

U.S. NUCLEAR REGULATORY COMMISSION

REGION III

Report No. 030-10749/89002(DRSS)

Docket No. 030-10749

License No. 48-16296-01

Category C(1)

Priority 1

Licensee: Midwest Inspection Service, LTD
3171 Gross Street
Green Bay, WI 54304

Enforcement Conference Conducted: December 14, 1989

Enforcement Conference At: U. S. Nuclear Regulatory Commission
Region III Office - Glen Ellyn, Illinois

Inspector:

Toye L. Simmons
Toye L. Simmons
Radiation Specialist

1/19/90
Date

Reviewed By:

D. J. Sreniawski
D. J. Sreniawski, Chief
Nuclear Materials Safety Section 1

1/19/90
Date

Approved By:

B. S. Mallett for
Bruce S. Mallett, Ph.D., Chief
Nuclear Materials Safety Branch

1/25/90
Date

Meeting Summary

Enforcement Conference on December 14, 1989 (Report No. ;030-10749/89002(DRSS))

Areas Discussed: A review of the apparent violations identified during an October 1989 inspection and the issues specified in letter to licensee dated December 6, 1989.

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DETAILS

1. Conference Attendees

Midwest Inspection Service, LTD

Donald Paschen, President and Radiation Safety Officer

U.S. Nuclear Regulatory Commission, Region III

C. E. Norelius, Director, Division of Radiation Safety and Safeguards

J. A. Grobe, Director, Office of Enforcement and Investigation

D. J. Sreniawski, Chief, Nuclear Materials Safety Section 1

T. L. Simmons, Radiation Specialist

2. Enforcement Conference

An enforcement conference was held in the Region III office on December 14, 1989. The conference was conducted to discuss the following issues:

- a. The discrepancy between NRC findings and licensee field audit records dated March 20, 1985, and October 3, 1985, conducted at Kewaunee Nuclear Power Plant.
- b. The apparent violations identified during the October 1989 inspection.
- c. The apparent lack of responsiveness to NRC inspection activities.

A court reporter was present during the discussion of item a. above and a copy of the portion of the conference that was transcribed is attached.

In response to the discrepancy questions, Mr. Paschen presented copies of an office calendar used as an informal locator and stated that this showed that he was present at Kewaunee Nuclear Power Plant (KNPP) on March 19, 1985 and March 21, 1985. Also, he stated that he had been issued a KNPP "green badge" which allowed him unescorted access to certain areas of the plant so there may not be a record of his entry at the plant. However, Mr. Paschen agreed that no record he presented at the meeting positively showed that he was onsite at KNPP to audit radiographers on March 20, 1985 and October 3, 1985. The NRC agreed to review whether Mr. Paschen's use of the "green badge" could have circumvented KNPP having a record of his being onsite on March 20 and October 3, 1985. The review was completed subsequent to the conference; and NRC determined that KNPP would have had a record of entry for the "green badge." Mr. Paschen agreed to maintain the original of the calendar log for future NRC inspection.

Mr. Paschen did not contest the apparent violations. However, in response to one of the violations, he offered an explanation as to why the field audit of a radiographer was not performed in the third quarter of 1989. The radiographer only worked a total of 18 days between mid-July and mid-August. Mr. Paschen had anticipated conducting an audit toward the end of the quarter but as it turned out, the radiographer did not work again that quarter. According to the licensee, an audit was eventually performed on October 17, 1989, near the beginning of the fourth quarter.

Mr. Paschen acknowledged that it is difficult to catch him in the office for unannounced inspections but he is reluctant to turnover his records to anyone on his staff. As radiation safety officer and president Mr. Paschen wishes to be present during NRC inspections. However, he was amenable to allowing Mrs. Paschen, a company officer, access to the appropriate records in the event that he is not available.

The licensee was advised to consider alternate methods for performing audits so that they occur as required. With regards to the other issues the licensee will be notified in writing of the NRC's proposed enforcement action.

Attachment: Transcript of
Conference

BEFORE THE UNITED STATES
NUCLEAR REGULATORY COMMISSION

IN RE THE MATTER OF:)
)
ENFORCEMENT CONFERENCE WITH)
)
MIDWEST INSPECTION SERVICES.)

