22 writing too many NCIs on minor, insignificant items.

23 There may be a better way to handle those,
24 and that really was probably the starting of our con-
25 cept, hey, we have R2A that we use in other areas and



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

January 9, 1984

The Honorable Morris K. Udall, Chairman
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Your letter of November 1, 1983 expressed concerns over the Nuclear Regulatory Commission's (NRC) efforts to pursue allegations of safety-related deficiencies at nuclear construction sites including Catawba. While we share those general concerns, it would be inappropriate to comment specifically on Catawba because it is the subject of a pending adjudicatory proceeding.

Your letter also focused on the potential advantages of using confidentiality as an investigative tool. At the outset, we assure you that NRC agrees that confidentiality is a powerful tool when it is needed to provide added confidence that individuals will not suffer recriminations for bringing safety-related issues to the NRC's attention. That tool is being used by this agency whenever it is deemed necessary. It is now formally incorporated in the procedures of our Office of Investigations, a copy of which is enclosed, and those of our Office of Inspector and Auditor.

The NRC has drawn a distinction between providing safety-related information about safety problems which require prompt resolution to assure public health and safety, and the source of that information. It has been and continues to be NRC policy that safety-related problems will be brought to the attention of the proper organization which can correct these problems. To do otherwise would run an unacceptable risk of permitting problems to continue without swift and complete resolution. As a result, the NRC, has, in the past, tried to protect the identity of the source of the information rather than the information itself. However, due to the high degree of specialization of functions at a nuclear plant, the incautious disclosure of information may in itself point to the responsible source.

It is clear that we need more specific policies and procedures to govern NRC's handling of information so the sources can have confidence that the bureaucratic process will protect their identities to the extent possible. Thus, the staff is reviewing NRC's current confidentiality policy to assure that it is reasoned and capable of meaningful application. NRC is also consulting with the Department of Justice (DOJ) on this matter. DOJ is currently reviewing a report and recommendations developed by a nonagency advisory committee at NRC request. We expect to receive their comments in the near future.

240100126

The Honorable Morris K. Udall

- 2 -

Following this review, we plan to issue an improved NRC policy applicable to all NRC employees who conduct inspections or investigations. This policy will address specific issues such as who should be granted confidentiality, the manner and form in which it should be granted, the circumstances under which it should be granted, the extent of the grant and any other relevant considerations.

Sincerely,

Original signed by
Nunzio J. Palladino
Nunzio J. Palladino

Enclosure:
OI Investigative Procedure
Memorandum

cc: Rep. Manuel Lujan

Cleared with all Cmrs' Offices by SECY
Ref.-CR-83-170

Originating Office: OI

WJ/BA

OFFICE OF INVESTIGATIONS

INVESTIGATIVE PROCEDURE MEMORANDUM NO. 82-008

SUBJECT: CONFIDENTIALITY OF INFORMANTS/WITNESSES

OBJECTIVES

- (1) To provide the NRC with the broadest possible latitude in making use of information from informants and witnesses while still providing those individuals with adequate assurances that their identities will be protected as fully as possible.
- (2) To minimize the possibility of subsequent claims that individuals were offered confidentiality, when it was not granted either as a matter of policy or because it was not specifically requested.

GENERAL POLICY

Investigators will not routinely offer confidentiality to individuals making allegations or otherwise providing information during the course of an NRC investigation. The subject of confidentiality, i.e., the protection of the identity of an informant or witness, normally should not be raised initially by the investigator during an NRC interview. If an individual requests anonymity, or if in the opinion of the investigator the information will not otherwise be forthcoming, the investigator may then grant confidentiality.

EXTENT OF CONFIDENTIALITY AVAILABLE

Before confidentiality has been granted, the individual should be informed that, although the pledge is not absolute, it is NRC policy not to divulge to others the identity of people granted confidentiality, either during or subsequent to the investigation; further, the individual should be told that his/her name will not normally appear in the publicly released report of investigation. It should be pointed out, however, that the nature of the allegations or the limited number of individuals privy to the subject information may provide a basis for guessing his/her identity. Such "guesses" will not be confirmed or otherwise responded to by NRC.

