

10-95-200B

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

Title: Interview of Paul H. Lohaus and
Richard Bangart

Docket Number: (not assigned)

Location: Rockville, Maryland

Date: Monday, November 6, 1995

Work Order No.: NRC-406

Pages 1-17

NEAL R. GROSS AND CO., INC.
Court Reporters and Transcribers
1323 Rhode Island Avenue, N.W.
Washington, D.C. 20005
(202) 234-4433

ADDENDUM/ERRATA SHEET

Page	Line	Correction and Reason for Correction
4	9	delete "Act." Incorrect as transcribed
24 24	20	revise to read "are unique to NRC only." Incorrect as transcribed
24 24	23	insert "are" between "policy" and "such" Grammar
7	12	delete last "s" in "assessments" to make it singular
7	12 + 13	delete "now that that" for clarity
7	14	delete "now" for clarity
10	2	delete "that" and insert "from" for clarity
10	18	revise "measured at" to "mentioned by" for correctness
11	3	change "out" to "our" - typo
12	13	change "discipline" to "disciplined"
12	19 + 20	delete "run out through" and insert "receive from" for clarity
12	22	delete "as" for clarity
14	18	delete "just as we were dealing with" for clarity
14	22	delete "probably" for clarity
16	18	delete "through" and "that" for clarity. Change "with" to "for"
16	19 + 20	delete "to the ones that you're investigating" for clarity

ADDENDUM

Page	Line	Correction and Reason for Correction
5	9	Delete "the" following "in"
5	17	Change "to a" to "based on"
6	12	Change "did not receive" to "may not have received"
7	6	Change "the" to "other"
7	7	Delete "but it's"
8	11	Change the "," to a "." following "AEDD"
8	12-13	Change to read "We look to AEDD to review and analyze events..."
9	18-19	Change "also helps as a part of training" to "also to help as part of State Inspector training."
9	20	add, following "relative to" "State observation of an IIT investigation."
10	4	Change "notmally" to "normally"
11	6	Change "Pat" to "our office contact" and change "the" "What she'll do is" to "our office contact will"
11	7	Change "she" to "we" and "has" to "have"
11	13	Change "there would be communication" to "They would be communicated"
11	20	Change "that" to "the briefing"
13	5	For clarity, I suggest the following: "We are presently in a transition phase from written reports to electronic reports. In the past, we did have an incident file where copies of these reports were placed. Today,

ADDENDUM/ERRATA SHEET

Page Line Correction and Reason for Correction

we would rely on the NMED system and the file record."

13 11 Change "some that we have requested" to
"proprietary." ~~the~~

13 24 Delete "But my understanding is we're using..."

14 3 Delete "in the past."

16 2 Put a "." after "NMED." Change "but that" to "it"

16 3 add the word "and" after "reported"

16 6 Change "the" to "a"

16 8 Change "other" to "other"

16 14 Add "abnormal" following "the"

16 16 Change "pressure" to "level"

1 UNITED STATES OF AMERICA

2 + + + + +

3 NUCLEAR REGULATORY COMMISSION

4 + + + + +

5 INCIDENT INVESTIGATION TEAM

6 + + + + +

7 JOINT INTERVIEW OF PAUL H. LOHAUS AND RICHARD BANGART

8 + + + + +

9 MONDAY, NOVEMBER 6, 1995

10 + + + + +

11
12
13
14 The interview took place in Room 4B-3 of the Nuclear
15 Regulatory Commission Building Number Two, Rockville,
16 Maryland, at 3:00 p.m., John E. Glenn, Chief Investigator,
17 presiding.

18 INTERVIEWERS:

19 JOHN E. GLENN, Chief Investigator

20 BETSY ULLRICH

21 SAMI SHERBINI

22
23
24
25 NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20006

P-R-O-C-E-E-D-I-N-G-S

(3:03 p.m.)

MR. GLENN: Today is November 6th. The time is approximately three o'clock. My name is John Glenn. I'm the leader of the Incident Investigation Team that was chartered to look into the exposure of an individual at MIT to P-32. The purpose of the IIT is to gather facts about the incident, determine it's probable cause, and then to make any findings with respect to lessons learned that we can share with the licensee, include Agreement State licensees.