REPORT OF PROCEEDINGS had at the confer-
ence of the above-entitled matter, held at Region III,
Nuclear Regulatory Commission, 799 Roosevelt Road,
Building 4, Glen Ellyn, Illinois, on Thursday, the 14th
day of December, A.D. 1989, at the hour of 1:30 o'clock
P.M. before NADA PERRY, C.S.R., Notary Public, qualified
and commissioned for the State of Illinois.

PRESENT:

- MR. CHARLES NORELIUS, NRC.
- MR. DONALD SRENIASWKI, NRC.
- MR. JACK GROBE, NRC.
- MS. TOYE SIMMONS, NRC.
- MR. DONALD PASCHEN, Midwest Inspection Services.

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1 MR. NORELIUS: Okay, Mr. Paschen, we appreciate
2 you coming in today for the meeting with us. We have
3 introduced ourselves by name.

4 Let me just elaborate a bit on how we
5 fit into the organization here so you will be aware of
6 that. I am the Director of the Division of Radiation
7 Safety and Safeguards here in Region III. Don
8 Sreniawski is a Section Chief who is responsible for
9 inspection activities at our materials licensees, and
10 Toye Simmons is one of our inspectors, and Mr. Grobe
11 is the Director of our Office of Investigations and
12 Enforcement here in Region III. So, that's how we
13 sort of fit together.

14 We asked you to come in for this
15 enforcement conference, and let me just take a minute
16 to explain what we mean when we have an enforcement
17 conference. That's a meeting that we have to make
18 sure we understand all the facts that pertain to a
19 particular situation which will help us determine what
20 is the appropriate level of enforcement that we should
21 take in a particular case.

22 This occurs when we are considering

1 taking escalated enforcement action. By that, we mean
2 either the issuance of civil penalties or possibly an
3 order. And orders can take various forms. They can
4 be in the form of modification of the license, or the
5 most severe case, of course, that we could do would be
6 an order to revoke a license. So we have quite a
7 spectrum of things that we can do in any particular
8 case.

9 But we do believe that the concerns that
10 we have, especially the first one, is in that category
11 where we have to consider whether or not we should
12 take escalated action. So that's why we asked you to
13 come in and make sure we understand the facts
14 correctly and get your views and any basis you have
15 for your views.

16 There are really three issues, and we
17 will discuss those. But we want to divide the meeting
18 into two parts. The first part is the only part that
19 we will transcribe so we have a record of it, and that
20 really deals with discrepancies that we have found in
21 records regarding audits that you had told Toye
22 Simmons that you had performed. The dates were March

1 20th of 1985 and October the 3rd of 1985, and both of
2 these supposedly were performed at Kewanee Power Plant.
3 And we have other information that would raise a
4 question as to whether or not those were in fact
5 performed.

6 So, after that, and for the second part
7 of the meeting, we have two other issues of somewhat
8 less importance but still of concern to us. And one
9 of those involves the repeated violation for not
10 auditing the radiographers. And the second has to do
11 with responsiveness to our NRC inspection activities.

12 So, that's the way we want to break the
13 meeting out today.

14 So, let's get at the tougher one, which
15 is the first one. And I guess we sent you an inspect
16 report?

17 MR. PASCHEN: Uh-huh.

18 MR. NORELIUS: And I believe we laid out in there
19 the information that we have available to us, which
20 really has to do with whether or not you in fact did
21 conduct audits on those particular days, that
22 radiographer who was performing work at the Kewanee

1 plant.

2 And I guess mostly what we would like to
3 do is hear your version of the information, and maybe
4 you can explain to us what we have in terms of the
5 disparity, and then we may ask questions as you go
6 along. But why don't we just let you tell us what the
7 situation is, or was.

8 MR. PASCHEN: There was nothing earth shaking on
9 either one of those two dates that would jog my memory
10 to pick out an incident or something that I could
11 dwell on or get more information. There was just --
12 it was routine and nothing going on.

13 I did go back in my files. I did
14 research my files, and on the March 20th date I have a
15 copy of our monthly calendar ledger, which in there is
16 written in that I was at Kewanee Nuclear Power Plant.

17 Secondly, I had people being relieved
18 from that plant at that time. And when you close out
19 a project and you have people being relieved, I just
20 have no question that I wasn't there.

