

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

IN RE:)
DUKE POWER COMPANY, et al.) Docket Numbers
(Catawba Nuclear Station,) 50-413
Units 1 and 2)) 50-414

May 20, 1983
10:00 A.M.

Volume II

DEPOSITION OF:

PETER K. VAN DOORN

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PDR FOIA
AHLERS83-434 PDR



1 APPEARANCES:

2
3 ROBERT GUILD, ESQUIRE
Charleston, South Carolina

4 Counsel on Behalf of Intervenor Palmetto Alliance,
5 Incorporated

6 DEBEVOISE & LIBERMAN, ESQUIRES
Washington, D. C.
7 BY: J. Michael McGarry, III, Esquire,
and Anne Cottingham

8 ALBERT V. CARR, JR., ESQUIRE
9 RONLAD L. GIBSON, ESQUIRE
Charlotte, North Carolina

10 Counsel on Behalf of Applicant Duke Power Company

11 GEORGE E. JOHNSON, ESQUIRE
Washington, D. C.

12 Counsel on Behalf of Nuclear Regulatory Commission
13 Staff

14 ALSO PRESENT:

15 Michael F. Lowe, Director
Palmetto Alliance, Incorporated

16 Jim Jos
Palmetto Alliance, Incorporated

17 Maureen O'Brien
18 Catawba Action

19 Jennifer Phillips
Government Accountability Project

20 Betsy Leviticus
Carolina Environmental Group

21 Larry Davidson
22 Project Q.A. Manager
Duke Power Company

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ALSO PRESENT (Continued)

Mike Childers
Engineering Associated, Design Division
Duke Power Company

Roger W. Ouellette
Licensing Department
Duke Power Company

I N D E X

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
Peter K. VanDoorn	3	132	--	--

1 The Deposition of Peter K. VanDoorn is resumed at the
2 offices of Duke Power Company, Charlotte, North Carolina, on
3 this the 20th day of May, 1983, in the presence of Robert Guild,
4 Attorney on Behalf of the Intervenor Palmetto Alliance, Incorporated;
5 George E. Johnson, Attorney on Behalf of NRC Staff;
6 J. Michael McGarry, III, Anne Cottingham, Ronald Gibson, and
7 Albert Carr, Counsel on Behalf of the Applicant, Duke Power
8 Company.

9 It is agreed that Lynn B. Gilliam, Notary Public in
10 and for the State of North Carolina, may take said Depositions
11 and transcribe the same to typewriting.

12
13 MR. GUILD: Ladies and Gentlemen, are we ready?

14 Good Morning, Mr. VanDoorn.

15 This is the resumed Deposition by Palmetto Alliance.
16 Mr. VanDoorn, with respect to your knowledge concerning Palmetto
17 Alliance's Contention 6 relating to Workmanship and Quality
18 Assurance at the Catawba Station.

19 We adjourned yesterday, the 19th, at approximately
20 5 p.m. in order that Applicant's scheduled Discovery of Palmetto
21 Alliance might proceed. And the Depositions of William R.
22 McAfee and Noland Hoopengardner were taken by Applicants until
23 approximately 12:30 this morning.

24 And we are now resuming where we left off yesterday.
25 I just remind you, of course, you are under oath; and I ask that

1 you recall the ground rules that we discussed yesterday, and
2 if you have any questions about the meaning of any of my terms
3 or if you don't understand a question, please ask for clarifi-
4 cation before you answer. Otherwise, I will assume that you
5 are responding and you do understand.

6
7 PETER K. VANDOORN,

8 having been previously sworn to tell the truth, was examined
9 and testified as follows:

10
11 DIRECT EXAMINATION

12 BY MR. GUILD:

13 Q Before we broke yesterday it was brought to our atten-
14 tion that we were proceeding somewhat in error on the basis of
15 a Document that erroneously reflected that the Corporate Quality
16 Manager, Mr. Wells, departed back approximately at the point
17 where you came on site in February of '81.

18 Do you recall that?

19 A Yes, I do.

20 Q And that Applicants corrected the mistake in response
21 to an Interrogatory of Palmetto Alliance to reflect Mr. Wells,
22 in fact, did not leave for a year later, February of '82.

23 Can you confirm that Mr. Wells, the Corporate Quality
24 Assurance Manager, left in the 1982 time frame?

25 A I believe that is correct.

1 Q It is significant, is it not, Mr. VanDoorn, because
2 for that period of one year a very serious set of developments
3 relating to the Quality Assurance at the Catawba site was coming to
4 light and involved a considerable amount of your official time
5 and duties. Did it not?

6 MR. JOHNSON: I object to the form of the ques-
7 tion. Frame your questions as questions instead of
8 making speeches.

9 MR. GIBSON: I will join in the objection to the
10 form.

11 MR. GUILD: I am trying to summarize and save us
12 a little bit of time, Mr. Johnson.

13 MR. JOHNSON: You are leading the witness.

14 MR. GUILD: That is fine, I'm trying to lead the
15 witness and save us some time. If you insist on ob-
16 jecting at every point to object to form, I will make
17 an effort to restate.

18
19 BY MR. GUILD:

20 Q You know the subject matter, I do not have to go into long
21 detail. You know we are talking about welding inspectors con-
22 cerns at Catawba.

23 A Yes, sir; if that is what you wish to talk about.

24 Q That developed during 1981 at the point where you ar-
25 rived on site through 1982, and we saw yesterday there was a

1 wide range of activity in at least the Region II File.

2 A You are asking about activity concerning welding con-
3 cerns, inspector concerns did not come to light to the Duke
4 people until late '81, the inspectors that did talk to me, until
5 I believe February 1, 1982.

6 Q I would like to specifically direct your attention to
7 some documents, but in any event, the underlying circumstances
8 behind those welding inspector concerns were developed during
9 this time frame, the time frame February '81 when you arrived
10 on site through February '82.

11 A I would disagree with just this statement because this
12 time frame, it wasn't just -- they were not just in 1981.

13 Q They at least covered 1981; did they not?

14 A 1981 was included in the time frame of the concerns;
15 that's correct.

16 Q And they, in fact, were reflected concerns extending
17 back over some years. I'm interested, I think whether or not
18 you had a lapse of memory or whether or not you had independent
19 knowledge of the facts of Mr. Wells tenure as to the Quality
20 Assurance Manager?

21 A I think yesterday when we were talking about when Mr.
22 Grier came in, when Mr. Wells was there I was simply looking
23 at this Document and relying on that date. I was concentrating
24 on your real question.

25 The real question as I understood it was whether I

1 recalled talking to Mr. Wells about the subject of whether there
2 were too many NCI's. That was the concern, the question I was
3 talking to. If it was an error I apologize.

4 Q All right, it may be significant to this subject. Did
5 you deal with Mr. Wells, the man who was Corporate Quality Assur-
6 ance Manager for Duke Power Company, through February of '82?
7 Did you deal with him with respect to the subject of the welding
8 inspector concerns?

9 A I don't recall dealing directly with Mr. Wells involving
10 the welding inspector concerns in 1981. There was a turnover
11 period there, there may have been some initial contact, I don't
12 recall.

13 The primary follow-up inspection was done in 1982.
14 My primary involvement was with Mr. Grier. He came in right at
15 the beginning of the time I began following up these concerns.

16 Q All right, sir; Mr. VanDoorn, when did the welding
17 inspector concerns come to your attention first?

18 A I will try for dates. I believe in January of '82
19 Duke Management informed us that concerns had been expressed to
20 them. We have a memo that has that date accurately. I believe
21 it was January 29 they came forward to us, told us that they had
22 a number of concerns expressed to them, technical and nontechnical;
23 and that they were forming the task force to address those issues.

24 Q Who came to you in what fashion?

25 A There was a meeting in Charlotte concerning another

1 subject. I don't recall what that was, but during that meeting
2 Mr. Warren Owen of Duke Power presented to us, Mr. Bryant and
3 myself and Mr. Lewis of the NRC, as I recall, that they had the
4 concerns expressed to them and they were going to form a task
5 force to address them.

6 Q At this point had you had any concerns expressed to
7 you either directly or indirectly by welding inspectors, them-
8 selves?

9 A There may have been one or two instances; I would have
10 to research the files, nothing to the degree certainly that we
11 are talking about in this particular group of concerns.

12 Q General concerns is a very broad term.

13 A I hear about concerns in a very broad sense almost
14 regularly. That is part of my job, to listen to people and what
15 concerns they have.

16 Q What was the nature of the concerns that you heard
17 either directly or indirectly prior to the Duke Management bring-
18 ing this matter to your attention, Mr. VanDoorn?

19 A I honestly don't recall; I would have to research, as
20 I said I think previously; I believe there were possibly one or
21 two reviews and concerns prior to this group of concerns conducted.
22 We would have to research it to find out.

23 Q Would those be reflected in inspection reports?

24 A It should be, yes.

25 Q Any inspection reports in which you were involved re-

1 flecting inspections in which you were involved?

2 A Yes, there is possibly one somewhere that I may have
3 reviewed a concern on; again, I don't recall every detail of
4 every inspection. We would have to do a little bit of research
5 for you, but there was one that I recall that I stated yesterday,
6 I believe.

7 There was a regional follow-up on some concerns related
8 to the welding program. And again, I don't recall the details
9 but I believe there is a report related to that, and I believe
10 that report specifically states it is involved with concerns.

11 Q Can you help me find that?

12 A I believe it was 81, somewhere in the 20's, possibly
13 30's, 29, something like that.

14 MR. GUILD: Counsel, if that is included in the
15 packet of information that was produced yesterday --

16 MR. JOHNSON: That, I don't know.

17
18 BY MR. GUILD:

19 Q Are you looking for the report?

20 A We can get that number for you.

21 Q That would be a help.

22 A I can't get it here immediately.

23 Q When Duke Management brought to your attention the
24 complaints by the Catawba welding inspectors, what was your re-
25 sponse?

1 A Well, the initial response, I suspect was made by my
2 management.

3 MR. JOHNSON: Do you mean him, personally, or by
4 management?

5
6 BY MR. GUILD:

7 Q I'm asking for the response by the NRC to your know-
8 ledge.

9 A By the NRC, as I understood it, Mr. Bryant and Mr.
10 Lewis would have informed; and I understand they did, to my
11 knowledge. Anyway, the Support Staff and Office of Investigations
12 personnel, fairly soon after returning to Atlanta, I'm not sure
13 to the exact date, I can't speak for him.

14 There was some preliminary reviews done immediately.
15 I should know, I believe that January 29 meeting was on a Friday.
16 If I recall, on February 1st, I believe it was a Monday the fol-
17 lowing week; so very soon thereafter I spent a couple of days
18 listening to some of the inspectors, themselves.

19 As we have stated in the memo, some presented me with
20 Documentation of their concerns and it turned out to be essentially
21 what they had wound up giving to the licensee people. I immedi-
22 ately reviewed the concerns I had in hand to try to get some pre-
23 liminary information as to what the concerns entailed.

24 I did some follow-up interviewing of various personnel,
25 looked at the concerns again, each and every one of them. I

1 kept my management informed as to the results of those reviewed.

2 I immediately called my management as soon as the in-
3 spectors started talking to me, and I said, " Hey, I've got them
4 talking to me now, inspectors talking to me instead of going
5 through Duke."

6 There was a follow-up eventually in which I forwarded
7 the Documentation. I believe you have the forwarding memo on
8 hand which we have released to you which served to send that in-
9 formation into the Region. That, as I understand, was forwarded
10 to Support Staff and Office of Investigations personnel for their
11 review as well.

12 Based on that information our management, as I under-
13 stand it, instructed me to allow some time to pass for some re-
14 views to be done by the Duke people.

15 My initial review included a review of the Duke Programs
16 that were established to look at these things. I was satisfied
17 that they had an objective program in place to review the con-
18 cerns. There would be no cover-up, full retention of records
19 would be available for any future reviews. Copies of the actual
20 concerns would be available for future reviews so there would
21 be no cover-up. There would be objective reviews.

22 We initially determined there was not necessarily a
23 large problem with falsification or harassment. Again, that was
24 certainly based on preliminary reviews. A detailed review ob-
25 viously had not been done at that time. That was the preliminary

1 information that I passed on to the Region.

2 As far as speaking for anything else that they had at
3 their disposal for making their decisions, I can't do that. That
4 was the initial effort, probably most of that done within the
5 first month or so, the February time frame, February/March.

6 Q About the 1st of March perhaps?

7 A I would say most of that preliminary review was pro-
8 bably done by the 1st of March. At that point there was alot of
9 verbal transfer of information until the forwarding memo. I
10 don't recall the date of that forwarding memo where I sent in
11 copies of the concerns. I believe that was a March date on that
12 memo, I'm not sure.