We're transcribing the interviews for basically two reasons. One, it allows us to talk without taking a lot of notes. The other thing is that the findings that the IIT makes have to come out of the documents either that we obtain or from the interviews that we conduct. This gives us something we can go back and refer to when we're writing our findings and, since we're in the middle of writing our report right now, we're finding that to be a very valuable piece of information.

The transcripts will be available for review probably by tomorrow about this time, certainly by Wednesday, and I'll give you a little blurb about the availability and how to review the transcripts at the conclusion, and it has a phone number you can call to make

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 arrangements and come over and review the transcript.

2 You're not allowed to actually strike out
3 anything you said, but you can note on an errata sheet the
4 line and page number, what it should have said, meant to
5 say, or whatever, and make the corrections that way.

6 The transcribed interviews will probably be
7 released at the end as public documents. They'll go into
8 the Public Document Room once the IIT report has been
9 released to the public.

10 Before we go any further, I'd like to ask the
11 other members of the team if they would introduce
12 themselves and tell their positions.

13 MS. ULLRICH: My name is Betsy Ullrich. I'm a
14 senior health physicist from Region I.

15 MR. SHERBINI: Sami Sherbini, health
16 physicist with NMSS.

17 MR. GLENN: And if you could both introduce
18 yourselves, and state your titles and briefly what your
19 responsibilities are.

20 MR. BANGART: I'm Dick Bangart. I'm the
21 Director of the Office of State Programs, and I have
22 overall management and responsibility for both the liaison
23 and the Agreement State function carried out by the
24 office.

25 MR. LOHAUS: I'm Paul Lohaus. I'm Deputy

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 Director for the Office of State Programs. My primary
2 area of responsibility is the State Agreements Program.

3 MR. GLENN: Okay. The first thing I was
4 wondering is, do the Agreement States have similar
5 reporting requirements to the NRC, in general, or in
6 particular?

7 MR. BANGART: In general, yes. The reporting
8 requirements relative to licensee events are identified in
9 Agreement State Regulations Act. We require them to be
10 compatible with NRC regulations.

11 There are three what we call "divisions of
12 compatibility". Division I means the equivalent Agreement
13 State regulation in a particular area has to be
14 essentially identical to that of NRC. Division II levels,
15 the Agreement State equivalent regulation has to be as
16 stringent, or more stringent, as NRC's requirements. The
17 other categories, in various degrees, give the Agreement
18 States either the flexibility to have or not to have a
19 regulation or, in one case, they identify regulations that
20 are unique to that them only.

21 I'll speak generally to reporting
22 requirements. Typically, reporting requirements and our
23 compatibility policy such that Agreement States are not
24 required to have reporting requirements identical to those
25 of NRC. I believe in most cases they are expected to have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20006

1 requirements that are as stringent as ours, and I'll defer
2 to Paul to give you more details on that.

3 MR. LOHAUS: The compatibility division which
4 Dick mentioned, the second division where the states must
5 basically meet the intent of NRC's requirements, they may
6 be more stringent, but they have to at least meet the
7 intent and be as stringent as NRC's requirements. That's
8 where most of the reporting requirements fall.

9 There may be a few which are in the Division
10 I. For example, I think that the definition of
11 misadministration, for example, in a recent rule, I
12 believe, is a Division I matter of compatibility. But in
13 general, relative to the other types of reporting
14 requirements that are in the second category, they have to
15 address that area. They have to meet the intent that NRC
16 has designated, and they may be more stringent based on
17 state preference or to a particular legislative direction.

18 MR. GLENN: Just a clarifying question on
19 that. That would include some of the Part 20 reporting
20 requirements, so those would be Division II as well?

21 MR. LOHAUS: That's correct, yes.

22 MR. GLENN: Are you aware of any Agreement
23 States that have adopted a more stringent requirement that
24 would require reporting of deliberate acts of malicious
25 acts involving radioactive material?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MR. LOHAUS: I'm not aware of any
2 specifically. In order to give a definitive answer to
3 that question, we would have to talk to the states, and
4 I'm not aware that any of the states have that type of
5 detail in their requirements.

6 MR. BANGART: I have no such knowledge of any
7 regulation.

8 MR. GLENN: Do the Agreement States submit
9 data to NRC's database systems?

10 MR. LOHAUS: Yes, they do. Presently and in
11 the past, the information was reported in handwritten
12 form. In some cases, we did not receive complete
13 information in all cases. I think today, with the NMED
14 system, we're getting good response from the states that
15 would include information on events that had been reported
16 to them by their licensees, under their reporting
17 requirements.