21 These are not in my handwriting, and I
22 believe Miss Simmons has questioned a secretary of

1 mine in the past about putting false information in
2 here, but this is the March 20th --

3 MR. NORELIUS: Okay.

4 MR. PASCHEN: -- area.

5 MR. NORELIUS: It shows -- what does that say?

6 MR. PASCHEN: That says Pulliam Plant, Don, Plant
7 KNPP.

8 MR. NORELIUS: That's on the 19th?

9 MR. PASCHEN: Correct.

10 MR. NOPELIUS: What would this indicate?

11 MR. PASCHEN: It would indicate that I was at
12 Kewanee Nuclear Power Plant.

13 MR. NORELIUS: So, Don, that's your name?

14 MR. PASCHEN: Right.

15 MR. NORELIUS: But you say this is not in your
16 handwriting?

17 MR. PASCHEN: No.

18 MR. NORELIUS: This would be --

19 MR. PASCHEN: That is not in my handwriting.

20 MR. NORELIUS: Is this from a log? Who maintains
21 this record?

22 MR. PASHCEN: This is -- and it's been seen in our

1 office. This is a desk calendar on the secretary's
2 desk, that if whatever his name is went to the paper
3 mill, his name was put down and the paper mill was put
4 down. If I was in St. Louis, it would so state, "Don
5 in St. Louis." It's a general log, is what it is.

6 MR. SRENIAWSKI: This is Don Sreniawski.

7 That log is essentially just for
8 location of personnel? It doesn't necessarily reflect
9 what you have performed? In this case what we are
10 asking about is an audit, a field audit of your
11 radiographer.

12 MR. PASCHEN: You are correct in the first part.
13 It is a general log stating who was where, not doing
14 what.

15 MR. NORELIUS: You may have said this. This is
16 something your secretary maintains?

17 MR. PASCHEN: Yes.

18 MR. NORELIUS: Now, the date that we had on your
19 audit report, as I understand, was March 20th.

20 MR. PASCHEN: That's correct.

21 MS. SIMMONS: Right.

22 MR. NORELIUS: This would show you being there the

1 19th.

2 MR. PASCHEN: Correct.

3 MR. NORELIUS: You have nothing for the 20th;
4 This wouldn't show where you were that day?

5 MR. PASCHEN: No. Phillips/Getschow is the
6 contractor, the maintenance contractor at KNPP,
7 Kewanee Nuclear Power Plant. And they are actually
8 the ones who hired us. We were a subcontractor to
9 them and not directly to the plant.

10 MR. NORELIUS: So, on the 21st, again, your name
11 and Phillips/Getschow?

12 MR. PASCHEN: Right.

13 MR. NORELIUS: So, as I understand what you are
14 saying on this is that this, going back, is at least
15 some record that you have found that you were in that
16 area at least on the 19th and the 21st?

17 MR. PASCHEN: That would indicate I was there.

18 MR. NORELIUS: Okay.

19 MR. PASCHEN: The second page, before you leave it,
20 the second and third page are merely time sheets of
21 personnel who show their last day of work as being
22 March 20th?

1 MR. GROBE: Their last day of work at Kewanee?

2 MR. PASCHEN: Correct.

3 MR. NORELIUS: So, this shows, it says Clarence
4 Wyland?

5 MR. PASCHEN: Wyland.

6 MR. NORELIUS: Clarence Wyland, that he worked at
7 Kewanee that week through the 20th, apparently, as I
8 understand; the 17th, 18th, 19th and 20th.

9 MR. PASCHEN: Correct.

10 Now, the next gentleman did not put down
11 KNPP, so I backed that sheet up with the previous week.

12 MR. NORELIUS: But your recollection is that he
13 was also there in the same period?

14 MR. PASCHEN: That's correct. He was being
15 released at the same time.

16 MR. SRENIAWSKI: Now, how do you define release?

17 MR. PASCHEN: The project had come to a point
18 where we had three people on days and three people on
19 nights at that outage. And as the project winds down,
20 then they have the option to release excess personnel.
21 So, the work force was being cut because the work was
22 slowing down.

1 MS. SIMMONS: What were these people doing?

2 MR. PASCHEN: What were they doing?

3 MS. SIMMONS: Yes, there two people.

4 MR. PASCHEN: Magnetic particle testing, penetrant
5 testing, thickness gauging. I believe that is the
6 shutdown where a monstrous amount of pipes were
7 thickness gauged to get the wall thinning that the
8 plant wanted.

9 MR. GROBE: Toye, what was the date on the audit
10 record?

11 MS. SIMMONS: Well, it wasn't for either one of
12 these individuals.

13 MR. GROBE: But it was --

14 MS. SIMMONS: But it was the 20th.

15 MR. GROBE: On the 20th your date book shows
16 customer metal, Iron Mountain, Michigan, change Dr.
17 Brandts' solutions but it doesn't show you were at
18 Kewanee.