13 MR. GUILD: Do you have a date, Counsel, that
14 would help?

15 THE WITNESS: There was a date on one, I think
16 3/15. Yeah, 3/15/82. That is a handwritten date up
17 there. That would have been forwarded to the Region
18 prior to that. Sometimes those dates don't get on
19 there. What I will do, I will forward a handwritten
20 memoranda into the Region.

21 I only have a secretary one day a week, so it gets
22 tight in the Region. They couldn't change it without
23 talking to me, my handwritten note. And in this case
24 Mr. Bryant signed it for me.

25 I think it was typed in the Region and forwarded

1 on; and it didn't get dated until 3/15, but I'm sure it was
2 dated prior to that.

3 Q In fact, there was a memorandum from Mr. Bryant sug-
4 gesting that you date that 3/15?

5 A A memo from Mr. Bryant suggesting that I date that?

6 Q Yes, as 3/15; suggesting that you date that as of 3/15.
7 You don't recall that instruction that you date that as of 3/15?

8 MR. JOHNSON: I'm showing him part of that file
9 that you are looking at.

10
11 BY MR. GUILD:

12 Q Mr. VanDoorn, you were suggesting that the hand-dated
13 3/15 memo transmitted to the Region might, in fact, have been
14 transmitted earlier; and I think there were instructions that
15 it be dated 3/15.

16 A As I read here, "which Jack Bryant suggests we date
17 as of March 15, 1982," that is a memo of Tobin to Alderson, NRC
18 memorandum. I have no idea why the suggestion was there to date
19 it March 15.

20 There is some delay when it gets sent in the Region
21 and when it gets dated I would assume.

22 Q Now that brings you up through the March time frame.
23 Someplace in March you transmitted to Region II by that memo
24 and that reflected, as you characterized it, the preliminary
25 stage of your participation in the welding inspector concerns

1 review?

2 A I guess that is a reasonable statement.

3 Q If you would, continue and try to describe what the
4 NRC involvement was with this matter from that point further.

5 A Well, Regional Management made a decision that there
6 would be some time allowed for the Duke Task Force to do its
7 investigation. At the same time I continued to review what they
8 were doing, the progress of what they were doing, talking with
9 inspectors.

10 Q I'm sorry; they -- Duke?

11 A When I say "they" I mean Duke; that's correct. Keep-
12 ing abreast of their investigation as to how it was going, as to
13 whether they were discovering anything significant during their
14 investigation. Again, discussing with inspectors regularly the
15 concerns that -- not really in a formal sense, but during my reg-
16 ular routine inspections on the site -- certainly my conversations
17 with various inspectors, that is routine to have those discussions
18 as part of my inspection.

19 And certainly these concerns came up and I listened
20 alot to many people during the process. I continued to do pro-
21 bably some review of some of the more sensitive concerns. I
22 remember at least looking with some detail into one of the recent
23 harassment charges that was included.

24 Q Do you remember that charge?

25 A I believe it was Mr. Jackson's concerns. He is one

1 of the Q.C. inspectors. I did review that in some detail fairly
2 early in this business because of the seriousness of harassment
3 charges.

4 Again, that would be probably still in the stage where
5 I was possibly forwarding things, primarily verbal as far as my
6 information, forwarding to Atlanta. At some point later, of
7 course, I began an indepth review once Duke finished what they
8 call their initial investigation. Certainly they had not com-
9 pleted all their actions or evaluations of that investigation.

10 There were many evaluations and actions called for
11 as part of their investigation. But at that point when they
12 considered their investigation complete, I don't have that exact
13 date. I believe in the middle of March that is Documented in
14 some of the material given to you.

15 At that point I began an indepth review of each and
16 every concern, and that continued for some time. In fact, as
17 I recall, until very late in '82. In fact, I believe the last
18 report was actually dated in '83. That concerned that subject,
19 but the report finally said "Recommend closure of the case."

20 Q By "report," do you mean Inspection Report?

21 A Yes.

22 Q And after the recommendation to close the case --

23 A As I recall the case was closed based on my recommenda-
24 tion. There was some review of the Documentation, certainly,
25 because we had your request during Discovery for copies of that

1 Documentation and subsequent to that we had an FOI Report from
2 the GAP Organization, as you are aware of. So those processes
3 would obviously require some review of that Documentation to
4 make sure we were forwarding you everything that was pertinent
5 to those requests.

6 Q Other than for reviewing purposes of Discovery and
7 the FOIA, is there any further substantive review after the
8 point of your recommendation to close the case?

9 A I can't say that. There really is a continuing review.
10 Certainly some of the recommendations are long-term recommendations
11 in improvements in training, improvements in communication efforts,
12 and so forth. They were developed not solely because of this,
13 but at least partially because of this or they would help correct
14 the situation, so I'm continuing to follow-up in those long term
15 efforts and have since attempted a training term session.

16 It is called Train the Trainer, so there is an attempt
17 to improve training and there is a continuing follow-up and we
18 certainly reserve the right to re-opt for follow-up for anything
19 that comes, any additional concerns that come to light we will
20 treat like new concerns.

21 To say nothing additional is being done would not be
22 proper. The case, itself, as I understand it, is closed. So
23 any further follow-up has been not technically, I guess, in that
24 case file, but as part of routine inspections essentially.

25 Q Does that complete your description generally of the

1 NRC's response within your knowledge to the welding inspection
2 reports?

3 A I would say that is a general description.

4 Q Let me show you a Document that was released yester-
5 day, Regional Office statement dated July 30, 1982; and it has
6 the initials JB, memorandum to D.G. Isenhut to Lewis (indicating).

7 On Page 11 of that Document -- first of all if you
8 would look at Pages 11 and 12, do you have a copy, Counsel?

9 MR. JOHNSON: No.

10

11 BY MR. GUILD:

12 Q Take a moment and examine 11 and 12 and tell me if that
13 is an accurate description of the NRC processing of the welding
14 inspection reports as you understand it.

15 MR. GUILD: Do you have a copy, Mr. Johnson?

16 MR. JOHNSON: I have an incomplete copy.

17 MR. GUILD: Maybe I could have mine back and you
18 could look on Counsel's, Mr. VanDoorn. That would
19 help me.

20 THE WITNESS: I would say that is a pretty good
21 description of the status at that time that was written.
22 There are some things in here, without having the status
23 report here in front of me, I don't know if I can actu-
24 ally verify numbers of concern or things like that.

25

1 BY MR. GUILD:

2 Q If you can, is there anything in there that appears
3 to be inaccurate to you?

4 A Not just based on my initial reading here, no. If
5 you have any questions I'll be glad to answer them.

6 Q The second paragraph under that heading, "Q.C. Welding
7 Inspectors expressed their concerns to the SRI;" Is that you?

8 A Yes.

9 Q Were there welding inspectors that expressed their con-
10 cern to you on that day?

11 A At that time, yes.

12 Q Did additional welding inspectors express their concerns
13 to you?

14 A Yes.

15 Q How many others?

16 A That is privileged information.

17 MR. GUILD: Well, Mr. Johnson, I see you advising
18 your client. If there is an assertion of an objection
19 or privilege, I would ask that you do that for Counsel
20 on the Record and not whisper in your client's ear.

21
22 BY MR. GUILD:

23 Q How many welding inspectors expressed concern to you?

24 A We try to protect the identity of confidential informants,
25 but revealing the exact number of informants, that would serve

1 indirectly to provide Duke information leading to the identifica-
2 tion of the individuals; so throughout we have, as you are aware,
3 asserted this privilege and deleted numbers from appropriate
4 Documents; and this is merely a part of protecting the identity
5 of the people who came to the NRC.

6 MR. GUILD: All right, sir; Mr. Johnson, can I
7 ask why the number of inspectors who expressed concern
8 to the SRI is revealed in the FOIA Document but is
9 deleted from the comparable description that has been
10 produced in Discovery?

11 MR. JOHNSON: If you could show me the Document
12 that you are referring to I'll try to answer.

13 MR. GUILD: Counsel, I'm showing you May 18, '82,
14 to Mr. Bryant from Alderson attached to your April 8
15 Second Supplemental Response, including Documents on
16 this subject. If you will note there is a deletion
17 of the second sentence, "Concerns which are expressed
18 to him by "blank" welding inspectors at the Catawba
19 site."

20 MR. JOHNSON: May 18, 1982, "The two memos Document
21 the concerns which were expressed to him by "blank" ...
22 welding inspectors."

23 MR. GUILD: Yes.

24 MR. JOHNSON: What is the question?

25 MR. GUILD: Why are you releasing a specific

1 number of the FOI, and you are asserting privileged
2 information in the Discovery?

3 MR. JOHNSON: What Document are you referring to?

4 MR. GUILD: This Document was attached to the
5 stack of papers you gave me yesterday.

6 MR. JOHNSON: I understand, but you have had it
7 since February 14, 1982.

8 MR. GUILD: The question remains, is there a
9 reason why you deleted the number in the Documents
10 produced here in this Second Supplemental Response;
11 and the number is included here?

12 MR. JOHNSON: Okay, you referred to a Document
13 in FOIA, and I didn't know what you were talking about.
14 The reason is this discussion here is a discussion of
15 the entirety of Mr. VanDoorn's investigation, and does
16 not discuss, per se, the people who came individually
17 to him.

18 And the number of people who came to him on that
19 basis is being protected, not the number of people
20 as part of his overall investigation of the welding
21 inspector Task Force Report.

22 THE WITNESS: As I recall this memo here, if I
23 may comment, this number crossed out there would have
24 served to tell you the total number of welding inspectors
25 that came to me, and that particular Document that had

1 the three simply said three of those came to me on
2 February 21st. In other words, that was the beginning
3 of when they talked to me.

4 That is my understanding of it so in essence, this
5 protects the total and that does not reveal the total.

6 MR. GUILD: How about explaining this one (indica-
7 ting)?

8 THE WITNESS: I cannot explain why something was
9 crossed out.

10
11 BY MR. GUILD:

12 Q Let me show you a memo from VanDoorn to Alderson, the
13 hand-dated 3/15 memo, the first sentence. "Personnel requested
14 appointments with me to discuss ..." et cetera. Is the explana-
15 tion the same?

16 A Yes, it is.

17 Q And Mr. VanDoorn, do you have anything to add to the
18 reason why that deletion was made in this Document produced in
19 Discovery but the reference to three is included in the Document
20 we had reference to a moment ago?

21 A I don't know absolutely why something was crossed out
22 of one and not the other. I didn't do the cross-out and wasn't
23 involved in what was being crossed out.

24 Q Who did?

25 A The Discovery I think when the case file was released

1 was Regional personnel. I don't know who physically did it.

2 MR. JOHNSON: I am in a better position to answer
3 that question: The two Documents we are talking about,
4 let me try to get them both in front of me.

5 One Document was released as part of this overall
6 summary back in September 1982. That one you referred
7 to as the FOIA Document, that was a July 30 memorandum
8 to Isenhut that was released to you and the parties
9 on September 14, 1982. That was part of the overall
10 review of the welding inspectors Task Force; and the
11 Region did not attempt to assert any privilege as to
12 any of those numbers.

13 I don't think they focused on that problem at that
14 time. Nobody addressed it, but I don't think it re-
15 veals the number of individuals who came on the basis
16 as confidential informants to the NRC to Mr. VanDoorn.

17 MR. GUILD: On February 1, 1982, quoting from that
18 same Document, the Isenhut memo, Counsel, "Three Q.C.
19 Welding Inspectors expressed their concerns. Each
20 Q.C. Inspector was concerned that Duke was whitewashing
21 the problems. The Q.C. Inspectors were content that
22 active pursuit to the complaints, the three stated that
23 a lack of support had existed for years, and that they
24 were expressing their concern strongly now that they
25 had the attention of off-site management for the first

1 time." Does your explanation stand?

2 MR. JOHNSON: I don't understand what you are
3 driving at, what information are you trying to obtain?

4 MR. GUILD: What I'm trying to obtain is the ob-
5 vious inconsistency and deleting information in Discovery
6 where that confidence has already been revealed in a
7 memo disseminated to all the other parties in this
8 case back in September.

9 MR. JOHNSON: There would appear to be on the
10 face of it some inconsistencies.

11 MR. GUILD: Yes, sir; there certainly would.

12 MR. JOHNSON: But as I said before, this does
13 not reveal the number of people who came to the NRC
14 on this confidential basis.

15 MR. GUILD: It reveals that three came on February
16 1; does it not, sir?

17 MR. JOHNSON: Yes, it does.

18 MR. GUILD: And again, you were going to help me
19 understand who made the deletions from the Discovery
20 materials, sir.