18 MR. GLENN: So it's your sense that the recent
19 the recent change to this automated NMED system has
20 improved the flow of information to our data system?

21 MR. LOHAUS: Yes. For example, as of the end
22 of October-early November timeframe for the calendar year
23 1995 we've received information from 22 of the states. In
24 the past, sometimes that information was not received
25 until after the end of the calendar year, in some cases

1 into the February-March timeframe.

2 So, there is a greater response. We are
3 receiving information on a more real-time basis in terms
4 of events, and some of the records are still in
5 handwritten reports, others are using the NMED system, the
6 current FoxPro system, others are using the electronic
7 medium but it's not necessarily the FoxPro database, but
8 the eventual goal is that all the states would be
9 utilizing the NMED system with the Windows based
10 electronic communication program.

11 MR. BANGART: The AEOD is planning to do an
12 assessments on the last six months of reporting now that
13 that information from the Agreement States, to make some
14 determination as to whether now reporting is sufficiently
15 complete to rely on continued voluntary reporting of
16 information by Agreement States, without proposing to
17 establish a rules or requirement reporting.

18 MR. GLENN: You just did mention that it's
19 voluntary. Are there any Agreement States that are not
20 voluntarily participating?

21 MR. BANGART: I'm not aware of any.

22 MR. LOHAUS: I'm not aware of any, no.

23 MR. GLENN: Is it covered as part of the
24 annual/biannual reviews of the Agreement States, or is
25 this something that's too new for that?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20005

1 MR. BANGART: What we look at is their
2 handling and response to incidents and allegations that
3 they receive. We do not have, as a part of our previous
4 program and process for reviewing Agreement States, a
5 specific indicator element as to whether or not they in
6 turn are passing licensee event information on to us.

7 MR. GLENN: Did your office do any analysis of
8 the reported events, or is that passed onto AEOD, or is
9 there an analysis function, I guess, in the office?

10 MR. LOHAUS: We have done some analysis, but
11 the primary reliance is now on the program within AEOD,
12 and we've looked to AEOD, as we said, with greater
13 responsibility to review events, but certainly the written
14 events that come into us, we will take a look at those.
15 If there are questions, we will get back to the states,
16 but in terms of looking at trends, looking at the
17 significance, what does it mean from an operational
18 standpoint, and we're looking at AEOD for that.

19 MR. BANGART: Let me just add that there has
20 been, on occasion, for what I'll call "significant" events
21 in Agreement States where they are of interest to NRC
22 management, occasions where we have been asked to follow
23 very closely in our oversight role, exactly how the
24 Agreement State is following up on a particular event, to
25 be sure that it is to NRC's satisfaction as well.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 MR. GLENN: Are you aware of any of the
2 Agreement States that have a mechanism similar to our AIT
3 or IIT kind of investigation where the formality is
4 increased and the resources that go into it are put at a
5 very high level within the agency?

6 MR. BANGART: I'm not.

7 MR. LOHAUS: I'm not.

8 MR. GLENN: I noted in this case that we did
9 have an observer from the Commonwealth of Massachusetts on
10 the IIT. I think that worked out very well. Is that a
11 common practice, or is that something new?

12 MR. LOHAUS: I'm not -- I don't have a great
13 deal of experience with respect to the IIT process, nor
14 the state observation of that process. However, for
15 example, as a part of our routine inspection program, it's
16 not unusual that, for example, a Massachusetts state
17 inspector may accompany the NRC inspector during the
18 inspection both for familiarization, and also helps as a
19 part of training. But I don't have any details in terms
20 of past experience relative to --

21 MR. BANGART: It does seem to be happening
22 with greater frequency because of the AIT at NIH. I
23 believe the State of Maryland requested to have a person
24 observe those inspection activities. So, the fact that it
25 now has happened at both NIH and MIT, I suspect that

1 increasingly, if there are significant events, the
2 inspector/investigator that an Agreement State or state
3 person may want to accompany.

4 MR. LOHAUS: It's notmally done at state
5 request. I think in some cases there may be communication
6 between the region and a state, but it's generally done at
7 the state request.