19 MR. PASCHEN: That's correct.

20 MR. GROBE: But it shows you were at Kewanee on
21 the 19th and the 21st. Is that what you are saying?

22 MR. NORELIUS: Yes. That's what he is saying, his

1 name and -- so, Toye, the record that we got in terms
2 of the audit that day, that showed an audit on the
3 20th at Kewanee for a different radiographer?

4 MS. SIMMONS: Right, for a different person than
5 the radiographer.

6 MR. NORELIUS: Did you have any other radiography
7 activities going on there on the 20th of March?

8 MR. PASCHEN: I do not recall.

9 MS. SIMMONS: Did you go through your audit
10 records?

11 MR. PASCHEN: I went through my records. But I
12 don't recall if there was radiography going on there.
13 If there was, it would have been either in containment
14 or in the shooting hall. I cannot honestly answer you
15 if radiography was going on that day.

16 MR. NORELIUS: Our report indicates that Kewanee's
17 records don't show radiography as being performed on
18 the 20th but it shows it was performed on the 22nd and
19 25th and that the sign-in logs would indicate you were
20 on-site on those two days.

21 It looks like from your record that
22 doesn't quite match and that you don't have any entry

1 showing you being there on the 22nd. And I guess you
2 don't have the 25th record here, so we can't match
3 that.

4 Are there any other records you might
5 have that would --

6 MR. PASCHEN: Nil. There are no other records.
7 And like I say, I tried to pinpoint something that
8 would make me think of something, some way to go back;
9 and it was all pretty much routine at that time.

10 MR. NORELIUS: Would these records here, would
11 they match like billing records that you might have or
12 any other records from that time frame?

13 MR. PASCHEN: Somewhere I should have a copy;
14 although, if they have RT down here, they have -- well,
15 here on the 19th he picked up five MR with gamma, so
16 apparently there was RT going on the 19th.

17 MR. GROBE: He might have been doing other non-
18 destructive examination in the radiation area, too.

19 MR. PASCHEN: He could have been in containment,
20 exactly.

21 MR. NORELIUS: It's hard to tell from this.

22 Okay. Well, I guess I don't know any

1 other questions to ask with regard to that particular
2 date.

3 MR. GROBE: Mr. Paschen, what is your explanation
4 of the audit record? What do you conclude from this
5 information?

6 MR. PASCHEN: That I was there.

7 MR. GROBE: On which day?

8 MR. PASCHEN: On the 19th for sure. More than
9 likely on the 21st.

10 MR. GROBE: Okay. But the record says the 20th.

11 MR. PASCHEN: The record?

12 MR. NORELIUS: Your own audit record. The one
13 that you provided Toye says the 20th.

14 MR. PASCHEN: Says the 20th?

15 MR. NORELIUS: Yes.

16 MR. SRENIAWSKI: You wouldn't per chance recall
17 the type of -- you said originally that this was in
18 containment or in a shooting hall. Normally when you
19 do an audit, you present yourself to the individual,
20 or do you inspect that through a third party or at
21 some distance?

22 MR. PASCHEN: I have performed the audits in the

1 fields many different ways. And as I mentioned, I have
2 sat on a hill and watched them. There are clients who
3 would be able to document this much, that on any given
4 day I may pull into town, make a phone call to their
5 office and say give me the location of my rigs, of my
6 trucks, my people. Nobody knows I'm coming. Nobody
7 knows I'm there.

8 I get these locations and I go out into
9 the field to do the audit.

10 MR. SRENIAWSKI: Okay. You perform the audit. Do
11 you then identify yourself to the individuals to let
12 them know what the circumstances were, what you found?

13 MR. PASCHEN: They are not that far removed from
14 me that the minute they see me they don't know me.

15 MR. SRENIAWSKI: But you don't --

16 MR. PASCHEN: I don't --

17 MR. SRENIAWSKI: -- leave the scene without
18 telling them how they are doing?

19 MR. PASCHEN: I guess I can't really say I give
20 them a pat on the back and say you are doing fine.
21 Keep up the good work, but you know I go through the
22 book. If I catch a discrepancy or if a report has

1 come into the office that has not been filled out in
2 the past, we caution them that we need the complete
3 reports and we don't necessarily like to send them
4 back to them to complete them.