21 MR. JOHNSON: Mr. O'Reilly from our staff.

22 MR. GUILD: Thank you.

23

24 BY MR. GUILD:

25 Q Mr. VanDoorn, I want to direct your attention to this

1 hand-dated 3/15/82 memo. Counsel, do you have a copy you can
2 show him? It is the memorandum to Alderson from VanDoorn.

3 MR. JOHNSON: The date again?

4 MR. GUILD: Yes, it is hand dated 3/15/82 in the
5 upper right hand corner.

6 MR. JOHNSON: There are several; which one is it?

7 MR. GUILD: On February 1, 1982.

8 MR. JOHNSON: Yes, that's correct.

9

10 BY MR. GUILD:

11 Q Do you have that in front of you?

12 A Yes.

13 Q Take a moment to review that.

14 A I wrote it, I don't think I have to review it. Just
15 ask questions.

16 Q Tell me whether that is an accurate reflection of the
17 information that came to your attention by way of those Q.C.
18 welding inspectors on the date referenced, February 1, 1982?

19 A There is a description of the concerns that they ex-
20 pressed to me somewhat. Paragraphs, obviously, at least in part;
21 is that what you are asking?

22 Q I want to know, the question is: Is it an accurate
23 description?

24 A It is a description of the concerns that they expressed
25 to me, yes; in that sense it is accurate. The memo comes to no

1 conclusions, however.

2 Q What is the nature of the deletion that appears after
3 the date February 1, 1982, in the first line of the body of that
4 memo?

5 MR. JOHNSON: That is a number.

6 MR. GUILD: Is that the number three?

7 MR. JOHNSON: If I told you I would be revealing,
8 first of all, I don't recall what the number is.

9 MR. GUILD: Mr. VanDoorn, do you recall?

10 MR. JOHNSON: I would invite you not to answer
11 but to the extent you know.

12 MR. GUILD: Do you know? Counsel, ask him to
13 answer the question if he knows or not.

14 MR. JOHNSON: I will ask him to answer the ques-
15 tion; does he know the answer to the question?

16 THE WITNESS: I think I know what the answer is,
17 yes.

18

19 BY MR. GUILD:

20 Q Turn to the other deletions in the body of that memo.
21 There appears a deletion of an entire line and two partial lines.
22 Do you see that?

23 A Yes.

24 Q After the question reading "Each individual expressed
25 his concern, i.e., to see that the concerns were related to the

1 recent pay adjustments ... " What is the nature of the deleted
2 material?

3 A Those were words which would have served to identify
4 individuals which came to me. As I recall those words were not
5 a description of their concerns. They were simply descriptions
6 of those persons as to who they are. I assume that is why it
7 was crossed out.

8 MR. GUILD: Counsel, can you confirm that is the
9 nature of the material and the basis for the deletion?

10 MR. JOHNSON: Yes, there is not substantive infor-
11 mation about the nature of the complaints as far as I
12 can recollect.

13 I right now cannot recall what exactly was blanked
14 out there; but it was information that would have either
15 directly or indirectly served to identify the individuals.

16
17 BY MR. GUILD:

18 Q Do you have something to add, Mr. VanDoorn?

19 A (The witness shook his head negatively.)

20 Q Now, am I correct in understanding, Mr. VanDoorn, this
21 represents the first written reflection of the information that
22 came to you from the welding inspectors on February 1, 1982?

23 A As I recall this memorandum served to forward the Doc-
24 uments given to me by the inspectors and to provide a general
25 description of that discussion that I had with them. As I recall

1 this would probably been the first memoranda that I would have
2 sent to the Region.

3 Q All right, sir; were there any other writings that
4 memorialized the information that came to you prior to this?

5 A Prior to this?

6 Q Prior to this, yes?

7 A I don't recall that there was. As I said, I believe
8 this to be the first in a series of Documents, of course, that
9 were submitted to the Region; if that answers your question.

10 Q Not exactly, but let me ask if I can focus a little
11 better: Did you make any handwritten notes of the February 1
12 communication from the welding inspectors?

13 A Certainly I did; I make handwritten notes whenever I
14 talk to people. They served as the basis for my description here.

15 MR. JOHNSON: Let me advise Counsel that in the
16 Discovery Response there is an index, and the index
17 reveals there were handwritten notes attached to several
18 of these Documents; and the number of pages and the
19 types of notes are indicated.

20 MR. GUILD: Can you help me with this particular
21 point, Counsel; and that is the question to the witness
22 were handwritten notes made by him of the initial com-
23 munication, the February 1 communication.

24 MR. JOHNSON: That, I think he better answer.
25

1 BY MR. GUILD:

2 Q The answer was there were; and are those referenced
3 in the index?

4 A I would have taken initial handwritten notes, in this
5 case as I recall, probably a page or two of handwritten notes
6 regarding each of the inspectors. And then as I recall I para-
7 phrased the results of what was expressed to me concerns.

8 A portion of that, certainly, appears in this
9 you know, the most important, the most serious accusations were
10 paraphrased in this memo. Of course, as I said previously, the
11 inspectors gave me some Documentation; and as I recall, I put
12 a handwritten cover sheet on each package, a single sheet, as
13 I recall, stating this package is from X inspector.

14 This is a description of him and his background, etcetera.
15 Again, I would have paraphrased his concerns on that sheet, proba-
16 bly transferred from my rough notes; and I attached that to each
17 of the packages that the inspectors had given me. That is as
18 I recall it.

19 MR. GUILD: Counsel, can you help me? Are those
20 notes reflected in the index that you directed our
21 attention to?

22 MR. JOHNSON: I'm not the best judge.

23 THE WITNESS: I think those were the notes he was
24 referring to.

25

1 BY MR. GUILD:

2 Q Can you help me find those? I'm looking at Attachment
3 "A" to your April 8 Response.

4 MR. JOHNSON: I believe the Attachment that he
5 is referring to are Item 13. They were attached to
6 Item 12, this VanDoorn to Alderson memorandum of 3/15/82;
7 Allegations concerning the welding inspection at Catawba
8 Nuclear Station. Is that the one we are talking about?

9 MR. GUILD: Yes.

10 MR. JOHNSON: And there were three or four pages.

11 THE WITNESS: There is a paragraph there that says
12 "See notes with Duke Q.C. Inspectors." That says six
13 pages, apparently, so that would have been, it would
14 appear to me we were talking to the three inspectors,
15 probably two of those, and handwritten pages, I'm not
16 sure it was equally divided -- that would, I believe,
17 that handwritten cover sheet or sheets, apparently a
18 couple sheets for each one describing the inspector,
19 paraphrasing his concerns, and attached to those sheets,
20 to each of those packages that he actually gave me,
21 himself.

22 MR. GUILD: All right, Counsel; is it clear that
23 all of those notes, the Item 13, has been withheld?
24 They have all been withheld and the reason is stated
25 there and in the accompanying pleading.

1 THE WITNESS: I would reiterate that the infor-
2 mation was of such a detailed nature, both as to the
3 names of individuals concerned, the numbers of the
4 FOIA's that were involved, the handwritings, duplica-
5 tion of exact materials in the welding Task Force Re-
6 port that you have, so that that and the specific al-
7 legations were specific enough so that you could, through
8 any number of means, have taken those Documents that
9 are here deleted, sit them next to the welding inspector
10 Task Force Report which you have or which Duke has,
11 and compared the materials and fairly easily deduced
12 who it was that came to the NRC.
13

14 BY MR. GUILD:

15 Q Mr. VanDoorn, have any of the materials that are described
16 in Item 13 which we have just discussed become available to Duke
17 Power Company?

18 A Not that I know of; I can't answer for Duke, but to
19 my knowledge --

20 MR. JOHNSON: Are you talking about one, two and
21 three? I think he misinterpreted your question to a
22 certain extent. To the extent that the NRC Inspector
23 was given Documents that had already been given to
24 Duke, of course, Duke had those Documents and a number
25 of those Documents that are deleted here in Item 13 were

1 of that nature.

2 It even says so, it says "Documentation submitted
3 to Duke and received from Duke." And these people
4 who came to the NRC, itself, I was informed had also
5 submitted this material to Duke.

6 Some of even the handwritten notes. I'll let
7 Mr. VanDoorn talk.

8 THE WITNESS: Essentially what they gave me was
9 the same thing they had given Duke. Duke requested
10 these people to write each and every concern and sub-
11 mit it to them.

12 Obviously these inspectors are smart enough to
13 keep copies, and they gave me a copy, yes. If we had
14 released that Duke could have compared what I had and
15 they would have known who came to me.

16
17 BY MR. GUILD:

18 Q But again, it is our understanding --

19 MR. JOHNSON: That was one of the major justifi-
20 cations, besides protecting the identity of these individ-
21 uals, is that all concerns were made available already
22 and you had them and those substantive matter that has
23 been raised by the Task Force and the individuals who
24 came to us would go unseen.

25 MR. GUILD: Counsel, my concern is I have another

1 four-inch stack of Documents yesterday, many of which
2 were file Documents from the Nuclear Regulatory Com-
3 mission that had not been revealed prior to this and
4 that are substantive.

5 So you will pardon me if I press on the issue
6 of whether or not, in fact, your presumption is accur-
7 ate that Palmetto Alliance or the other Intervenors
8 in this Licensing Proceeding did, in fact, have access
9 to the information that we now know is available to
10 Duke Power and to the NRC Staff, but may not be avail-
11 able to the rest of the parties.

12 MR. JOHNSON: That is not a conclusion that you
13 could draw from the deletion of these Documents. There
14 is a distinction between what you have just said and
15 the point I'm trying to make, which is all the material
16 that is deleted and identified here, you have either,
17 in fact or in substance, whether other items were placed
18 in the initial Discovery Response or the Supplementary
19 Discovery Response and subsequently identified in the
20 Freedom of Information Act Response, that is another
21 matter.

22 One reason I brought yesterday this material with
23 you was so that any gaps that existed in the initial
24 Response would be filled; and I gave you the material
25 as a Supplemental Discovery Document Response.

1 MR. GUILD: Yes, Thank you.

2

3 BY MR. GUILD:

4 Q Mr. VanDoorn, has any other information with respect
5 to the welding inspector concerns been transmitted to the Regional
6 Office to your knowledge prior to the transmittal reflecting
7 Items 12 and 13 here?

8 A As I recall, that was the initial written transferral
9 of information. I believe you have asked that three times now.

10 Q I apologize if I should have gathered that information.

11 A It is a long day. It was a long day yesterday; I would
12 like to answer some different questions. It is more interesting
13 that way.

14 Q Do you log telephone calls that you make for the Regional
15 Office?

16 A Only if we are being charged for them.

17 Q You don't maintain a telephone log reflecting activity
18 in the file?

19 A No, I don't.

20 Q Do you maintain a personal diary that reflects telephone
21 calls?

22 A I generally lay my daily notes, I have a fairly large
23 fold-over calendar, and I typically use that to record, you know,
24 what might be going on that particular day. Primarily I use that
25 to control myself administratively.

1 Q But you would likely, as a matter of course, note a
2 telephone call if it was important to your supervision, particularly
3 on say a matter of some uniqueness and importance like these
4 welding inspection reports?

5 A Yeah, I may have noted -- whether it would be on that
6 calendar or some other Documents -- of course there were many,
7 many handwritten notes of course during the course of this invest-
8 igation, very lengthy, very many hours. I had at one time certain-
9 ly handwritten notes as to what the process was and what not.

10 We don't really have a requirement, I don't believe,
11 to retain all of our handwritten notes. So anything I did have
12 on the subject has now been forwarded, certainly, to the Regional
13 Staff. I did forward to them alot of handwritten stuff, that is
14 whatever I had retained.

15 Q All right, so I understand the handwritings that are
16 described in Item 13, so I'm not asking you to repeat that again,
17 but any other handwritings on the subject, tell me what they are
18 and if and when you transmitted them to the Regional Office.

19 MR. JOHNSON: That is a pretty broad question.

20 MR. GUILD: Yes, make a stab at it, if you would,
21 Mr. VanDoorn. I don't want to miss anything.

22 THE WITNESS: I don't wish to miss anything either,
23 but it is very difficult to recall each and every Doc-
24 ument they may have forwarded to the Region. I can
25 give you at least one example that I recall, and there are

1 multiple pages. But when I conducted the interview
2 process I made notes of what each of those gentlemen
3 said. You have to take notes if you make an interview.
4 You want to record what they say, just like you are
5 doing now.

6 I had a sheet of sample questions, I took that
7 sheet and put it in front of me when I was talking
8 to each of the inspectors and inspectors' supervision
9 during my interviewing, and I made notes of what each
10 fellow said.