Finally, the individual should be made aware that, if the results of the investigation form the basis for an enforcement action, either civil or criminal, and a hearing ensues, it may not be possible to maintain his/her anonymity. The individual should be informed that the information may be given to Congress and/or other Federal agencies. He/she should also be advised of the protection afforded by section 210 of the Energy Reorganization Act of 1974 to employees who may be discharged or otherwise discriminated against for providing information or assistance to the NRC.

CONFIDENTIALITY AGREEMENT

I have information that I wish to provide in confidence to the U. S. Nuclear Regulatory Commission (NRC). I request an express pledge of confidentiality as a condition of providing this information to the NRC. I will not provide this information voluntarily to the NRC without such confidentiality being extended to me.

It is my understanding, consistent with its legal obligations, the NRC, by agreeing to this confidentiality, will adhere to the following conditions:

(1) The NRC will not identify me by name or personal identifier in any NRC initiated document, conversation, or communication released to the public which relates directly to the information provided by me. I understand the term "public release" to encompass any distribution outside of the NRC with the exception of other public agencies which may require this information in furtherance of their responsibilities under law or public trust.

(2) The NRC will disclose my identity within the NRC only to the extent required for the conduct of NRC related activities.

(3) During the course of the inquiry or investigation the NRC will also make every effort consistent with the investigative needs of the Commission to avoid actions which would clearly be expected to result in the disclosure of my identity to persons subsequently contacted by the NRC. At a later stage I understand that even though the NRC will make every reasonable effort to protect my identity, my identification could be compelled by orders or subpoenas issued by courts of law, hearing boards, or similar legal entities. In such cases, the basis for granting this promise of confidentiality and any other relevant facts will be communicated to the authority ordering the disclosure in an effort to maintain my confidentiality. If this effort proves unsuccessful, a representative of the NRC will attempt to inform me of any such action before disclosing my identity.

I also understand that the NRC will consider me to have waived my right to confidentiality if I take any action that may be reasonably expected to disclose my identity. I further understand that the NRC will consider me to have waived my rights to confidentiality if I provide (or have previously provided) information to any other party that contradicts the information that I provided to the NRC or if circumstances indicate that I am intentionally providing false information to the NRC.

Other Conditions: (if any) ,

I have read and fully understand the contents of this agreement. I agree with its provisions.

Date

Signature of source of information
Typed or Printed Name and Address

in substantially the same form. The form provides a space for "other conditions" which may be used to address particular needs; however, investigators may not allow such conditions to alter the general scope of confidentiality authorized. After the form is signed by both the individual and the investigator, the original copy should be provided to the individual; the investigator should retain either a photocopy of the executed agreement or a duplicate original of the agreement. The NRC copy will be retained in the CI Field Office file for the investigation.

U.S. NUCLEAR REGULATORY COMMISSION
Office of Inspector and Auditor

Date of transcription February 10, 1984

Report of Interview

Peter K. Van Doorn, Senior Resident Inspector (SRI), U.S. Nuclear Regulatory Commission (NRC), Catawba Nuclear Station (NS), Rock Hill, South Carolina, was interviewed concerning his knowledge of NRC's handling of various allegations raised by welding inspectors employed by the Duke Power Company (DPC) at Catawba NS. During the interview Van Doorn provided the following information in elaboration of the testimony he provided to the Atomic Safety and Licensing Board Panel in the matter of Catawba NS:

In July 1980, as a result of information developed by George F. Maxwell, the SRI at Catawba NS at that time, that welding surveillances were not being properly documented, Van Doorn visited the Catawba site and reviewed records which documented surveillances. Van Doorn's review of the records disclosed that during a several month period there were no records in the records vault documenting surveillances being conducted by welding inspectors. During interviews of first line supervisors, Van Doorn learned that random welding surveillances were being conducted on a regular basis as required by the quality assurance (QA) program that DPC committed to as part of Appendix B, 10 CFR. However, the fact that surveillances were being conducted was supposed to be documented on DPC QA Form M-19. The types of problems typically discovered during surveillances and documented on a Form M-19 were minor and did not appreciably affect the quality of work, and Van Doorn never got the impression that welding inspectors were not following up on significant nonconformances with proper documentation. Additionally, any significant problems not documented during surveillances would be identified later during required code inspections. Van Doorn opined that the lack of documentation was the result of a misunderstanding on the part of the inspectors concerning when the M-19 forms were supposed to be completed. Van Doorn concluded that the surveillances were being completed but were not being properly documented. Van Doorn documented his finding as Item 3 on Inspection Report 80-15, and, consequently, a violation was issued for improper documentation of surveillances. Because the problem was a documentation problem, the violation issued was the lowest category. Van Doorn did not review any of the black books that the welding inspectors allegedly used to document their findings. Inspection finding 80-15-03 was eventually closed out in Inspection Report 80-24.

In February 1981, Van Doorn began his assignment as SRI at Catawba NS. When Van Doorn arrived at Catawba NS he was not aware of any current concerns of QC welding inspectors. Region II had conducted a special inspection at Catawba NS in November 1979. A requirement of this inspection was a minimum

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by George A. Mulley Jr. Date dictated February 10, 1984

of 30 craftsmen (including quality control inspectors and craft foremen) involved in safety related work be randomly selected and interviewed privately. They were asked whether they had any concerns about quality of construction; were they aware construction which did not meet prescribed codes or standards; and were they aware of any problems or irregularities affecting quality that NRC should be informed of. Twenty-eight persons were selected at random and interviewed. An additional twenty-nine persons came forward on their own to talk to the NRC inspectors. None of the persons interviewed had any knowledge of substandard work that had not been found by quality control (QC) and corrected. The results of this inspection were documented in Inspection Report 79-21. In January - February 1981, a trial construction team inspection was conducted at Catawba. During this inspection, a large number of DPC personnel (including QC personnel) were interviewed concerning any indications of harassment of inspectors or workers and the relationship between different work groups. As a result of this inspection, which was reported in Inspection Report 81-02, it was learned that employees were free to express opinions and that no one believed that they might be pressured or harassed into performing or accepting low quality work. The inspection developed no indication that craftsmen and inspection personnel were not working well together. Van Doorn was aware of the findings contained in these inspection reports and there was nothing to indicate to Van Doorn that there were any widespread QC inspector problems at Catawba NS. Van Doorn could recall only two incidents in 1981 regarding inspector complaints. In August 1981, a DPC inspector came to Van Doorn's office and complained that nonconforming items (NCI) were not properly handled. Van Doorn followed up this concern which eventually resulted in an NRC violation. A second incident occurred in December 1981, when Van Doorn received an anonymous note which stated he should look into an incident of harassment of a welding inspector. Van Doorn was also informed of this incident by DPC at the same time. Van Doorn, as a result of his review of this concern, concluded that DPC took adequate corrective action as a result of this incident. Van Doorn stated that other than these two incidents, there was nothing to indicate any widespread problems.

To the best of Van Doorn's knowledge, the concerns of the welding inspectors first became apparent in the Fall of 1981, when during discussions with welding inspectors over a pay adjustment, DPC learned of concerns of welding inspectors that included technical issues. As a result, in December 1981, DPC informed NRC Region II that a DPC task force was formed to look into these concerns. At the end of December 1981, the task force completed its report. In January 1982, DPC received additional technical and non-technical concerns from welding inspectors; therefore, DPC appointed a second task force to investigate the technical concerns. These welding inspectors' concerns were first detailed by DPC to Region II and Van Doorn during a meeting on January 29, 1982, when they were informed by DPC that a second task force was formed to review all concerns of welding inspectors at Catawba and a consultant would review the task force results. DPC requested to be allowed to pursue their investigation on their own and that they would provide all the information to NRC for review. Near the end of February 1982, DPC appointed a third task force to investigate the non-technical concerns expressed by the welding inspectors. Both the technical and non-technical task forces completed their investigations on March 19, 1982. The task force made many recommendations for corrective action on the part of DPC.