5 If there has been trouble in the past,
6 yes, we find out. If you go through a series of
7 survey meters, "What are you doing with the thing?
8 Playing football with it," or whatever, questions like
9 that would be asked, yes.

10 MR. SRENIAWSKI: I guess the point I am trying to
11 make is when you conduct a field audit, would there be
12 any way that the person that was audited not be aware
13 that he had been audited because you hadn't informed
14 him or you hadn't made your presence known? Is he
15 informed that you have conducted some form of audit of
16 him?

17 MR. PASCHEN: No.

18 MR. SRENIAWSKI: And in this particular instance
19 you said that you believed that the work was being
20 done in either the shooting gallery or the inside
21 containment.

22 MR. PASCHEN: Correct.

1 MR. SRENIAWSKI: Are those areas visible where you
2 could see the work that was being performed, or would
3 you have had to have entry to those areas in order to
4 perform your audit?

5 MR. PASCHEN: I would have had to have entry into
6 those areas. They are not readily available.

7 MR. SRENIAWSKI: Are you relatively familiar with
8 the procedure for entering Kewanee as far as going
9 through the authorization for plant entry? Have you
10 done that fairly often?

11 MR. PASCHEN: Not fairly often.

12 MR. SRENIAWSKI: But you are aware of it?

13 MR. PASCHEN: I have been green badged, as they
14 say. It used to be called green badged. It may have
15 changed now. I have been green badged several times.
16 You do go through an orientation period. You do go
17 through a film sequence. You do take a test, and then
18 actual entry is down. You ask for your badge and
19 insert it and a door then opens.

20 I have never been fully cleared for all
21 access doors. There are some, even though you are
22 green badged, that your badge won't work in.

1 MR. SRENIAWSKI: Can you in any way think of a way
2 of reconciling these differences as far as when Miss
3 Simmons looked at your record, she finds a field audit
4 that is performed on an individual that by your
5 description would have had to have been within an area
6 you have to gain entry to by going through some form
7 of security arrangements.

8 Essentially what we are saying is there
9 should have been a record of your entry before, in
10 order for you to be able to perform your field audit
11 before you can approach this individual.

12 MR. PASCHEN: Inasmuch as we have nothing to do
13 with posting and the sealing of doors, and in that
14 area we have nothing to do with at Kewanee Nuclear
15 Power Plant. That is all taken care of by HP, which
16 is health physics.

17 So, if I did an audit at Kewanee Nuclear
18 Power Plant, I probably was looking to see whether the
19 man was using my film badges, my dosimetry, whether
20 the logs were being kept up, the paperwork was being
21 kept up, radiation reports were being made out,
22 equipment was being properly cared for.

1 MR. SRENIAWSKI: So, to achieve those goals you
2 would have had to approach him on Kewanee property and
3 gone through their security. And frankly, our concern
4 is that we have no way of reconciling that. Kewanee
5 has no record of your entry, yet you have a record of
6 having done an audit on those premises. And that's
7 the discrepancy that we can't resolve.

8 Can you offer some information on that?

9 MR. PASCHEN: No. Like I said, there was no earth
10 shaking sequences at that period of time that would
11 make me think of something to go back on, some records
12 or something.

13 MR. SRENIAWSKI: When you record your field audit,
14 is that done soon after the event? Within which
15 period of time is that accomplished normally?

16 MR. PASCHEN: Now it's one to four days.

17 MR. SRENIAWSKI: Well, at that period of time.

18 MR. PASCHEN: In 1985, and I'm not sure that '85
19 was the date, there was a -- I went through a period
20 where I wrote all this information down and was lax in
21 transposing it to forms.

22 MR. SRENIAWSKI: So, you would essentially -- my

1 understanding is you would essentially perform the
2 audit, do a set of field notes for another name, and
3 then transcribe that information to your field audit
4 records that we would have available for review?

5 MR. PASCHEN: That's correct.

6 MR. SRENIAWSKI: How long would that take?

7 MR. PASCHEN: To transpose them?

8 MR. SRENIAWSKI: Yes.

9 MR. PASCHEN: First of all, you've got to make
10 sure that the dates are correct.

11 MR. SRENIAWSKI: That's the point. I guess that's
12 what I am trying to arrive at. Is there any
13 correlation that would make you feel that the date is
14 in error, either the -- or are we looking at the wrong
15 record and this represents an event that took place at
16 another time at which you have another record? For
17 example, it was a week later. Maybe he was at the
18 site and there is another record showing that that's
19 when you really did the audit; you made a mistake.
20 You have no information that way?