11 The Region has that.

12 MR. JOHNSON: Since I know where you are going,
13 those Documents have been withheld in the FOIA request
14 response for the same reasons we withheld, well, not
15 exactly the same reasons; but in order to protect the
16 confidentiality of the information that we got from
17 the informants, the answers to the questions that are
18 written on those, what he has was a series of xeroxed
19 or copied pages of questions that were all the same
20 questions, I believe.

21 And we had a name on each page and the answer that
22 he got when he talked to each of the individuals. This
23 was the overall review that he did; and we have withheld
24 those attachments. Those were attached to a summary,
25 which it is a typed summary which was called a synopsis.

1 The synopsis, you have; you obtained that from Duke
2 Power Company, actually. Was that dated December 20,
3 1982 -- in any case, you have that Document but the
4 underlying work papers of which that synopsis is a
5 part related to, you don't have, and a privilege under
6 the FOIA Act, exceptions are asserted and was trans-
7 mitted, apparently, to GAP yesterday.

8 MR. GUILD: Since you brought the subject up,
9 Counsel, let's see if we can clarify this: I want to
10 show you a Document and ask if this is the so-called
11 "synopsis" the Counsel has reference to?

12 MR. JOHNSON: Yes, it is.

13 THE WITNESS: Yes, it appears to be it.

14
15 BY MR. GUILD:

16 Q Did you prepare that synopsis, Mr. VanDoorn?

17 A Yes, I did.

18 Q Did you type the synopsis; how was this actually --

19 A I think my secretary did. My wife may have; she helps
20 me out on days I don't have a secretary.

21 Q Can you help me understand how it was prepared? Did
22 you have handwritten notes?

23 A I prepared that from those handwritten notes of the
24 interview process Mr. Johnson just described.

25 Q Was there a handwritten draft of this synopsis that

1 was then typed?

2 A Certainly, how could they type it if there wasn't a
3 handwritten draft?

4 Q That is what I'm asking you. Where is that, sir?

5 A As far as I know, in the waste somewhere after it is
6 typed.

7 Q Was this transmitted to Atlanta for typing?

8 A As I say, I actually involved my wife in a couple typ-
9 ing duties to help me out; probably my secretary.

10 Q All right, sir. I will represent that Counsel accurately
11 described the source of this material, at least to Palmetto Alli-
12 arce; and that was from an attachment to an April 29, 1982 letter
13 from Counsel for Duke Power Company, Mr. Gibson.

14 If you know, Mr. VanDoorn, how did this synopsis come
15 into the possession of Duke Power Company?

16 A I gave them a copy, Mr. Grier.

17 Q When did you do that?

18 A Repeat the question.

19 Q When did you do that?

20 A It would have been in the approximate time frame of
21 the date on the synopsis, I assume, or sometime in September,
22 perhaps a week or so after that. I don't recall exactly.

23 Q Why did you give it to Mr. Grier?

24 A In the interest of forwarding information to him which
25 certainly may be beneficial in affecting improvements that in

1 my estimation there was nothing new that was a substantive result
2 of the interview. However, I did feel that the results of the
3 interview did indicate that a continuing effort should be imple-
4 mented by Duke in the communications area and not just, you know,
5 try to implement some improved information.

6 Initially so many of the concerns related to a break-
7 down in communications, and I was expressing primarily to Mr.
8 Grier to keep pushing communications and keep attempting to cor-
9 rect that communications.

10 In that sense we typically, you know, give results of
11 inspections to licensees; certainly in course of our inspection
12 anything we give to them, obviously, would have to become part
13 of the NRC File at some point.

14 Q Yes; and you retained a copy of the synopsis in your
15 file?

16 A I retained the original, I believe; and I believe that
17 was forwarded to the Region.

18 Q Why was this Document not made available to Palmetto
19 Alliance?

20 A It was made available to Palmetto Alliance. It is my
21 understanding Duke gave it to you during the initial Discovery.
22 It is my understanding you did not get it from us during initial
23 Discovery; but I was aware that you had had it from Duke.

24 It had been at my desk, but it was not yet forwarded
25 to the case file. That may further be the reason.

1 Q You had it in your records?

2 A I had, it's been in my file; yes, sir.

3 Q And at the time of the request; as far as you know
4 it was not in the Region II Case File?

5 A I don't believe it was at the time that the initial
6 Case File was released to you. I don't believe it was; that is
7 true.

8 Q Why would you have released it to Duke Power Company
9 but not have included it to Region II for the original Case File?

10 A I looked upon it basically as notes I had summarized,
11 the synopsis, in my other memoranda to the Case File; I had
12 forwarded the results of those notes already to the Case File.

13 In other words, the various things I was trying to
14 show in my review were already in the Case File, that synopsis
15 added nothing substantive to the file. As far as I was concerned
16 the results were in the file already.

17 Q Why did you see it as important enough to give to Duke
18 Power?

19 A As stated previously, if there is a minor problem that
20 somebody has requested, or some problems that strictly relate to
21 construction progress or something like that, we do tell them
22 when somebody expresses concerns to us if it is not substantive
23 from a Quality Assurance standpoint.

24 We may not do anything from the NRC standpoint, as
25 stated previously; licensee has a right to know the results of

1 our inspections. We give it to Mr. Grier to impress upon him
2 the need to continue to work on maintaining good communications
3 within the Q.C. organization.

4 Q Did you give it to him at his request, Mr. VanDoorn?

5 A No, I offered it to him.

6 Q Did you give it to him face to face at a meeting?

7 A I believe I did.

8 Q All right, was the meeting, did the meeting include
9 a discussion of the subjects of your welding inspector concerns?

10 A It included a discussion of that synopsis, yes.

11 Q Describe that meeting if you would, sir.

12 A A discussion of the synopsis and results with each of
13 the things stated in the synopsis. I wanted to see if he had any
14 questions, basically.

15 Q Did he?

16 A As I recall, there was some discussion, some questions
17 as to what I might have meant in the synopsis; and you know that

18 --

19 Q What were his questions?

20 A I don't recall every detail; there was one question,
21 at least, if you will read that it says all but one NAA, and it
22 was confusing as to exactly what I meant.

23 Q I refresh your recollection and show you again that
24 Document; and help me understand what you are referring to, sir.

25 A For instance, there was a "support for inspectors has

1 improved and is now generally adequate," and I said all except
2 one NA comment, and I said yes except with comment concerning
3 needed improvement. I explained to him that was all agreed with,
4 the comments except one, and he made comments that additional
5 improvements were needed, so there was one that had some comment
6 about additional improvements.

7 Those comments about additional improvements would be
8 included within the other comments on the synopsis.

9 Q What does "NA" mean?

10 A If I say "NA" in there, that means the comments he did
11 not have knowledge of it, "Not Applicable." There were questions
12 about do you feel the Task Force effort was adequate, and I talk-
13 ed to not only inspectors that were concerned and had efforts
14 within the Task Force, but others who wanted a broader overview,
15 other inspectors that had concerns.

16 In other words, if you see some NA's, it means that
17 might not have been applicable to a certain number of inspectors.

18 MR. GUILD: Counsel, do you want to advise Mr.
19 VanDoorn?

20 MR. JOHNSON: No, go ahead.

21
22 BY MR. GUILD:

23 Q I will show you the Documents to which that synopsis
24 was appended (indicating). Have you seen that before, also
25 dated 20 December '82, Mr. Grier's note to file?

1 A Yes, I got a copy of this a couple days ago.

2 Q Had you seen it before then?

3 A No, it was an Internal Document. I was not aware of
4 it.

5 Q How did you see it a couple days ago; do you recall?

6 A I believe the licensee informed me there were some
7 things released, and I said "Can I have a copy; I would like to
8 know what it is?"

9 Q Did you receive a copy of the attachment to this April
10 29 letter from Duke Power?

11 A No, I just received that memo you showed me. I didn't
12 receive that whole package, as I recall.

13 Q That is Mr. Grier's memo to his file; and I believe it
14 reflects your conversations you have just described at which you
15 submitted the synopsis of your interviews; is that right?

16 A His perception of that discussion would be here, yes.

17 Q Take a look at it and if you would, tell me if it is
18 a complete and accurate reflection of your discussions.

19 A As I said, I can't recall each and every word of that
20 meeting.

21 Q To the best of your recollection.

22 A I would say that is a pretty good description. He
23 dwells most of the time on the communications related issues;
24 and that was the primary reason for that meeting, to try to effect
25 continued effort in that area. Do you have specific questions?

1 Q No; do you have any other comments about it? To the
2 best of your recollection is that a complete and accurate reflec-
3 tion?

4 A To the best of my recollection.

5 Q All right, sir.

6 THE WITNESS: Are we on break?

7 MR. GUILD: No, sir; would you like one?

8 THE WITNESS: Well, we might as well go for the
9 lunch hour.

10 MR. GUILD: What time do you have?

11 THE WITNESS: 11:30.

12

13 BY MR. GUILD:

14 Q All right, I show you a Document released to you yes-
15 terday by your Counsel and described as a part of the Freedom
16 of Information Act request; and I ask you if you can read that,
17 please?

18 A I believe that is a memorandum forwarded to Mr. Vorce
19 during the course of the inspection of the concerns.

20 MR. GIBSON: Can you identify the date of that?

21 MR. GUILD: It doesn't appear to have a date.

22

23 BY MR. GUILD:

24 Q Can you supply a date, Mr. VanDoorn?

25 A That would be sometime around the spring of '82, some-

1 time between the initial forwarding of the Documentation received
2 from inspectors and an Alderson memo which you also have advising
3 me to go ahead and conduct an interview. Somewhere between those
4 two dates I would roughly place it around. I'm not sure; apparent-
5 ly the Region did not date it mistakingly or somebody didn't
6 date it. But it may be June '82.

7 MR. GIBSON: And who is the author?

8 THE WITNESS: This is a memo to J. Y. Vorce, V-
9 O-R-C-E, Chief Investigator, from myself, P. K. Van-
10 Doorn and through Mr. Jack Bryant.

11 MR. JOHNSON: Excuse me, you Objected to our wit-
12 ness's being available. You Objected to the presence
13 of Duke Power Company's witnesses yesterday, potential
14 witnesses yesterday. I would like to Object to Mr.
15 McAfee's presence.

16 MR. GUILD: Mr. McAfee's Deposition has been
17 completed already.

18 MR. GIBSON: I would like the Record to reflect
19 Mr. McAfee has entered the room and Applicants join
20 the Objection and request that he be excused under
21 the same ground rules as set forward by Mr. Guild
22 that people would not sit in on the Depositions.

23 MR. GUILD: Mr. Grier is present, but you have
24 already completed your Deposition of Mr. McAfee last
25 night.

1 MR. GIBSON: We just join NRC's Objection.

2 MR. JOHNSON: We have no notice to take the
3 Deposition of Mr. Davidson.

4 MR. GUILD: No, but I informed Applicants I
5 sought to take Mr. Davidson's Deposition.

6 MR. JOHNSON: He is not a Deponent. I don't see
7 any distinction. We wasted a good deal of time yester-
8 day over the issue, and I don't understand what is
9 good for the goose is not good for the gander. If
10 we are going to play games, let's play it by the same
11 rules; and if Mr. Davidson had to be excused, I believe
12 Mr. McAfee should be excused.

13 MR. GUILD: I don't believe it is Applicants' --
14 given the fact he has already been deposed, Mr. Johnson.

15 MR. GIBSON: In addition, Mr. Guild, I believe
16 you represented that Mr. McAfee was unavailable for
17 Depositions during the day time hours, regular business
18 hours; and it is now roughly 20 minutes to 12 during
19 the day time as opposed to night time, and he is here.

20 We just join Mr. Johnson and the NRC Staff Objection
21 and Submit that the same rules apply.

22 MR. GUILD: I'm glad you have taken note of his
23 working hours. Mr. McAfee came from work to the Depo-
24 sition, and he has no work today and is here present
25 at my request to assist Palmetto Alliance in preparing

1 for Litigation of Contention 6. I know there are two
2 technical Duke Employees in the room. I don't object
3 to the Corporate Assurance man's presence, but I would
4 desire to have Mr. Afee present so he can hear the
5 testimony and assist.

6 MR. JOHNSON: Okay, but I only wish you would be
7 as accommodating to the other parties as we are to you.

8 MR. GUILD: Well, I think the Applicants' have to
9 speak for themselves, but if you press your Objection
10 I will ask Mr. McAfee to leave. I'm just stating that
11 I have a need for his presence and it will hinder our
12 preparations if he is excused while there a number of
13 Duke people qualified in Q.A. listening to this testi-
14 mony.

15 So it is not exactly an even-handed -- but I will
16 accede to your wishes if you wish to press that Objection.
17 Do you?