Van Doorn's involvement with the welding inspectors began on February 1, 1982, when the [redacted] welding inspectors came to him and informed him of technical and non-technical concerns. Again, on March 3, 1982, [redacted] welding inspector came to Van Doorn and expressed a technical concern. All of the concerns provided Van Doorn had already been discussed with DPC. Van Doorn believed that the welding inspectors did not think they were being supported by management in their efforts to implement the welding QA program. The welding inspectors thought the second and third level QC supervisors leaned too much toward construction and did not want the welding inspectors to write NCIs on violations. They also made broad allegations of possible harassment and that they were told by their supervisors to sign corrective action records they did not agree with. The welding inspectors claimed DPC would attempt to "whitewash" the technical concerns of the welding inspectors. In his memorandum to Alderson, Van Doorn used the word "falsify" to describe the situation where welding inspectors signed corrective actions they did not agree with. The word was used only by Van Doorn, not by the welding inspectors, and was intended only in its broadest meaning. Van Doorn used this word to describe to Region II the concern of the welding inspectors that they were pressured to sign documents they did not agree with. Van Doorn also noted that the term "whitewash" was used by only one welding inspector. From his interviews with the welding inspectors, which took place over several days, Van Doorn determined that the major non-technical issue was inspectors signing for items they disagreed with and harassment. The technical issues raised involved DPC compliance with procedures and handling of NCIs. The welding inspectors were also concerned that NCIs which had been written in the past had not been properly evaluated and documented. Van Doorn determined that in regard to the technical concerns, the specific issues would have to be evaluated to determine whether significant technical discrepancies had occurred as a result of possible DPC mishandling of discrepancies identified by welding inspectors.

As a result of the concerns expressed to him by the welding inspectors, Van Doorn telephoned his supervisor, Jack Bryant, Chief, Reactor Projects Section, Region II, NRC, and reported the results of the interviews of welding inspectors. Additionally, he documented the interviews on two memoranda, dated March 15, 1982, which he forwarded through Bryant to Carl E. Alderson, Director, Enforcement and Investigation Staff, Region II. Jack Bryant directed to Van Doorn to conduct preliminary reviews of the DPC task force efforts to ensure adequate records were available for a future, more detailed, review by NRC. Van Doorn explained that since the welding inspectors had initially reported their concerns to DPC, DPC was given credit by NRC for first identifying and reporting the concerns. For this reason, it was decided that DPC would be allowed to perform its own evaluation of the concerns and to implement corrective actions. Subsequently, NRC would conduct an in-depth evaluation to determine the adequacy of DPC actions. Additionally, in accordance with Appendix C, 10 CFR Part 2, since DPC identified the concerns to NRC then an NRC violation would only be issued if the deficiencies were determined to be at severity level I, II, or III. Van Doorn emphasized that the decision to allow DPC to conduct its own investigation into the welding inspectors' concerns was in keeping with NRC policy. Since DPC reported the concerns to NRC in a timely manner and formed a task force to address the issues, DPC indicated their willingness to cooperate with the NRC. Additionally, since there was no fuel on site, there was no immediate threat to public health and safety.

During February - April 1982, Van Doorn conducted a preliminary review of each of the concerns that had been provided him by the welding inspectors. Van Doorn discussed the concerns with DPC inspectors and the progress of the task force with DPC management. Van Doorn also reviewed DPC documentation and the original concerns provided DPC by the welding inspectors. Van Doorn held discussions with DPC engineers, construction and QA/QC management, technicians, and inspectors and he did not notice any reluctance by DPC to conduct a thorough and accurate evaluation.

During Van Doorn's preliminary review, he determined that although he could not identify any significant hardware discrepancies, there were strong indications of a communications problem within the QA Department. Some QC inspectors were signing for NCIs they were not sure were acceptable. Consequently, the inspectors believed they were not being fully supported by their supervision regarding implementation of the QA program. Van Doorn explained that many of the NCIs written involved interpretation of procedures to ascertain whether an NCI was appropriate. It was within the authority and responsibility of second and third level QC supervisors to make these decisions. In the few instances where a mistake was made, it was an error in judgment and not an attempt by QC supervisors to cover-up a deficiency, for example, a decision to accept an NCI made by a QC supervisor that should have been made by a design engineer. Although some procedural deficiencies were not documented because of a faulty judgment call, Van Doorn identified no significant hardware problems that went uncorrected.