21 MR. PASCHEN: No.

22 MR. SRENIAWSKI: And you don't believe that you

1 could rebuild some type of scenario that would explain
2 it?

3 MR. PASCHEN: No.

4 MR. SRENIAWSKI: I think I have pursued that as
5 far as I can go.

6 MR. GROBE: I think the one question you asked was
7 a good one, Don. In 1985, what would be the time
8 delay between the time you did the audit and when you
9 would document it on the audit record?

10 MR. PASCHEN: Any answer I give you would be a
11 guess.

12 MR. GROBE: It's not the same day?

13 MR. PASCHEN: Occasionally, or not occasionally.
14 Sometimes it's the same day. Sometimes I have the
15 forms with me and I sit down, and when I specifically
16 know I am going to go see so and so for an audit, I
17 will take the reports with me.

18 Sometimes I will be coming back through
19 the state and I know that I have got a rig or a truck
20 or a person 20 miles off the highway. I will go in
21 and see him, unannounced.

22 MR. NORELYUS: Why don't we move to the other date

1 that we had in question. The other audit report was
2 for October 3rd, 1985, and again, it was indicated on
3 your audit report that that was also done at Kewanee
4 Power Plant. Why don't we see what you might have
5 reflecting that time frame.

6 MR. PASCHEN: Okay. Again, I have the same copy
7 of the -- from the same book, and that printing is not
8 mine.

9 MR. NORELIUS: This says Kewanee Nuclear Power,
10 Jim, Don. Who is Jim on that?

11 MR. PASCHEN: Jim Decker.

12 MR. NORELIUS: Is he somebody who works for you or
13 worked for you at the time?

14 MR. PASCHEN: He worked for me at the time.

15 MR. NORELIUS: Okay. And is this another --

16 MR. PASCHEN: No.

17 MR. NORELIUS: -- exposure history?

18 MR. PASCHEN: That is an exposure history that
19 must be given to HP at the plant before they will
20 allow the man to work. To this date, out of the many
21 people that I have had there, I can never remember
22 sending one. They have always been hand carried.

1 MR. NORELIUS: Okay. But help me out. How does
2 that relate to the question we have?

3 MR. PASCHEN: Okay. The date on it is very
4 current because they need the current radiation
5 history, so this would have been dated 10/3. This
6 could not be made out in advance. It was made out the
7 morning of October 3rd, and it was taken out to
8 Kewanee. And that signature was probably affixed
9 right there in the staging area at HP.

10 MR. NORELIUS: So, this is Decker?

11 MS. SIMMONS: That's his signature.

12 MR. NORELIUS: James Decker.

13 MR. NORELIUS: So, what you are saying is this was
14 the record provided to Kewanee by Mr. Decker?

15 MR. PASCHEN: By Midwest Inspection Service, by me.
16 He was already there.

17 MR. NORELIUS: Okay.

18 And now is there anything to show that
19 this was provided to Kewanee, or how did you come to
20 associate this with Kewanee?

21 MR. PASCHEN: It was in his file, and inasmuch as
22 he was working on that day out there, one of these had

1 to be made and given to him.

2 MR. GROBE: Your presumption is we should be able
3 to find that record in the Kewanee files, a copy?

4 MR. PASCHEN: Yes, sir.

5 MS. SIMMONS: What are you saying about this
6 record?

7 MR. GROBE: That shows that Decker was on-site.

8 MS. SIMMONS: That shows that Decker was on-site.

9 MR. GROBE: Or at least he attempted to procure
10 Kewanee dosimetry on that date.

11 MR. NORELIUS: Now, Toye, in the case of the
12 October 3rd date Kewanee records, did they indicate
13 there was a radiographer on-site that day?

14 MS. SIMMONS: Yes.

15 MR. NORELIUS: They did. Is that Mr. Decker?

16 MS. SIMMONS: Uh-huh.

17 MR. NORELIUS: So that part matches, then. This
18 would support the fact that he was there.

19 I guess what it still doesn't resolve is
20 whether you were there or not to do an audit of his
21 performance.

22 MR. PASCHEN: That's correct. And I tried to

1 retrace those same steps, only I didn't try to do it
2 until two or three weeks ago when I conversed with
3 Toye. And subsequently, I was told that all records
4 were destroyed. So, I have no way of going back to
5 Kewanee to review records.