18 MR. JOHNSON: No.

19 MR. GUILD: Mr. Gibson for the Company?

20 MR. GIBSON: We will defer to the position of
21 NRC.

22 MR. GUILD: Mr. McAfee, welcome.

23 MR. McAFEE: Thank you all.

24

25 BY MR. GUILD:

1 Q The memo which we were referring to, it was published
2 approximately May, June, '82 time frame, and it is not dated?

3 A To the best of my recollection I don't know the exact
4 date.

5 MR. GUILD: Counsel, can you help me? Is this
6 memorandum reflected in the index attachment "A" in
7 the Index to the Supplemental Responses reflecting
8 Documents?

9 A No, it is not.

10 Q Can you tell me why not?

11 A I don't know why not except that the first I saw it
12 was in reviewing the FOI Response, so I believe it was just a
13 mistake that it was not forwarded in Discovery previously.

14
15 BY MR. GUILD:

16 Q Did anyone, Mr. VanDoorn, characterize it as a mistake?

17 A No, it is my surmise; no one told me what the circum-
18 stances were.

19 Q Mr. VanDoorn, the subject of this memo from it's face
20 appears to be allegations involving Q.C. welding inspections,
21 and the case number is reflected in that subject heading; is it
22 not?

23 A Yes, it is.

24 Q That has been as a matter of course included in the
25 case file?

1 A I would assume so. I can't say exactly what was in
2 the case file when. It is a memo which served to further document
3 my follow-up of those concerns.

4 Q All right, sir; is that an accurate reflection of in-
5 formation in your possession and in your opinion at the time of
6 its publication? Are there any errors now known to you?

7 A During the review process I was trying to obviously
8 paraphrase inspectors as to what they were saying, as I recall.

9 Q Yes?

10 A And trying to pick out key issues in those concerns;
11 and in the interest in keeping the Region informed so they could
12 make an informed decision, it is an interim memo.

13 The review had not been completed at this time, so
14 at this time there was no absolute conclusions drawn at this point.

15 Q Is it complete and accurate as of that date?

16 A I would say it is not complete. As I say, we were in
17 the process of certainly doing some of the reviews. As I recall,
18 the normal interviews had not been completed. In fact, the pri-
19 mary reason I sent this memo, as I recall, was to ask the Region
20 if their decision should be to involve an investigator.

21 I was asking, you know, for them to make that decision.

22 Q An investigator of what sort do you mean?

23 A Someone from the Office of Investigations.

24 Q Yes, sir; are there any errors of facts contained in
25 that? If so, would you correct them?

1 A You mean typographical errors?

2 MR. JOHNSON: Do you mean by errors, errors of
3 fact?

4 MR. GUILD: I would appreciate the witness ans-
5 wering the question. If he doesn't understand he can
6 say so.

7 THE WITNESS: The words, as I recall, are based
8 on what the inspectors said. I was not trying to draw
9 conclusions in here. Some of these words appear like
10 there may be a conclusion.

11 I was trying to say hey, if factually what they
12 have said is true, that was the intent of the memo --
13 do you feel or you know they had other information than
14 this for one thing, this is only one memo, as I said.

15

16 BY MR. GUILD:

17 Q I'm sorry, "they"?

18 A Region II, excuse me. The intent of the memo based on
19 the Senior Engineer description, the worst possible thing that
20 could possibly be true -- in other words, I talk about harassment
21 here. I talk about an old case, one case, an old case and some
22 specifics; and realizing these are very sensitive issues I felt
23 to be clean, as it were, to protect myself, obviously I will
24 officially say , hey I did ask, obviously, that that decision
25 be made.

1 Q The decision?

2 A It is not my decision whether an investigator be in-
3 volved.

4 Q That is the decision you are referring to, an OI in-
5 volvement?

6 A Yes, and this was to ask them to advise me prior to
7 any formal interviewing. Does that answer your question?

8 Q I appreciate your explanation, but are there errors of
9 fact? Take a moment and review the memo, understanding your ex-
10 planation of the contents.

11 A Again, there is a statement at this time frame; for
12 example, it does appear that some of degree of falsification of
13 Records has occurred. That, again, was based on saying absolutely
14 what a particular inspector might have said is true without com-
15 pleting the indepth review process.

16 Again, as I recall, this was fairly early in the time
17 when I was still reviewing in more depth.

18 Q May or June of '82 approximately?

19 A It may have been slightly earlier than that. Unfortun-
20 ately we didn't get a date on this memo. I think at this time
21 perhaps dealing with falsification, I did not have, I didn't feel
22 that there was intended falsification at that time.

23 But depending on who is interpreting the definition of
24 falsification, again, I took a very conservative approach, as I
25 recall, when writing this memo that by the broadest definition

1 of falsification, it would appear that some degree of falsification
2 has occurred. I think in our further reviews there was further
3 verbal discussions after this memo directly with the Office of
4 Investigations.

5 I believe I recall discussing that further, more details
6 with them; and there was some additional review, specific reviews
7 of these concerns as expressed.

8 As I understand, it is by the Office of Investigations.
9 They physically looked at what the inspectors were saying and I
10 provided additional information in addition to this.

11 Q Yes?

12 A There was some time between this memo and the absolute
13 decision was made that I conduct the interviews.

14 Q As opposed to an OI representative?

15 A As opposed to an OI representative. I would have most
16 likely been present anyway. It is a more formal situation of the
17 process, talking to Technical Assistants, you need your Technical
18 Assistance. We would involve a technical person in the interview
19 process as well.

20 Q As well as a trained investigator?

21 A In the cases where a trained investigator were involved,
22 yes.

23 Q You are not a trained investigator, are you?

24 A I have conducted formal interviews with investigative
25 personnel. I have experience in that area.

1 Q I understand that, but your background is technical?

2 A I am not a trained criminal investigator like OI in-
3 vestigators are, yes. That is true, I didn't receive the same
4 degree of training.

5 Q Do you stand by what you said in this memo?

6 A I'm not exactly sure what you mean, "stand by what
7 you said." I have repeatedly said at this stage where there was
8 preliminary reviewing, I took a very conservative approach in
9 that memo.

10 There was additional information as well.

11 MR. JOHNSON: You are trying to get him to try
12 to contradict himself. You have asked the question
13 other times in different ways. I think he tried to
14 answer.

15 MR. GUILD: I think he did, too. What I'm trying
16 to do, Mr. VanDoorn, if you have anything you would
17 like to add with respect to explaining either the contents
18 or preparation of this memo; but more particularly, fact-
19 ual information contained in the memo that you now be-
20 lieve to be untrue or inaccurate or incomplete.

21 I just want to give you the full opportunity to do
22 that. At this time I would like to understand that so
23 I don't presume there is information here that you now
24 believe to be inaccurate.

25 THE WITNESS; That memo talked about falsification

1 and harassment. There are two memos, falsification
2 and harassment. Do you agree to that?

3 MR. GUILD: Certainly; you are an investigator.

4 THE WITNESS: I got to ask a question. Those
5 are very serious key issues. The final results of
6 this overall effort showed that there, in fact, was
7 no falsification and no harassment by our definition
8 of harassment and falsification.

9 So in that sense the final results of this effort,
10 if you take this memo out of context and sent it to
11 somebody, obviously it is going to be misleading. The
12 final results, as it applies to this memo, said there
13 was no falsification or harassment.

14 That memo taken out of context would not conclude
15 there was falsification or harassment.

16
17 BY MR. GUILD:

18 Q You say it does appear that some degree of falsification
19 or Records has appeared. That is what you say.

20 A That is what I say; I wanted to get their attention to
21 look into it, be sure that they did not need to involve investi-
22 gative personnel.

23 Q So some involvement of inspection by craft has occurred?
24 primarily verbal. Do you stand by that?

25 A That served to be later characterized as more argument

1 than harassment. That is what I'm trying to clarify.

2 Q One instance involved a craft person pointing a rifle.
3 The craftman quit apparently before he could be fired.

4 A (The witness nodded his head affirmatively.)

5 Q Did you later reach the conclusion that that instance
6 did not occur?

7 A I did not specifically, as I recall at that time, ver-
8 ify that a rifle had been pointed. As I recall to the best of
9 my recollection, I did discuss with certain people when it was
10 revealed to me, yes, indeed, the gentleman was gone the next day.

11 So in that sense the situation was taken care of.

12 Q All right, I guess the question was, I guess the ques-
13 tion I'm trying to understand, Mr. VanDoorn, after you completed
14 your final indepth review and reached your ultimate conclusion
15 which you have described, did that ultimate conclusion include
16 specifically a rejection of the rifle incident?

17 A No, we did not reject that as being a false incident,
18 as I understand it.

19 Q Did you reach a conclusion one way or the other whether
20 the rifle incident actually occurred?

21 A I think we assumed that it probably did occur.

22 Q But because the craftman left the next day you concluded
23 that it had been taken care of. Is that fair?

24 A No, it is not fair; in a sense it is too narrow. We
25 looked at all the harassment charges. We looked at the program

1 for harassment and the more recent harassment issues. Since this
2 fellow quit there may not be a recourse or something filed, but
3 I didn't look at that particular recourse in detail. You know,
4 we look at alot of things; harassment, there is a number of things
5 you approach harassment on, whether it is arguments or disagree-
6 ments or really harassment.

7 Q Let me focus on the rifle incident. Why didn't you
8 investigate that and reach a further conclusion?

9 A Why didn't I investigate that and reach a further con-
10 clusion?

11 Q Yes.

12 A Many things taken into consideration, the age of the
13 incident, that was one of several arguments basically. The fellow
14 was gone, we percieved no other harassment. We looked for harass-
15 ment in inspection since that incident and found none and found
16 none during the course of many years of inspections out here. Based
17 on all of that review and based on my more specific review of more
18 specific incidents, we concluded there was no harassment problem
19 at Catawba.

20 Q Do you agree that the rifle incident did represent a
21 case of harassment?

22 A Not necessarily.

23 Q Would you explain that?

24 A Yes, we looked for several things, what the cause of
25 the incident was -- when you are talking, some craftsmen, you know,

1 have personal arguments with someone or whether it relates to
2 actual harassment because the inspector turned down a weld or
3 something as an example.

4 Certainly whose fault it is, you have millions of hours
5 of contact between contacts and Q.C. inspectors. By the time you
6 get done with a project such as this there are going to be argu-
7 ments and disagreements and individual related incidents.

8 The key thing is that we try to make sure that they are
9 not excessive arguments because they could lead to what we would
10 term as a harassment problem if the harassment had not been led
11 to, for instance, anything less than the quality of the inspection.

12 That is something we consider very strongly. You could
13 not have a project like this and not have disagreements. Dis-
14 agreements are not necessarily harassment. Harassment, to our
15 sense, has to be more of a continuous thing, and for it to become
16 a strong issue, we approach it very carefully; but we do make
17 the determination as to whether it is affecting the quality of
18 the inspection.

19 We do insist that the leasees do have a good program
20 to review these charges when they are brought forth and they, in
21 effect, investigate each of the charges. We do not reinvestigate
22 every recourse charge that the licensees have. We cannot possibly
23 look at each and every charge every time they have an employee
24 that has a complaint.

25 Obviously when they come directly to us we look at each

1 case very carefully.

2 Q You characterized the rifle incident as a charge of
3 harassment at the time of this memo.

4 A I believe I was including it as an example of possible
5 harassment; that's correct.

6 Q Do you conclude that the pointing of the rifle by the
7 craftsman at an inspector was not related to inspection work?

8 A I don't recall that I did. I can't remember the results
9 of each and every concern.

10 Q This is probably one of the more prominent ones. You
11 highlighted it in this memo.

12 A Yes, it is; as I recall there was some sort of person-
13 ality conflict involved in this situation. I don't recall the
14 details, I'm sorry.

15 Q Do you recall specifically whether or not you dismissed
16 any connection between the pointing of the rifle by the crafts-
17 man at the inspector and the inspector's review of that craftsman's
18 work?

19 A Would you repeat that, please?

20 Q Sure, did you determine it wasn't work related?

21 A Not totally unwork related, as I recall; no. Certainly
22 when you have personality conflicts, you know, if that happens
23 to be between an inspector and a craftsman and he is involved in
24 inspecting, it will further aggravate the situation.

25 Q You note in this memo that D.P.C. has recognized the

1 falsification issue and you reference pages of the D.P.C. Task
2 Force Report. Is that accurate?

3 A Again, falsification issue, in a sense of that memor-
4 anda it was defined very broadly, very conservatively. In the
5 end there was no falsification. I don't believe at that point
6 Duke called it falsification. I believe at that point they felt
7 based on their investigation that it was simply bad communications
8 or lack of perfect communications, if you will.

