

SHAW, PITTMAN, POTTS & TROWBRIDGE

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

1800 M STREET, N.W.
WASHINGTON, D.C. 20036

U.S. NRC

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OFFICE OF INVESTIGATIONS
FIELD OFFICE, REGION II

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(202) 822-1032

GERALD CHARNOFF, P.C.

November 17, 1983

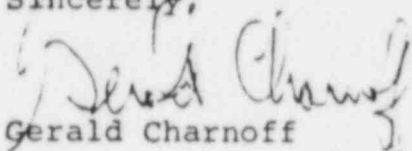
Mr. Roger A. Fortuna
Deputy Director
Office of Investigation
Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, DC

Dear Mr. Fortuna:

Attached for your information is a copy of the guidelines that were provided to Duke Power Company employees at the Catawba Nuclear Station for their use in connection with the NRC's investigations of allegations of possible wrongdoings at the Catawba site.

Duke Power Company looks forward to cooperating with the Office of Investigation in the pending investigation.

Sincerely,


Gerald Charnoff

Enclosure

cc: James Vorse

Guidelines for Duke Power Company Employees
Involved in NRC Investigations

The Nuclear Regulatory Commission's Office of Investigation conducts investigations of allegations of wrongdoing by individuals or corporations. Duke Power Company has been informed that the Office of Investigation will conduct an investigation at Catawba. The purpose of these guidelines is to advise Duke Power Company employees of their rights and obligations in dealing with this or subsequent NRC investigations.

1. You are entitled to talk privately on or off the job site with NRC personnel, including NRC investigators. If the conversations are to take place on the job site, after obtaining approval from your supervisor to leave your work station, there will be no restrictions placed by Duke Power Company on your communications with NRC personnel.

2. If a NRC investigator asks to interview you, Duke encourages you to consider your rights noted below and cooperate fully with the NRC. If for any reason you do not wish to cooperate, although Duke discourages such action, you do have the right to decline to be interviewed. If you agree to being interviewed you have the following rights:

a. If you are contacted off the job site or during off duty hours, you may postpone any interview until the next workday.

b. You may demand to have a lawyer, coworker, or friend of your choice at any onsite or offsite interview with NRC investigators. If the NRC investigators try to discourage this, or if your lawyer, coworker, or friend is unable to attend, you may refuse to be interviewed by NRC investigators until the other person is present. During government investigations, it is not uncommon for an employee to have an attorney present during the interview. Therefore, this is not viewed as an implication that the employee has anything to hide.

c. You may request management to arrange for a company lawyer to confer with you before an interview, and to represent you during the interview. This request can be made through your supervisor or employee relations representative. This would be at no cost to you.

d. You may request that the NRC tape-record the interview and provide you a copy of the tape (which they may decline to do), or you may insist upon tape-recording the interview yourself. The company will provide a tape recorder if you want one. If you tape record the interview, you have no obligation to provide a copy of the tape to Duke Power Company or the NRC.

e. NRC investigators frequently obtain signed, sworn statements in the course of conducting their interviews. You may be asked by the investigators to write or sign such a statement. You may refuse to provide such a statement, although Duke Power Company encourages you to cooperate with the NRC. If you provide such a statement, you should review it very carefully and make any changes you wish if the statement does not correctly or fully reflect your position. You have the right to review your statement with a lawyer, coworker, or friend before deciding if you wish to sign it. If you sign such a statement, you are entitled to obtain a copy of it for your records.

3. If you agree to be interviewed, you should answer the government investigators' questions truthfully and factually.

11/9/83

MEMORANDUM TO CASE FILE

TYPE ACTION <input checked="" type="checkbox"/> RECORD OF CONVERSATION <input type="checkbox"/> CASE REVIEW / STATUS <input type="checkbox"/> OTHER	PARTICIPANTS <u>Williamson, Charnoff</u> CONFIDENTIALITY REQUESTED YES NO	FILE NO. DATE <u>12-12-83</u> TIME
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SUMMARY Gerald Charnoff called and inquired as to our investigation schedule. I told him if he was concerned about our interest in management personnel, people above the line previously discussed with regards to the DPC organization sheet, it would be several weeks before we would be at that point. He said he was concerned about holiday plans and I told him that it would be after the holiday before we would be talking to the so-called management levels. He said he appreciated the information as did his wife because they were making holiday plans. I told him we were still discussing what he considered to be management that he would represent if interviews were necessary. He said that he was anxious to cooperate and would fly to Atlanta if necessary to discuss the issue.

PREPARED BY <u>ELU</u>	PAGE OF DATE <u>12-13-83</u>
ACTION REQUIRED <u>J4V Advised-</u>	
REVIEWED BY	DATE

hard to be impartial. Draining skeptical

Harassment - other than Davidson as telling me we should not
go to the OLC w/o going through management first
(what made me feel that if I am sent directly to the
OLC I would be fired - no security harassment).

Knowing the ~~fact~~ fact that management would just
constructively to facilitate productivity made me feel as
though OLC inspectors were outmaneuvered + not holding up.

* Larry Jackson - was used to talk to - believes Jackson
testified at hearing.

Approx Summer of 1980

On ~~two~~ one occasion was moved out of our building by
Mr. Craft & Lawrence Dave Williams (no longer employed)
told me that going to talk to anyone ~~that~~ be boss to get
moved out of area. Was moved out of area shortly thereafter.

Things have improved since the hearing has begun.

Task force did nothing.