6 MS. SIMMONS: What about your own records? What
7 would you have?

8 MR. PASCHEN: My own records?

9 MS. SIMMONS: Yes. Payroll or billing or
10 something like that.

11 MR. PASCHEN: Yes. My records will indicate, but
12 I don't get paid for myself. I am overhead.

13 MR. GROBE: What you are saying is you would have
14 payroll on all your radiographers but nothing on you?

15 MR. PASCHEN: Nothing on myself.

16 MS. SIMMONS: Not for you.

17 MR. NORELIUS: Okay. Anybody else have any other
18 questions that would relate to this?

19 MR. GROBE: I guess the only other thing on the
20 October 3rd issue is that there is -- you don't have
21 any indication that you were at Kewanee any other day
22 in that time frame?

1 MR. PASCHEN: No.

2 MR. GROBE: And once again, there is no record in
3 the Kewanee security organization that shows that Mr.
4 Paschen went on-site.

5 MS. SIMMONS: Right.

6 MR. NORELIUS: Okay. Are there any other records
7 you might have, Don, or any other thoughts on how we
8 could clarify the discrepancy that we find in the
9 records?

10 MR. PASCHEN: No. Like I said, I wish something
11 would have happened at that period of time that some
12 reports would have been generated or somebody would --

13 MS. SIMMONS: I would like to ask one question.
14 Were you required to -- you talked about having the
15 green badge and everything. Were you required to sign
16 in each time you went to Kewanee? Did you have to
17 sign something?

18 MR. PASCHEN: When I was green badged, no.

19 MS. SIMMONS: You didn't sign anything?

20 MR. PASCHEN: No.

21 Yes, I did. You have to sign the log
22 book.

1 MS. SIMMONS: There is a contractors sign-in log
2 and there is a visitors log. Did you have a number?
3 You had a number with your green badge?

4 MR. PASCHEN: I had a number. I had a film badge,
5 and I believe you initialed a log. I don't remember.

6 Now, under the visitors there I had to
7 go through the search, sign the piece of paper and
8 then was given -- I had to have an escort.

9 MS. SIMMONS: So, if you did not have your badge,
10 you definitely had to go through that procedure. Is
11 that what you are saying?

12 MR. PASCHEN: Yes, ma'am.

13 MS. SIMMONS: With the badge there was some sign-
14 in, check-in procedure or no?

15 MR. PASCHEN: I'm not sure. We have not been
16 there for three years, and I cannot remember whether I
17 initialed a log at the window before they gave me the
18 film badge or not.

19 MR. NORELIUS: When you say you had a green badge
20 there for some period of time, was this a badge which
21 allowed you to independently go in the plant without
22 escort but limited to certain areas?

1 MR. PASCHEN: Correct.

2 MR. NORELIUS: Do you recall what period of time
3 you may have had such a badge at Kewanee?

4 MR. PASCHEN: No.

5 MR. SSENIAWSKI: Would that green badge permit an
6 entry to the shooting gallery and the containment?

7 MR. PASCHEN: Yes.

8 MR. NORELIUS: My understanding of the security
9 system at Kewanee would be that you can get into the
10 plant in two ways. One, you can go in as a visitor,
11 in which case you have to go through all the normal
12 search entry procedures but you would have to sign in
13 a log and be assigned to a person who had a badge who
14 could escort you.

15 Or secondly, by appropriate training,
16 background, screening and whatever else they require.

17 MR. PASCHEN: That's right.

18 MR. NORELIUS: You could get a badge issued to you,
19 in which case you would not have to log in upon entry
20 but you could use the badge to get into the plant.

21 MR. PASCHEN: That's correct.

22 MR. NORELIUS: Now, that may not allow you to go

1 everywhere in the plant but at least that's to get
2 into the protected area.

3 MR. GROBE: No matter which way you go, there is
4 going to be permanent records if you didn't log in.
5 Every time you key card into a door, it would be
6 recorded into a computer system.

7 MR. PASCHEN: That's correct.

8 MR. GROBE: So, either way we should be able to
9 identify that from Kewanee records.

10 MR. PASCHEN: That's correct.

11 MR. NORELIUS: Toye, let me ask. Did we look --
12 our information from Kewanee as you understand it, is
13 it based on whether either of these systems could have
14 been used, a badge issuance?

15 MS. SIMMONS: I had a contractor log which people
16 came and ent, particularly in March when they had the
17 outage. So people came and went. And according to
18 security, everybody had to log in. Who was going
19 beyond the security building had to log in.