9 Q You called it falsification.

10 A Well, I would have to read the note.

11 Q Please do and refresh your recollection.

12 A I believe, as I said, it appears that some degree of
13 falsification of Records has occurred.

14 Q With respect to the Duke characterization, you called
15 it falsification. I'm not suggesting that you called it that,
16 but Duke called it that.

17 A You are saying I said Duke called it that?

18 Q No, that was your characterization: "D.P.C. has recog-
19 nized the falsification," to paraphrase.

20 A Yes, I wouldn't read that as a conclusion. They simply
21 have recognized the falsification issue, meaning they have recog-
22 nized the specific concerns that there could be a question of
23 falsification on that.

24 Now again, trying to fairly characterize, please tell
25 me if this is correct. This represented your recommendation for

1 specific involvement of O.I investigator for conducting interviews
2 to follow-up on Duke's work.

3 A I believe you asked me was I recommending an O.I involve-
4 ment.

5 Q Yes, sir.

6 A The primary purpose was not to recommend an O.I. involve-
7 ment. I would have to read the words again.

8 Q "Due to the sensitivity of concerns described generally
9 above, I feel that Region II I.N.C. should review these concerns."
10 That is Region II investigation?

11 A Yes, I felt they should do some very thorough review
12 of the concerns. I didn't know what they had read at that time.
13 They have already read the stuff submitted.

14 Q Conducting and/or placing persons under oath should
15 be under the direction of Region II I.N.C. That is investigation?

16 A Yes, what I was saying, if we really considered that
17 there may be a good chance that there is a falsification/harass-
18 ment issue, my understanding is that we would always involve O.I.
19 people; and if we put people under oath that has to be under the
20 direction of O.I.P. If we do the formalized investigation, I have
21 interviews and we don't have to, but we do put people under oath
22 and that, I was not qualified basically to do, to do the oath.

23 Q Is it fair to understand when you say "interviews con-
24 ducted concerning the more sensitive issues," and I will leave
25 out the rest of the part, somebody under the direction of Region II--

1 is that your suggestion, whatever words fit your sense of it to
2 these people of that is what should happen?

3 A At the time frame of this particular memo my leaning
4 was to suggest involvement of investigative people.

5 MR. JOHNSON: Can I interrupt for just a second?
6 You are really kind of beating this thing to death;
7 and I understand your concern, perhaps, in my opinion --
8 what my opinion is I know is irrelevant --

9 MR. GUILD: That is true.

10 MR. JOHNSON: You are very concerned about what
11 the staff involvement is, obviously. However, we do
12 have a limited period of time before today is over and
13 I don't want to tell you how to do your Deposition --

14 MR. GUILD: Thank you.

15 MR. JOHNSON: --- But we do have a limited period
16 of time, and we do have some other witnesses coming on
17 later, and I think you ought to try to proceed a little
18 more expeditiously. If this is the main thing you want
19 to talk about, go right ahead; but it seems to me we
20 ought to try to move ahead.

21 MR. GUILD: I appreciate your suggestion, Mr.
22 Johnson. Do you have any other explanation as to why
23 this memo didn't come to us until yesterday morning?

24 MR. JOHNSON: I gave the information as I saw it
25 for the first time. As I said in reviewing the informa-

1 tion packets that came forward from the Region in re-
2 sponse to the F.O.I.A.request, and you can believe I
3 was a little annoyed that I saw it for the first time;
4 but I don't have an explanation why it wasn't produced.

5 MR. GUILD: Can you tell me when was the first
6 time you saw it, Mr. Johnson, since we are involved
7 with F.O.I. involvement?

8 MR. JOHNSON: I believe it was sometime last week.

9 MR. GUILD: Why didn't you make it available to
10 Counsel since you were concerned about it and appreciated
11 it should have been produced in Discovery? Why didn't
12 you make it available to us last week, sir?

13 MR. JOHNSON: I made it available as soon as I
14 could.

15
16 BY MR. GUILD:

17 Q Why didn't the Office of Investigation become involved,
18 Mr. VanDoorn, in the effort as you suggested or indicated in this
19 memo?

20 A That was the Regional decision, an O.I.A. decision,
21 informed decision. But they are the ones that made that decision.

22 Q O.I.A.?

23 A Office of Investigation Personnel.

24 Q And that was a decision by the Regional level and by
25 the Office of Investigation?

1 A I don't know physically which person or persons made
2 the decision. I'm sure it was a joint decision, but I would
3 have to defer that question to the Region. They made that, "they"
4 meaning O.I.

5 Q With respect to that decision, what transpired after
6 you transmitted this memo, I am speaking of the Vorce memo?

7 A I was continuing at that point to review in much more
8 indepth, each of the concerns. That continued for some time.
9 I avoided the formal interview process until I received a memo
10 from Alderson to myself, I suspect through Mr. Bryant, that you
11 have which did say in essence to go ahead and give the interview.

12 Q All right, sir; is this the Alderson memo you have re-
13 ference to dated May 18, 1982 (indicating)?

14 A No, I don't believe that was the one; it was a later
15 one, a much shorter one.

16 Q Help me, if you would, I have ---

17 A Do you have all of the memos here?

18 Q I have only what your Counsel gave me. I don't know
19 whether it is all of them or not.

20 A I believe it is September 30, 1982 memo.

21 Q Yes.

22 A A memo for Jack Bryant through Mr. Lewis from Mr. Alderson
23 but it, in fact, directed that I should feel free to conduct in-
24 terviews with the individuals expressing the concerns, where it
25 was necessary to obtain more specific information. This, in essence

1 was telling me to go ahead and conduct the formal interviews.

2 Q Does it say "conduct formal interviews?"

3 A That is what it meant.

4 Q Is there another guidance that explained that meaning?

5 A There were verbal discussions between myself and Mr.

6 Bryant.

7 Q How about yourself and Mr. Alderson?

8 A I don't recall that conversation, if there was one.

9 Q Was it Mr. Bryant that instructed you to conduct the
10 interviews?

11 A Well, the combination of certainly Mr. Bryant, since
12 he was my immediate supervisor at that time; and of course this
13 memoranda would serve to allow me to conduct interviews.

14 Q Let me understand, Alderson sent the memo to Bryant,
15 who was your supervisor; and in consultation with Mr. Bryant
16 you interpreted this instruction coupled with his guidance to
17 indicate that you should conduct the interviews?

18 A I guess that is a fair statement.

19 Q What was Mr. Bryant's guidance specifically, with
20 respect to your indepth review, your further review?

21 A About the whole thing, are we talking about specifically
22 interviewing?

23 Q Specifically in response to following the receipt of
24 of the Alderson memo?

25 A Just very basically he instructed me that we had been

1 given the authority to go ahead and conduct some formal interviews
2 with the inspectors who had concerns; and that I was going to be
3 allowed to do that without the involvement of the Office of Investi-
4 gation.

5 Q Now I'm trying to understand a little bit better this
6 May 18, '82 memo to Bryant from Alderson. It indicates that Alder-
7 son has reviewed two memoranda, both dated March 15, 1982, from
8 Mr. VanDoorn. Help me understand the identification of those
9 two March 15, '82 memos; would you, sir?

10 A I would assume that -- I don't recall two -- but I
11 assume that the major one is that memo we discussed previously
12 dated 3/15 which forwarded the actual handwritten concerns of
13 the inspectors to the Region.

14 Q I guess there was two, I don't know. There were two.
15 Can you help me, Counsel?

16 MR. JOHNSON: Do you want me to take a look at it?
17 That was one and this was the other (indicating).

18 MR. GUILD: Thank you.

19
20 BY MR. GUILD:

21 Q Mr. VanDoorn, I show you again the May 18, '82 memo
22 to Mr. Bryant from Mr. Alderson (indicating); and did you receive
23 a copy of that memo?

24 A I don't believe I did, no. It appears to be part of
25 the Internal decision making process which occurred in the Region.

1 Q Have you seen it before today?

2 A I'm trying to recall; I have seen so many, sure. I
3 believe at one point as we had been looking through, I think
4 what George has had here; I guess he has all copies of every-
5 thing that was sent out. I recall, you know, having seen this.
6 I don't have a personal copy of it, but I haven't really read it
7 in detail that I recall.

8 It is not addressed to me and I was not on distribution,
9 in short.

10 Q Were you aware -- let me direct your attention to the
11 last paragraph. "It would be a good idea to have VanDoorn scan
12 over what the Task Force has done to this point to insure that
13 the specificity identified above to reveal the concern ---".
14 Are they your efforts to determine adequacy of their follow-up,
15 which require a monumental amount of man power; were you aware
16 of either that specific observation by Mr. Alderson or the sub-
17 stance?

18 A I was aware of Regional concerns. I was not aware of
19 those specific words at that time. Again, I was not on the dis-
20 tribution of the memo. My understanding of the Regional concern
21 was that pretty early in the game we wanted to make sure, in fact,
22 at the time of this memo I had already done quite a bit of review-
23 ing of their program to review the concerns.

24 We wanted to make sure that certainly everything was
25 above board and full and complete records were being maintained;

1 and that they were going to, in fact, do an objective review of
2 the concerns.

3 That was certainly a Regional concern that an adequate,
4 objective job was going to be done by the licensee and nothing
5 was going to be covered up.

6 Q How do you understand the use of the term "hand-waving"?

7 A Not taking a serious enough and objective enough approach
8 in the evaluation.

9 Q Is that synonymous with whitewash or cover-up?

10 A I don't know if it is synonymous; I would say it is
11 similar.

12 Q Did you or do you now disagree with the decision at
13 the Region not to involve O.I. Investigators directly in the
14 indepth review of the Catawba Welding Concerns?

15 A Do I disagree?

16 Q Did you or do you disagree?

17 A I did not and do not presently disagree with the action
18 the Region is taking.

19 Q Mr. VanDoorn, do you understand them to have rejected
20 your recommendation that O.I. be so involved in reviewing the
21 welding concerns.

22 A I don't think we have characterized that as an absolute
23 request by myself that O.I. be involved. I think we characterized
24 it as that time frame if someone were to ask me at that moment,
25 maybe in the end there may well be some O.I. involvement in further

1 reviews, further discussions, et cetera. It led to not having
2 that involvement, and I agree with what happened subsequent to
3 that time.

4 Q Let me see if I can get a fair --

5 A Are you asking me if I would agree with not having O.I.
6 involvement? As I understood your last couple of questions, I
7 said I agree with that.

8 Q All right, so I shouldn't read this memo as reflecting
9 a difference of opinion on your part with the ultimate decision
10 by your supervision?

11 A I do not have a different professional opinion from my
12 supervision.

13 Q Yes, and you did not at that time?

14 A I did not; that's correct.

15 Q Mr. VanDoorn, I want to understand generally what mat-
16 erials were available to you in conducting your indepth review
17 and reaching the conclusion which is reflected by the Documents
18 here regarding the Catawba welding inspectors' concerns. Some
19 materials came your way, as you have testified by way of actual
20 interviews with inspectors and Documents they provided. Is that
21 true?

22 A Correct.

23 Q And as Counsel has stated, NRC has an interest in pro-
24 tecting the confidentiality of persons who came to you in confid-
25 ence with concerns; true?

1 A That's correct.

2 Q And trying to respect that confidence, what I'm trying
3 to understand is to form a basis for reaching a conclusion about
4 the adequacy of your work, what information was available to you?
5 Do you follow the drift, the direction I want to approach?

6 A What information in way of documentation, written matter,
7 was available for me to conduct my inspection?

8 Q That's right; I want to fairly understand, Mr. VanDoorn,
9 whether or not you had all of the evidence, shall we say, that is
10 now available to us, to me, from a variety of sources, when you
11 reached the conclusions that you did.

12 And if there are things that you had not seen, whether
13 or not that would affect the outcome of your decision. Do you
14 understand my line of inquiry?

15 A My understanding is I had everything I needed to come
16 to an adequate conclusion. I had all of the actual concerns as
17 submitted, all of them; not just the specific ones presented to
18 me privately.

19 Q That is what I'm trying to understand. Did you have
20 all of the, I will characterize, the raw written complaints from
21 Catawba welding inspectors to Duke Management available to you
22 before you reached your final conclusion on the matter?

23 A I did have them available; yet, I did not have the
24 originals in my possession, they were in Duke's possession at
25 the time I reviewed them, but I did have them available.

1 Q And did you review them?

2 A Yes, sir; I did.

3 Q Included in those were interview logs conducted by the
4 Catawba Welding Inspector Task Force?

5 A Evaluation sheets, I believe they called them.

6 Q You have those, I'm not asking about a specific one;
7 but on the top of this stack is a form. That is one of them
8 (indicating); is it not?