Basically, feels that ^{in my opinion} initially OLC inspectors that were
the ones, the very ones who were used to get. When pay cut
came, then inspectors started tightening up on procedure and
were much more critical of any deviation. This caused a conflict
with construction (and Mr. Boldwin)

in my file.

procedures violation - Does not mean that QA applies the code book and QC procedures are more subjective with wide margin of safety. However, if QC would select the QA manual and to avoid with experts that do not select the code.

This could further also be found at overrule and NCI is not NCI was not within containing the procedural rules.

Since hearing, NCI is brought to inspection and he can look at age to diagnosis.

MEMORANDUM TO CASE FILE

TYPE ACTION <input checked="" type="checkbox"/> RECORD OF CONVERSATION <input type="checkbox"/> CASE REVIEW / STATUS <input type="checkbox"/> OTHER	PARTICIPANTS	FILE NO.
	Williamson + Negc	2-88-838
		DATE
		1-16-84
	CONFIDENTIALITY REQUESTED YES NO	TIME

SUMMARY Briefed Wye on status of investigation to date. Told him who had been interviewed and related that any technical concerns that arise from interviews will be stopped to begin with. He related he had talked to 18 welders (1-9-83-1-13-83) and had one concern regarding production of socket welds. He indicated they (RIT) were looking into the concerns generated by in camera interviews and from first round of concerns. He discussed the Confidentiality Agreement and how it could be accomplished by possible verbal agreement with A.H.B.

PAGE OF

PREPARED BY	DATE
ELW	1-16-84
ACTION REQUIRED	
REVIEWED BY	DATE

OFFICIAL USE ONLY

MEMORANDUM TO CASE FILE

TYPE ACTION () RECORD OF CONVERSATION () CASE REVIEW / STATUS () OTHER	PARTICIPANTS	FILE NO.
	Vorse, Tim Fitzgerald	DATE
	Vorse, Williamson, Sinclair	01-16-84
CONFIDENTIALITY REQUESTED YES NO		TIME

SUMMARY

I called Tim Fitzgerald, OGC at FTS 634-3224 and he was advised of the contents of the affidavit of non-disclosure. Fitzgerald advised me not to sign the affidavit agreeing that it impeded with the investigation process. He recommended that I do not contact Judge Kelly and discuss this issue with him but rather inform our upper management and let them review this since it is a genuine issue.

Called J Sinclair and explained situation. He said he has a copy of the affidavit and will discuss with Friedman or Hays.

Called Brown Vorse and explained what we are doing.

PAGE OF

PREPARED BY

Vorse

DATE

01-16-84

ACTION REQUIRED

REVIEWED BY

DATE

1044

A. T. [unclear] [unclear]

AFFIDAVIT OF NON-DISCLOSURE

I, _____, being duly sworn, state:

1. As used in this Affidavit of Non-Disclosure,

(a) "protected information" is (1) information revealed in connection with in camera hearings in the Catawba operating license proceeding, including particularly the names of and identifying facts about in camera witnesses, and any other related information, particularly documents, specifically designated by the Licensing Board; or (2) any information obtained by virtue of these proceedings which is not otherwise a matter of public record and which deals with the in camera hearings.

(b) An "authorized person" is a person who, at the invitation of the Atomic Safety and Licensing Board ("Licensing Board"), has executed a copy of this Affidavit.

2. I shall not disclose protected information to anyone except an authorized person, unless that information has previously been disclosed in the public record of this proceeding. I will safeguard protected information in written form (including any portions of transcripts of in camera hearings, filed testimony or any other documents that contain such information), so that it remains at all times under the control of an authorized person and is not disclosed to anyone else.

3. I will not reproduce any protected information by any means without the Licensing Board's express approval or direction. So long as I possess protected information, I shall continue to take these

precautions until further order of the Licensing Board.

4. I shall similarly safeguard and hold in confidence any data, notes, or copies of protected information and all other papers which contain any protected information by means of the following:

(a) My use of the protected information will be made at a place approved by the Board.

(b) I will keep and safeguard all such material in a locked facility approved by the Board.

(c) Any secretarial work performed at my request or under my supervision will be performed at the above location by one secretary of my designation. I shall furnish the Board and parties an appropriate resume of the secretary's background and experience.

(d) All mailings by me involving protected information shall be made by me directly to the United States Postal Service or by personal delivery.

5. If I prepare papers containing protected information in order to participate in further proceedings in this case, I will assure that any secretary or other individual who must receive protected information in order to help me prepare those papers has executed an affidavit like this one and has agreed to abide by its terms. Copies of any such affidavit will be filled with and accepted by the Licensing Board before I reveal any protected information to any such person.

6. I shall use protected information only for the purpose of preparation, including any investigations which may be necessary, for

this proceeding or any further proceedings in this case dealing with quality assurance and quality control issues, and for no other purpose.

7. I will avoid disclosure of protected information to the best of my ability. However, it must be recognized that in the course of conducting investigations in connection with this proceeding, certain protected information may be independently discerned incident to that investigation which might result in the inadvertent disclosure of protected information.

8. I shall keep a record of all protected information in my possession, including any copies of that information made by or for me. At the conclusion of this proceeding, I shall account to the Licensing Board or to a Commission employee designated by that Board for all the papers or other materials containing protected information in my possession and deliver them as provided herein. When I have finished using the protected information they contain, but in no event later than the conclusion of this proceeding, I shall deliver those papers and materials to the Licensing Board (or to a Commission employee designated by the Board), together with all notes and data which contain protected information for safekeeping until further order of the Board.

Subscribed and sworn to before me
this ____ day of _____ 1983.

Notary Public