20 MR. NORELIUS: Into the protected area.

21 MS. SIMMONS: That's what I got from Kewanee.

22 MR. GROBE: One more question. You maintain

1 utilization logs for using your sources or your
2 radiographers. Did you review or do you still have
3 utilization logs from 1985, and is it possible that
4 somebody might have annotated in there that "the boss
5 showed up for a surprise audit on such and such a day"?

6 MR. PASCHEN: I believe that I could trace back
7 the isotope that was used that day. Yes, the records
8 are filed. I believe I could come up with that record.

9 Would it have something on it like that?
10 I don't think so.

11 MR. NORELIUS: Toye, let me ask you again so I
12 understand this. With regard to the -- you indicated
13 that the radiographers here were not the ones in March
14 that showed as being audited. Now, did they have a
15 utilization log showing --

16 MS. SIMMONS: Those two individuals, I have never
17 seen them anywhere in his records. He was saying they
18 were doing mag particles on radioactive stuff, so
19 those two names are not familiar to me.

20 MR. PASCHEN: They are just two that I picked out
21 of the files. I know there was Decker, Gilmer, Buss,
22 these two, and these two that I can't remember even.

1 MR. NORELIUS: You had a fairly large number of
2 people, all at Kewanee?

3 MR. PASCHEN: That's right, two shifts.

4 MS. SIMMONS: Why would you go back in October?

5 MR. PASCHEN: Why would I what, Toye?

6 MS. SIMMONS: Why would you go back in October?
7 Would that be something special?

8 MR. PASCHEN: Yes. Apparently, they had one well
9 they wanted to examine and called us. And being 35
10 miles away, we went over and did whatever they wanted
11 to do.

12 We have the same situation with Point
13 Beach where they will call and we will go over. And
14 maybe it's just one feed water well. Maybe it's --
15 whatever they want we will do it for them, on a
16 call-out basis.

17 MR. NORELIUS: Anybody have any other specific
18 questions on this issue?

19 Well, let me just sum up where I see us
20 at this point. I guess the way I see it is that the
21 records you have provided us today don't really help
22 us to resolve the issue as to what was on the two

1 audit records.

2 They both showed that you were -- that
3 you performed audits on those days at Kewanee, and
4 these records do not positively show, nor do any
5 others, that you were in fact there and did audits.

6 MR. PASCHEN: That's true.

7 MR. NORELIUS: So, I don't know that we have
8 gotten any new information than what we had before.

9 MR. GROBE: I think we have got one new piece,
10 that Mr. Paschen may have had a badge. And we should
11 probably go back to Kewanee and check their entry logs.

12 MR. NORELIUS: Yes. There may be additional
13 things that we can do. I think what we will have to
14 do is look at the information you have provided,
15 determine that we have all the information we can get,
16 and decide on the basis of that what enforcement
17 action we can take. Or we may decide that there is
18 additional on-site investigation activities we have to
19 do to try to resolve the issue.

20 That may involve coming to your facility
21 or going to other places to determine, to find that
22 information.

1 MR. GROBE: There is only one other thing I can
2 think of to add, and that is we may request to see the
3 original document, this date book, just to examine the
4 original to see. Maybe that would shed further light
5 on what's going on. I don't know if that's going to
6 happen or not, but just to let you know.

7 MR. PASCHEN: It's available in the office. I'm
8 not going to quick throw it out.

9 MR. GROBE: Okay, good.

10 MR. NORELIUS: Okay. I believe this concludes the
11 part of the meeting that we asked to have transcribed.

12

13 (Which were all the proceedings
14 had at the conference of the
15 above-entitled cause.)

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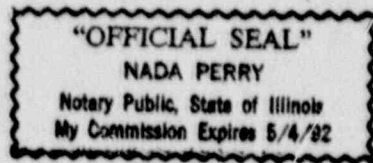
1 STATE OF ILLINOIS)
2 COUNTY OF DU PAGE) SS.

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I, NADA PERRY, C.S.R., Notary Public
duly qualified and commissioned for the State of
Illinois, County of DuPage, do hereby certify that I
reported in shorthand the proceedings had and
testimony taken at the Conference of the
above-entitled cause, and that the foregoing
transcript is a true, correct and complete report of
the entire testimony so taken at the time and place
hereinabove set forth.

Nada Perry

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Notary Public



My Commission expires:
May, 1992.