9 A Yes.

10 Q That was filled out regarding each of the forms?

11 A Yes, technical evaluations involving individual concerns;
12 yes.

13 Q Do you understand there were also a number of earlier
14 documents that were from welding inspectors, many in handwriting,
15 some in typewriting, referred to by a variety of different terms;
16 but all reflecting the complaints and concerns, that those were
17 made available earlier than these technical evaluation interview
18 sheets to Duke Power?

19 A Without knowing exactly what Documents you are referring
20 to it is difficult to answer that question.

21 Q You understand that welding inspectors first went to
22 Duke Management with written complaints. Do you understand that?

23 A Which complaints are you talking about?

24 Q I'm talking about welding inspector complaints that
25 went to Duke Management.

1 A Which complaints?

2 Q Technical, non-technical?

3 A There were technical, non-technical and recourse con-
4 cerning the pay issue. I was aware of them.

5 Q And they went in written form to Duke Management; were
6 you aware of that?

7 A I was aware written complaints were submitted to Duke
8 Management.

9 Q Yes, and some of those complaints, those Documents,
10 were made available to you as early as February 1, 1982, in the
11 Documents that the welding inspectors carried to you; is that
12 right?

13 A I did receive separate copies of what some inspectors
14 had given to Duke, if that is what you are asking.

15 Q That's right.

16 A I did verify that what I received was, in fact, dupli-
17 cated and evaluated by Duke.

18 Q How did you verify that?

19 A I reviewed what they had.

20 Q What Duke had?

21 A Yes, compared to what I had.

22 Q All right, sir; fine, so you had access to all of the
23 written complaints from all of the welding inspectors that had
24 been made available to Duke Management when you did your indepth
25 review?

1 A We are talking now, the Task Force effort; we are talk-
2 ing about a five year period, as far as I understand, what the
3 inspectors submitted to them I had available to me.

4 Q At Duke?

5 A At Duke; yes, sir.

6 Q And you reviewed those in the course of reaching your
7 conclusion?

8 A Yeah.

9 Q All right, sir.

10 MR. GUILD: Mr. Gibson, what I would like to
11 try to understand is this: If we can sort of reach
12 a stipulation or at least reach an understanding, what
13 I'm trying to inquire of Mr. VanDoorn is whether or not
14 essentially the materials that have since been made
15 available to Palmetto Alliance in Discovery with respect
16 to welding inspector concerns had earlier been available
17 to Mr. VanDoorn and to NRC in performing their review.
18 Can you assist me in reaching the conclusion whether
19 or not that is accurate?

20 A I don't know if I can supply that
21 information to you, Mr. Guild.

22 MR. GUILD: Is the answer you don't know?

23 MR. GIBSON: I really don't know, Mr. Guild.

24 MR. GUILD: Can Counsel for the Applicant help
25 me to understand at least where I can get that informa-

1 tion? I can shorten my examination quite considerably
2 if I don't have to show the witness every piece of
3 Discovery material that has been made available. What
4 I'm trying to understand is whether or not materials
5 that have now been made available in Discovery on this
6 issue to Palmetto Alliance have earlier been made avail-
7 able to the NRC as a basis for Mr. VanDoorn's and the
8 NRC's conclusion on this matter.

9 MR. GIBSON: Mr. Guild, it is my understanding
10 that the Applicant made available to NRC everything
11 available to Applicant. That is a statement of Counsel.

12 I don't know how you can, through this Deposition,
13 reach the kind of conclusion or make the determination
14 you want to make today other than to say to you it is
15 my understanding in this instance or all instances where
16 Duke has been dealing with NRC they have made Documents
17 available.

18 I don't know how else to answer that.

19 MR. GUILD: I'm looking for your letters, Mr. Gibson,
20 transmitting information to me. I guess I will just
21 have to go through this.

22 MR. JOHNSON: Is this April 12 letter something
23 you are looking for?

24 MR. GUILD: Yes, that is a help.
25

1 BY MR. GUILD:

2 Q I want to show you, Mr. VanDoorn and Counsel for the
3 Applicants, Mr. Gibson as well, this is an April 12, 1980 letter
4 from Mr. Carr to me. That included some Discovery material rel-
5 ative to the welding inspector concerns; and it has four attach-
6 ments to it that describe the schedules of Documents.

7 I would ask if you would, sir, first Mr. VanDoorn, if
8 you would examine those attachments, schedules, and can you tell
9 me whether or not those materials were available to you and whether
10 or not you reviewed them in your review of this matter?

11 A I did not review information relative to McGuire and
12 Ocone as referenced.

13 Q Are those materials just for your information deleted
14 from the actual materials produced? I don't have those either,
15 Mr. VanDoorn.

16 A Just a status memo here, I think would be insignificant;
17 but I did not review that.

18 Q You are looking at Attachment One?

19 A Number two.

20 Q There are memos referenced, for instance, three and
21 four?

22 A I talk about the period of forwarding memos of Pages of
23 the concerns or something like that, all of the various Duke for-
24 warding memos and that type of thing would not be pertinent to
25 the investigation. I would not need to review those and certainly

1 some I did not see. I did see the management plan they are talk-
2 ing about which appears to have been attached to the memo. I
3 did review that.

4 Without seeing some of these here, I am not going to
5 be able to say, I would think notes and drafts from C. N. Alex-
6 ander's files, for instance number five, drafts, I would say pro-
7 bably not.

8 Q I gave you number 10 which appears to list the 14 or
9 15 inspectors.

10 A I would assume that is a reference to those handwritten
11 documents submitted by each of those inspectors, and I did, in
12 fact, have those.

13 Q The handwritten Documents, you had those?

14 A Duke had the originals. I did review the originals.
15 I used a copy in my inspection process because I was writing on
16 it and making notes as I went along; but I did verify I had a
17 copy of what they had in the file.

18 Q So you not only reviewed the originals but you had a
19 copy that you kept for yourself in your file?

20 A Yes, I did.

21 Q I'm not sure what number 12 is.

22 A A summary of concern, if that was an official part
23 of the concerns I had it; but it might have been a handwritten
24 summary or something. Number 12, I was aware of Mr. Eurby's
25 concerns and the actions taken addressing that concern and the

1 memos associated with that. I'm not sure I read the forwarding
2 memo listed here.

3 Q I'm sorry, 13 was Eurby's concern?

4 A I don't know that I actually had the memo, but I assume
5 that transmits it. It says it transmits R.W. Eurby's written
6 concerns, and I had all the written concerns and evaluations of
7 those concerns.

8 I may not have read the memo. It was probably just a
9 forwarding memo. There appears to be some handwritten notes re-
10 ferenced in 15 which I don't recall reviewing.

11 Q What is the description there, sir?

12 A I would assume handwritten notes, Number 15.

13 Q Does it say who is --

14 A Zwissler was the M.A.C. Consultant.

15 Q Were you aware that Mr. Zwissler made handwritten notes
16 of interviews of many of the same welding inspectors and also of
17 a number of Duke Management and Supervision in the course of his
18 involvement?

19 A I would assume that all of the Task Force persons main-
20 tained handwritten notes of the interview and subsequently recorded
21 them on the evaluation sheets.

22 Q Did you review any of Mr. Zwissler's handwritten notes?

23 A No, not handwritten notes; he did in his handwriting,
24 write comments on the evaluation sheets; and in that sense I
25 would have reviewed them.

1 MR. GUILD: Mr. Johnson, do you have something?

2 MR. JOHNSON: No.

3 MR. GUILD: Would you like to take an opportunity
4 to advise your client?

5 MR. JOHNSON: Go right ahead.

6 THE WITNESS: There is a number of Documents in
7 here, without going over each and every one of them,
8 that relate to pay-related issues.

9
10 BY MR. GUILD:

11 Q Yes?

12 A And I'm not concerned with pay-related issues, okay?

13 Q Yes.

14 A And obviously, I would not have reviewed those Documents
15 and in Attachment Two there appears to be a number of Documents
16 regarding that.

17 Q What is the title of Attachment Two?

18 A Description of Non-Technical Comments to Interrogatory
19 25.

20 Q Those were issues that you did not review; is that a
21 fair characterization?

22 A No, non-technical would be broader than that. The pay
23 issue portions of the non-technical concerns, I would not have
24 gotten involved with. We don't decide who is paid enough and
25 not enough.

1 Q Under Attachment Two identify then the items that you
2 did not review?

3 A Do you have an hour?

4 Q As long as it takes, sir.

5 A I don't recall some of these things, whether I had them
6 or not, to be honest. I will not be able to tell you on each and
7 every one, looking at a date and memo from somebody to somebody;
8 some I had and some I didn't have.

9 Q Tell me to the best of your recollection which ones
10 you had and didn't have, Mr. VanDoorn.

11 MR. JOHNSON: He already said he couldn't say
12 which he had and which he didn't have exactly.

13 THE WITNESS: I don't think it would be accurate
14 enough; I think it might be, in order for me to go
15 through this and review it for anything, what may have
16 affected my review process, would that be fair?

17 MR. GUILD: That is a fair characterization, Mr.
18 VanDoorn. The bottom line is I'm trying to get a fair
19 understanding of your conclusion and how you reached
20 that conclusion; and the only references I have that
21 any materials that haven't been produced to me were
22 maintained in Duke files that you reviewed.

23 I see no other means in arriving at the answer
24 to my question.

25 THE WITNESS: We are talking about a specific num-

1 ber of concerns in handwriting and evaluations concern-
2 ing each of these concerns. I had copies of each con-
3 cern. I did not review every internal memo or draft
4 or handwritten note that Duke had during the process
5 of this review.

6 I did review each and every concern and made sure
7 each was covered and properly evaluated, whether they
8 were making notes and this appears or that appears, and
9 one person's impression of what somebody said or what-
10 ever was transported to Official Documentation was at
11 my disposal.

12 I was satisfied that was proper review of this
13 regarding pay issues or in-process workings of Duke,
14 I don't feel is relative to my decision that they have
15 done a proper review.

16 Let me at least glance through these pages.

17
18 BY MR. GUILD:

19 Q Please do.

20 A This Attachment Two appears to be, from what I under-
21 stand, a document which was produced fairly recently about any
22 disagreement between inspection personnel and licensee personnel,
23 is that alot of their internal recourse proceedings -- I would
24 assume that is what this is. This is not, in essence, necessar-
25 ily the same group of documentation as we were talking about in

1 the Welding Inspector Task Force?

2 Q I can't answer that question, and that is what I'm ask-
3 ing you.

4 A I'm telling you I reviewed the Welding Inspector Task
5 Force, if that is what you are asking. I had available to me
6 everything I needed to make that review. I didn't look at each
7 and every recourse that the licensee has.

8 We stated previously we do not look at each and every
9 disagreement that the licensee has with their people. We do look
10 at the programs to see ourselves that the program is adequate.

11 We do not get involved with the licensee personnel
12 or their management. It is an impossible task; most of these
13 appear to be personnel related, primarily; I would say in essence,
14 most of this I did not review and most does not relate specific-
15 ally to the welding inspector concerns, which is the primary rea-
16 son I am here to address.

17 Q That is Attachment Two, Mr. VanDoorn?

18 A Yes.

19 Q Anything else on Attachment Two, whether you had access
20 to those documents and their significance?

21 A Certainly I had access; I can't tell you their signifi-
22 cance without reviewing -- how can I tell their significance with-
23 out -- I mean based on what I say here, I don't see anything here
24 that is necessarily specific to the welding concerns. I would
25 have to interview these to say most appear to be more personnel

1 issues and promotions, up-grading, that sort of thing.

2 Q Again, my interest is what you had available to you
3 with respect to the welding inspector concerns. Do you see any-
4 thing, whether you had access to them or whether or not you re-
5 viewed them?

6 A I had access to any Duke files that relate to anything
7 we were charged with reviewing.

8 Q Listen to me for one second; you have looked at attach-
9 ments to --- which of these documents did you review in reaching
10 your conclusion with respect to the welding inspector concerns?

11 A I may have reviewed some of them, some of them I may
12 relate to the welding inspection concerns. I did have a few memos
13 involved in our files. We would just have to sit down and compare
14 to be able to answer that.

15 As I say, most of these appear to be personnel issues.
16 A few may relate to welding concerns.

17 Q If you would turn to Attachment Three, if you would
18 read the heading and then the same question with respect to that:
19 Tell me if those were reviewed, if you know?

20 A Some of them I may have reviewed. I'm not going to
21 be able to tell without looking at the document. Some of these
22 appear to be rather routine question and answer interchanges;
23 and you know, unless there was in the end a significant concern
24 by some of these individuals that was not adequately addressed,
25 and you can't tell by this, there is constant interfacing.