During the time that Van Doorn conducted his preliminary review of DPC task force efforts to ensure DPC conducted a thorough inquiry with complete documentation. Van Doorn held regular telephone discussions with Bryant, Alderson, and other Region II management and investigative personnel. Van Doorn also discussed the situation with James Y. Vorse, Chief Investigator, Region II, and during May - June 1982, sent him a memorandum with copies of concerns, some technical evaluations, and a two page DPC general task force report. In the memorandum Van Doorn used the words falsification and harassment to emphasize issues; however, these terms were used to describe what was really disagreements between inspectors and staff. Van Doorn stated the memorandum to Vorse was procedural in nature and meant to inform him of the problems at Catawba. It was not a request for assistance. During the discussions with Region II management, it was decided that Van Doorn could adequately look into the welding inspectors' concerns by reviewing the work of the two DPC task forces; therefore, Region II decided that pending further developments there was no need for involvement by Region II investigators. Van Doorn documented his preliminary review in Inspection Report 82-21/82-19.

In August 1982, Van Doorn began a detailed review of the findings of both the technical and non-technical task forces. During this review, Van Doorn ensured every welding inspector concern had been addressed and appropriate corrective action had been taken by DPC. Van Doorn verified on a sample basis that corrective actions were implemented by DPC. Van Doorn also reviewed the procedures and NCIs brought up by welding inspectors in their concerns. He conducted formal interviews of 19 welding inspectors and 9 welding inspector supervisors. These interviewees included the site supervisors mentioned in the welding inspectors' concerns and other supervisors, plus all 15 inspectors who had technical concerns, the 13 inspectors who had non-technical concerns,

and two inspectors who had no concerns. Additionally, during his review, Van Doorn addressed four specific concerns of Region II that C.E. Alderson identified in a September 30, 1982, memorandum to Jack Bryant, Van Doorn's supervisor.

Concerning the non-technical concerns of qualifications of inspectors, adequacy of technical and management support, resolution of NCIs, responsibilities of QC personnel, implementation of procedural requirements, falsification, and harassment, Van Doorn concluded that the basic problem was lack of communication, primarily within the QA Department. Reasons for management and technical decisions were not communicated to the inspectors. Management personnel believed that they had good reasons for the decisions they made and were not attempting to cover up safety significant deficiencies; however, some of the issues were not sufficiently documented. This lack of communication caused the inspectors to doubt the ability of QA management and technical personnel to make valid decisions about the QA program. Lack of communication was a significant problem in regard to feedback of NCI evaluations which resulted in the inspectors not understanding the reasons for many of the decisions made by their management pertaining to NCIs.

Van Doorn's review of the technical concerns of welding inspectors disclosed the DPC technical task force properly evaluated the technical concerns and made appropriate recommendations for corrective actions. Van Doorn reviewed a sample of the corrective actions and concluded they were being properly implemented. During his review of the concerns, Van Doorn could identify no significant technical discrepancies at Catawba which had not been corrected or were being corrected at the time of his review. Van Doorn determined that the communications problem within the QA Department caused many of the technical concerns of welding inspectors. Due to the lack of communication, inspectors did not trust management and were not willing to accept management decisions as being correct. Many of the technical concerns pertained to the handling of NCIs. The DPC technical task force made appropriate recommendations to correct these problems. This problem with NCIs had already been recognized by NRC in early 1981 and Inspection Report 81-02 documented several violations of the DPC NCI program. Van Doorn, apart from the task force, had been reviewing NCIs since 1981 and had continued his review of all NCIs for about two years. At the date of interview, Van Doorn was reviewing NCIs on a sample basis. The fact that Van Doorn could identify no significant technical discrepancies during his review of the task force efforts, indicated to him that the DPC inspectors did not allow any pressure they felt cause them to allow significant deviations from requirements. Interviews that Van Doorn held with inspectors indicated to Van Doorn that in spite of the pressures, the QC inspectors maintained a high degree of integrity.