8 MR. GLENN: I'm not aware in this case how the
9 contact was made, but I know they were there from the very
10 beginning. It may have been they were there because of
11 the inspection response.

12 Okay. Does the Office of State Programs have
13 a mechanism to keep NMSS informed of significant events?

14 MR. BANGART: I guess multiple mechanisms.
15 One, there are weekly staff meetings, in a sense, at the
16 management level. Paul attends each of those, and if
17 there are program or significant developments that are
18 measured at NMSS, or if there are activities occurring in
19 individual Agreement States programs, those likewise can
20 be brought to management's attention.

21 There are also periodic event briefings for
22 the Director of the Office of NMSS. I think those are
23 monthly.

24 MR. LOHAUS: Yes.

25 MR. BANGART: And those include a description

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 of events that have occurred not only in non-Agreement
2 States, but in Agreement States as well, and we have a
3 person from our office that briefs attendees at that
4 meeting on events in Agreement States.

5 MR. LOHAUS: The NMSS contact for that monthly
6 briefing coordinates with Pat, and what she'll do is
7 identify based on the information she has, current events
8 that are of interest, reports that we may have received,
9 and those are used as a basis for the briefing. I think
10 at this time, too, I think the NMED system, as that
11 becomes more generally available, will provide a mechanism
12 for keeping all of us informed. I think in the past, as
13 events occurred, there would be communication by the phone
14 as well.

15 MR. GLENN: But from what you're saying, in
16 terms of the monthly briefings anyway, that the Agreement
17 State incidents are treated on par with the NRC events.

18 MR. BANGART: Yes.

19 MR. LOHAUS: That's correct, yes. In some
20 cases there may be questions which come out of that, or
21 suggestions, and those are passed onto the states, as well
22 as if there's a need for additional information, we'll
23 request that information and either pass it on or cover it
24 at the next monthly meeting.

25 MR. GLENN: The NRC sometimes issues

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 information notices as a result of incidents that come to
2 their attention. Do they states do the same thing, and do
3 they pass out the information notices that we generate?

4 MR. BANGART: The states automatically receive
5 all NRC information notices on automatic distribution.
6 For those that NRC identifies that are of particular
7 importance to Agreement State licensees or some segment of
8 Agreement State licensees, then we may follow the mailing
9 of the information notice or in parallel with it, provide
10 a written recommendation to the Agreement States that we
11 think that this particular piece of information should be
12 passed on and distributed to their own licensees.

13 There is not a discipline process, formal
14 process, in place that I'm aware of where Agreement
15 States, among themselves, have a process for reporting of
16 information that would be of interest to other Agreement
17 State programs. Typically, they look to the NRC to
18 provide that wider distribution of information, whether
19 it's from an event in a non-Agreement State that we run
20 out through a region or NMSS that would go out to
21 Agreement States, or if it's an Agreement State, they
22 would report that to us as from the individual Agreement
23 State, and we would in turn distribute it out to the other
24 Agreement States, through an all-Agreement State letter.

25 MR. GLENN: With respect to some of these

NEAL T. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 incidents, I think you mentioned that Pat used to get
2 reports, handwritten reports. Does the Office of State
3 Programs maintain any kind of incident file, or is that
4 all done through the database at AEOD?

5 MR. LOHAUS: I think in the past we did have
6 an incident file where copies of those reports were
7 placed. Today we would rely on the NMED system. And for
8 those reports that we do receive that are written, they're
9 passed on to the contractor at INEL through AEOD, and they
10 are then placed into the NMED system, and a copy of that
11 is provided to the state for review and comment.

12 So, in those cases where we receive a written
13 report, we would have a copy of those. But for those
14 where it's been done electronically, we would not have a
15 copy. In the past, what reports we did receive, we would
16 have those within our file.

17 MR. GLENN: Do you know whether the documents
18 that are received from the states are going into the NRC's
19 document control system so that they could be drawn up
20 either on microfiche or electronically?

21 MR. LOHAUS: My understanding, they are. In
22 some cases, there may be some that we have requested
23 information and, in those cases, it would be treated
24 accordingly. But my understanding is we're using -- for
25 everything that's coming in today, we're using the Docket

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

(202) 234-4433

(202) 234-4433

1 Control Desk and the document control system for entry and
2 for distribution.

3 In the past, that was not done consistently in
4 the past, although there was a filing system maintained
5 within the office where that information was placed.