Regarding the issue of harassment, Van Doorn's review of DPC documentation revealed that DPC took what Van Doorn considered to be appropriate actions. DPC communicated to craft personnel that intimidation, coercion, and kidding of QC inspectors would not be tolerated. A QA Department Harassment Procedure was implemented which was reviewed by Van Doorn. Van Doorn noted that the problems between inspectors and craft included situations of inspectors being sworn at; being called liars; and being threatened by having a rifle pointed at an inspector off-site, an inspector being threatened with being pushed off a scaffold, or an inspector being told he was going to get his teeth knocked out. All of the allegations involving harassment were historical, the last

one occurring in 1981. Van Doorn did not investigate these incidents because of their age; however, Van Doorn inspected the hardware that may have been effected by harassment of a QC inspector and identified no hardware problems that resulted from harassment.

Regarding the issue of falsification, Van Doorn's review revealed that although inspectors had signed their approval for inspection items they disagreed with, there was no falsification. In these cases, the supervisor believed his decisions were justified and he had the authority to make the judgment in question. Van Doorn did not consider this method of obtaining inspection approval appropriate because it did not specifically identify the person responsible for making the decision to accept an inspection item. Van Doorn's review disclosed that all of the specific instances cited by QC inspectors were addressed by the technical task force and no technical inadequacies having safety significance were found. DPC implemented a clear policy which required that inspectors not sign for items they do not agree with and supervisors not require them to do so.

As a result of his review of the DPC Technical and Non-Technical Task Force results, Van Doorn determined that DPC properly evaluated the problems and made appropriate corrective actions. It was noted that the inspectors went first to DPC management with their concerns and DPC reported the concerns to NRC. NRC Enforcement Policy states that an NRC violation will normally not be issued if the violation is Severity Level IV or V and has been identified by the licensee; therefore, Van Doorn had to ascertain if there were any violations identified at Severity Level I, II, or III. If any Severity Level I, II, or III, violations were identified then NRC policy requires that these violations be considered for escalated enforcement even though they were identified by the licensee. During Van Doorn's review, he did not identify any Severity Level I, II, or III violations; therefore, no notices of violation were issued.

Van Doorn believed that NRC conducted a thorough, independent, and objective review of DPC's handling of the welding inspectors concerns. Additionally, NRC will continue to monitor DPC actions to ensure their effectiveness in correcting problems identified by DPC inspectors. The fact that no significant technical discrepancies were discovered during the inspection of welding inspectors' concerns, indicated to Van Doorn that the QA program at Catawba was working.

On December 20, 1982, Van Doorn discussed Inspection Report 50-413/82-32 and 50-414/82-30 with [REDACTED]. This inspection report documented the results of Van Doorn's final review of DPC Task Force actions concerning welding inspectors' concerns. As a basis for discussion, Van Doorn prepared a synopsis of interviews he conducted of welding inspectors and QC supervisors concerning their perceptions of the effectiveness of the DPC task force. During the briefing, Van Doorn provided [REDACTED] a copy of the synopsis. Van Doorn asserted he did not violate the confidentiality of any of the individuals he interviewed because the interviews were scheduled through the first line supervisors and were overt interviews conducted on site. The DPC Task Force had interviewed these same individuals because they were the people who first reported their concerns to DPC. Additionally, confidentiality was not even an issue because no names were mentioned in conjunction with the comments in the synopsis. Van Doorn only discussed with [REDACTED] what

was said by the interviewees. Van Doorn stated the synopsis he prepared was a factual summary of interview results and was used only as a basis for discussion with [REDACTED], the synopsis as such was not incorporated into the body of the inspection report. Van Doorn did not think he violated any NRC restrictions pertaining to release of draft reports to licensees.

Van Doorn completed his review of DPC corrective actions regarding welding inspector concerns on January 25, 1983, and concluded that DPC took or will take appropriate actions to correct the concerns identified by the welding inspectors. This review was documented in Inspection Report 50-413/82-33 and 50-414/82-31. In a memorandum to Carl E. Alderson, Director, Program Support Staff, Region II, NRC on February 1, 1983, Van Doorn provided the results of his review to Region II.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA ST., N.W., SUITE 3100
ATLANTA, GEORGIA 30303

3/15/82

MEMORANDUM FOR: Carl E. Alderson, Director, Enforcement and Investigation Staff

THRU: J. C. Bryant, Chief, Reactor Projects Section 2A

FROM: P. K. VanDoorn, Senior Resident Inspector, Catawba

SUBJECT: ALLEGATIONS CONCERNING QC WELDING INSPECTION AT CATAWBA NUCLEAR STATION

On February 1, 1982, [REDACTED] QC welding inspection personnel requested appointments with me to discuss concerns about the welding inspection program at Catawba Nuclear Station. Each of these individuals had expressed his concerns to Duke Power Company (DPC) management prior to meeting with me. DPC has established a task force to review each specific issue. DPC management discussed this task force with NRC:RII personnel (R. C. Lewis, J. C. Bryant, P. K. VanDoorn) on January 29, 1982. Each individual expressed to me his concern that DPC would attempt to "whitewash" the technical concerns; i.e., to say that the concerns were related to a recent pay adjustment. It should be noted that [REDACTED] of the individuals (leading man and supervisor) that talked to me were not affected by the pay adjustment. They each stated that a lack of support for implementation of the welding QA program by QC welding inspectors has existed for years. They are raising the issues now because they feel that for the first time, they have the attention of off-site management. They stated that they have tried to implement the letter of the QA program and have repeatedly been beat back by site management; i.e. told they were overinspecting, told they misinterpreted a procedure, told not to write NCI's on some significant violations of the QA program, been harassed on the job, witnessed answers on NCI's that were inaccurate and written to make the inspector look bad, and told to falsify records (see enclosure 2). Identification of persons interviewed and specific concerns are contained in enclosures 1, 2 and 3.

I suggest that we allow the DPC review to be completed before we begin our in depth review of the concerns. I will inform you of any additional concerns which come to my attention.

[Signature]
P. K. VanDoorn

Enclosures:

1. Confidential
2. Confidential
3. Confidential

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NOTE: Enclosures 1, 2, and 3 are not being publicly released due to their confidential nature. (OIA)



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA ST., N.W., SUITE 3100
ATLANTA, GEORGIA 30303

3/15/82

MEMORANDUM FOR: C. E. Alderson, Director, Enforcement and Investigation Staff
THRU: J.C. Bryant, Chief, Reactor Projects Section 2A, DPRP
FROM: P. K. Van Doorn, Senior Resident Inspector, Catawba
SUBJECT: CONCERNS EXPRESSED BY A QC WELDING INSPECTOR AT CATAWBA NUCLEAR STATION

On March 3, 1982, a QC welding inspector expressed concerns to me relative to forced air cooling of pipe welds. The inspector indicated that he has been a Duke employee for years and has been a welding inspector for years. He had witnessed forced air cooling of a 2-inch stainless steel socket weld and was concerned about the technical acceptability of this practice. His concern was evaluated by Duke under provisions of the Duke technical recourse procedure. He was unsure that the answer he received was technically correct. He provided me with copies of related documents including the Duke metallurgical report. I have enclosed this information. I reviewed the documentation and discussed metallurgical considerations in detail with the inspector. I indicated that the Duke evaluation was acceptable. He indicated that he was now satisfied with the evaluation of forced air cooling but had several additional technical concerns which were being evaluated by the special Duke task force (see previous correspondence concerning special task force formed to address QC welding inspector concerns). I indicated to him that we will be reviewing all actions taken by the task force.

P. K. Van Doorn
P. K. Van Doorn

Enclosure: DPC Documentation of
Inspector Concerns

NOTE: Enclosure is not being publicly released due to its confidential nature. (OIA)

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