6 MR. GLENN: My final question, I know you had
7 an Agreement States meeting within the last couple of
8 weeks. I was wondering whether the MIT and NIH incidents
9 were discussed, and whether there was any reaction from
10 the states that you think we should be aware of.

11 MR. BANGART: Don Cool discussed those during
12 the meeting, gave all of the Agreement States a "heads up"
13 that information that is referenced was about to be
14 issued, and that there was a request coming to the
15 Agreement States that would ask for information about any
16 similar kinds of intentional contamination events that
17 occurred within their respective programs. And in fact,
18 just as we were dealing with, there had at least been a
19 few occur in Agreement States throughout the years. Those
20 were discussed some among the attendees at the Agreement
21 States meeting. In fact, we were provided a copy of
22 probably the California file that addressed an incident at
23 the University of California at San Francisco Medical
24 School in 1978.

25 I guess, generally, the reaction comments that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20006

(202) 234-4433

(202) 234-4433

1 we heard was that yes, the fact that there were an
2 additional two didn't come as a great surprise because
3 there was some historical knowledge that over the years
4 things like this had happened on infrequent occasion
5 before.

6 MR. GLENN: Is there a timeframe for Agreement
7 States submitting any additional cases that they identify?

8 MR. LOHAUS: December 1st, positive or
9 negative replies by December 1st.

10 If you'd like, I can give you a copy of that.

11 MR. GLENN: Appreciate that.

12 Betsy, do you have any follow-up questions?

13 MS. ULLRICH: No.

14 MR. GLENN: Sami?

15 MR. SHERBINI: No.

16 MR. GLENN: Can you think of any areas that we
17 didn't ask questions about that we should, or anybody that
18 we should talk to to get more information about this kind
19 of incident?

20 MR. LOHAUS: Maybe just mention in terms of
21 guidance, we have developed what we call a handbook for
22 event incident reporting. It's been made available to the
23 states in draft. We've worked very closely with AEOD and
24 worked with them jointly on preparation of this document.
25 It's linked to NMED, and we'll probably issue that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 document in final as a part of a final process of
2 communication with NMED, but that provides the states with
3 the kinds of events to be reported, the process.

4 One of the other things we've done is we use
5 the duty officer as a first line for reports from the
6 states, which was the recommendation of AEOD. And that
7 seems to have worked well with the states as well as with
8 other, but that handbook, we hope, will provide a basic
9 guidance for the states in the future.

10 MR. GLENN: Does the handbook discuss -- would
11 it get into deliberate acts at all, or it's probably the
12 standard reporting requirements.

13 MR. LOHAUS: It's more the standard reporting
14 requirements. It does touch on the occurrence reporting
15 process, the criterion, the fact that certain events will
16 rise to that pressure, but that detail is not reflected.

17 MR. BANGART: We have provided, I think,
18 through the INMS that contact with Agreement States, so
19 that the INMS can deal directly with those states that
20 have had events in the past to the ones that you're
21 investigating.

22 MR. GLENN: I promised I would give you a
23 sheet for the review and availability of transcripts,
24 remind you that they will be available -- this is late in
25 the day, I'm not sure they'll be available tomorrow, but

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20006

1 certainly by the next day, and if you could call Cherie
2 Siegel at the number that's written on the top there, she
3 can make arrangements for you to review the transcript.

4 Thank you very much. The time now is
5 approximately 3:23, and the interview is completed.

6 (Whereupon, at 3:23 p.m., the interview was
7 concluded.)
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

C E R T I F I C A T E

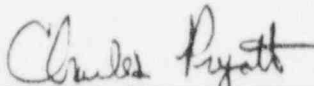
This is to certify that the attached
proceedings before the United States Nuclear
Regulatory Commission in the matter of:

Name of Proceeding: Interview of PAUL H. LOHAW
AND RICHARD BANGART

Docket Number: (not assigned)

Place of Proceeding: ROCKVILLE, MARYLAND

were held as herein appears, and that this is the original
transcript thereof for the file of the United States Nuclear
Regulatory Commission taken by me and, thereafter reduced to
typewriting by me or under the direction of the court
reporting company, and that the transcript is a true and
accurate record of the foregoing proceedings.



CHARLES PYOTT
Official Reporter
Neal R. Gross and Co., Inc.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20005