1 obviously, with their Q.C. personnel and their management as to
2 how should we do this, how should we do that. I don't get into
3 each and every one of those. It is impossible and unnecessary
4 to do our job to have to do that.

5 Q Anything else to add with respect to Attachment Three?

6 MR. JOHNSON: Mr. Guild, what I don't understand
7 is if you have these documents why are you asking him
8 to tell you based on this index whether he reviewed the
9 documents? Why don't you just show him the documents
10 and he can say much easier whether he looked at them
11 or not.

12 MR. GUILD: Fine, Mr. Johnson; I was trying to
13 follow your suggestion earlier and expedite the matter.
14 If we need to go back to the documents, perhaps I could
15 ask if Counsel for the Applicant could provide the ori-
16 ginal document.

17 MR. JOHNSON: The documents attached to those in-
18 dexes were provided to you. They also appear in the
19 Document Room.

20 MR. GIBSON: The Document Room is available to
21 you for Discovery.

22 MR. GUILD: If we need to for Mr. VanDoorn to
23 answer the question --

24 MR. JOHNSON: I'm not suggesting as a requirement --
25 he is doing the best job he can looking at the index.

1 I'm not advising you to lengthen the Deposition; it
2 is already too long. But I think you are asking him
3 to do something that is pretty difficult to do.

4 MR. GUILD: Mr. Johnson and Counsel for the Appli-
5 cant, I want to understand what was available to the
6 NRC to reach the conclusion. I asked you to assist
7 me in doing that and you said you wouldn't.

8 MR. GIBSON: That is not correct, Mr. Guild.

9 MR. GUILD: Excuse me, if the only way is to have
10 him examine the documents and the Applicants have re-
11 tained the documents in the Document Room, I would ask
12 for some technical personnel to assist me in putting
13 my hands on them.

14 MR. GIBSON: With respect to those documents that
15 are subject to the index being reviewed by Mr. VanDoorn,
16 those documents were sent to you all at once or at vari-
17 ous times as a part of the documents made available and
18 copied for you.

19 As we have indicated, an original of those documents
20 or copies are in the Document Room.

21 MR. GUILD: Fine.

22 MR. GIBSON: Now the net effect of what you are
23 saying is you are asking a Discovery request of Counsel
24 for us to identify what was made available to the NRC
25 Staff as a part of their investigation. I don't think

1 that is proper at this point, so do not characterize
2 what we are doing as not making something available or
3 not cooperating. You have those documents, you could
4 have brought them. They are in the Document Room. If
5 you want to get them, that is up to you. You can con-
6 duct this Deposition --

7 MR. GUILD: I appreciate the speech; now let's
8 Adjourn the Deposition. Do you have somebody to tell
9 me where they are?

10 MR. GIBSON: Mr. Guild, they are under the same
11 heading as before. They have a label on the wall and
12 you can do that if you wish.

13 MR. GUILD: I'm asking for some help.

14 THE WITNESS: I would like to repeat, in my initial
15 review of --

16 MR. GUILD: You will hold on, please. Now the
17 question is can someone help me put my hands on these
18 documents? Counsel, will you help me?

19 MR. GIBSON: I think you can opt the opportunity
20 by simply going to the Document Room.

21 MR. GUILD: Fine, I have an April 14 letter with
22 four attachments. Will I find those Documents in the
23 Document Room?

24 MR. GIBSON: One of us will accompany you to the
25 Document Room. These are the documents that have been

1 provided to you. Can we Adjourn and get those docu-
2 ments?

3 MR. GUILD: Can we go back on the Record?

4 If we can take a brief Recess that will be fine,
5 Mr. VanDoorn.

6 I would like to make available those documents
7 and ask you as best you can to review them and then
8 answer my general question, which is to identify which
9 of those were available to you and which were reviewed
10 by you in the course of reaching your conclusion with
11 respect to the welding inspector concerns.

12 THE WITNESS: Just from reading this Index, I
13 will tell you that a number of these things were not
14 reviewed by me. Certainly they were available, as
15 was the availability of all witnesses.

16 It would take hours to wade through each of those
17 to say as to their significance. I don't see, off-hand,
18 again, it is based on a review of the Index.

19 MR. JOHNSON: Let me make it clear I was trying
20 to be helpful.

21 MR. GUILD: It sure wasn't, Mr. Johnson.

22 MR. JOHNSON: Well, I was trying to be helpful;
23 your reaction is not helpful in terms of taking the
24 Deposition, if you brought the documents that you thought
25 were pertinent that he should have reviewed but did not

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review, that is what we expect at a Deposition.

MR. GUILD: Mr. Johnson, I have no idea what he reviewed.

MR. JOHNSON: You have had the documents available to you. I mean it seems to me it is up to you to go through to see what is important to an investigation which you believe that would be significant documents which were or were not looked at or reviewed.

It seems the proper way would be to show those documents to him and then we would have a kind of record, but the way you are doing it is too time consuming.

MR. GIBSON: Mr. Carr has gone to the Document Room. If for some reason they are not there, as I understand you are Adjourning to go to the Document Room.

MR. GUILD: Let's take a-half hour and I will make those documents available to Mr. VanDoorn.

[Whereupon, the Deposition was Adjourned for a Recess at 2:07. The Deposition Reconvened at 2:13 P.M., and the following Proceedings were had:]

MR. GIBSON: Before you begin with questioning, if you don't mind we have, pursuant to the discussions before the Adjournment, identified from the Document Room and made available for Mr. Guild the documents

1 identified in the four attachments that Mr. VanDoorn
2 has been reviewing. Those are documents that have been
3 previously provided to Palmetto Alliance. We have also
4 identified for expediting any additional review of these
5 documents, the other items copied for Palmetto Alliance
6 in this case.

7 We need to review those at some other point in the
8 Deposition.

9 MR. GUILD: Thank you. Those are four attachments
10 to a letter, Mr. VanDoorn, dated April 14, 1982 to
11 the Applicants.

12 I believe you have had an opportunity in the time
13 available to read those attached documents.

14
15 BY MR. GUILD:

16 Q Now the question we were generally pursuing before the
17 break was which of those documents were reviewed by you in the
18 course of your work pursuing the welding inspector concerns at
19 Catawba; and therefore formed a basis in part for your conclusion?

20 And if you could, sir, turning to those attachments,
21 indicate which of those documents you did review in that process.

22 A Okay, as quickly as I could, I did go through the four
23 piles of information here and tried to be as accurate as I could
24 in the interest of timeliness.

25 I would suggest we just take the attachments, and I

1 will tell you which numbers within that attachment I recollect
2 as having reviewed if that would be helpful. It may be part and
3 parcel to some of the others that could have been reviewed. This
4 is obviously to the best of my recollection after a quick review
5 of these.

6 In Attachment One, Number 3, Number 4, part of Number
7 6.

8 Q These are the documents you have seen. Did you review --

9 A Yes, 9, 10 is basically a list of all of the concerns,
10 11, 14 and in Attachment 26, 29, Attachment Three, Number 3, Num-
11 ber 6 is the question mark since it is a Non-conforming Item Re-
12 port, and I have literally reviewed thousands of NCI's; so I
13 can't say about that.

14 Number 8 I'm not sure of, that would be a question
15 mark.

16 Q What is Number 8?

17 A June 19, '81 from R.M. Morgan to Catawba file.

18 Q Thank you.

19 A I don't recall for sure on that one. Roman Numeral II
20 in Attachment Three lists the number of specific welds, and I
21 have reviewed a great deal of records and a great number of
22 welds and I can't remember whether some of those may have been
23 included; so that would be a question mark.

24 Roman Numeral III, part of one, Number Two --

25 Q I'm sorry, Roman Numeral III, was that Attachment Three?

1 A Yes, part of Number 1, Number 2; question on Number 6.
2 Again, it relates to an NCI. Number 14, Attachment 3A, Attachment
3 4, question on Number 14.

4 Q What is that?

5 A Task Force Report dated December 29, 1981, to W. H.
6 Owen. I think the question was there that I may have seen por-
7 tions of that. There are certainly Internal Reports that are
8 maybe like drafts or something it appears to me.

9 19, 20, portions of 25 and 26.

10 Q What are those, please?

11 A 25 is a letter from Mark Cobb, C-O-B-B, to W.H. Owen
12 dated February 3, 1982. 26 is a letter from Mark Cobb to Warren
13 Owen dated February 12, 1982. The part that I've seen would
14 be the portions, all of attachments to those memos.

15 Number 28, and that takes care of Attachment Four.

16 Q All right, sir; for clarity's sake, Mr. VanDoorn, we
17 agree that you did review in this connection, Item Number 10
18 which is described as handwritten notes from Q.C. and Q.A. Inspec-
19 tors which set forth their specific problems and concerns; and
20 following there is a list of A through T identifying the inspec-
21 tors by name.

22 Those notes were available to you and you did inspect
23 those?

24 A Yes.

25 Q Item 15, notes of Zwissler, Z-W-I-S-S-L-E-R, which was

1 a fairly extensive, bound attachment of interview notes from Mr.
2 Zwissler, you did not review that; is that correct?

3 A That's correct.

4 Q Thank you, I appreciate your help in doing that. In
5 the course of your work, Mr. VanDoorn, in pursuing this welding
6 inspector matter, were you relieved of your normal duties and
7 responsibilities as Resident Inspector in order to devote time
8 to this specific case?

9 A Relieved, I mean myself, one-hundred percent relieved,
10 I would have to answer under that definition, no. However, the
11 Task Force, in review of that had a very high priority. The
12 review of that, it came ahead of what would be more routine duties.

13 Q All right, sir; did you have assistance in performing
14 your routine duties in order that you might devote priority at-
15 tention to the welding concerns?

16 A I don't recall specific Region II personnel coming to
17 the site necessarily to assist me in my routine duties because
18 I didn't look at the welding programs. People have their own
19 inspection programs, and the specific goal of NRC is to complete
20 that program.

21 My program is basically separate from the Region.

22 Q And I guess the correlary is did you receive any assist-
23 ance, personnel assistance, from Region II in performing your
24 priority work in pursuing these welding inspector concerns?

25 A I did not receive assistance on the site. Certainly

1 reviews were conducted within the Region and the Regional personnel
2 would have to tell you what reviews they cited.

3 Q Should I conclude that you then performed your normal
4 responsibilities as a Resident Inspector at Catawba at the same
5 time as you pursued the welding inspector concerns.

6 A Well, my normal responsibilities happen to be largely
7 priority items such as this. So there is no hard-fast require-
8 ment to complete a routine Resident Inspection Program. That
9 is policy, so whatever special inspections are required, that is
10 priority and it becomes my priority duty.

11 Q Well, did routine inspections continue at the normal
12 intensity or pace while you performed this work?

13 A No, it certainly did not. Of the Resident Inspector
14 Program, the Regional Program continued at its normal pace, as
15 I said, to inspect the program.

16 Q Fine. How does Region II, as you understand, Mr. Van-
17 Doorn, generally handle infractions on the part of licensees?

18 A How do we handle infractions? In what way do we issue
19 violations? First, we issue the violations obviously via a report
20 and appendix to a letter. Those get reviewed before they are
21 issued by Regional Management.

22 We in essence suggest it to the inspector and we forward
23 it to the licensee. If it is deemed a violation the licensee has
24 a time limit to respond to our review. That response decided
25 whether it appears to be appropriate action and we follow-up to

1 see that that response is implemented. Any long-term action is
2 continuing such as retaining -- we have to continually follow-up
3 on long-term responses, but we will, in fact, take the violations
4 of what we would call open items, lists. If the response and
5 actions appear adequate they have implemented those actions, we
6 may or may not take them off the list.

7 Obviously if you retain something you continue to be
8 aware on a continuing basis as to how well you do your inspections,
9 as to the basis for a violation or infraction, if it comes to
10 your attention in the course of either a routine or special in-
11 spection that you are conducting --

12 Q Describe for me how you process that information that
13 would ultimately lead to a notice of violation and follow-up
14 that you have just referred to?

15 A We would pursue it to determine whether or not it is
16 a violation and continue the process which I have just described.

17 Q All right.

18 A I'm assuming that whatever I am looking at is going to
19 be a violation.

20 Q Yes, assuming, as you said, that you have noted an
21 apparent violation or apparent infraction, is there a distinction
22 between the two terms?

23 A Infraction is an old term of a category violation.
24 The presently accepted term in NRC is everything is a violation
25 of varying levels of violations.

1 Q All right, you determined an apparent violation. How
2 do you present that to your Regional Management for review?

3 A Generally via the Reports and in essence, we send draft
4 reports once a month into the Region and they review -- sometimes
5 apparent violations cannot be determined during a specific inter-
6 val -- and they may get carried over.

7 We have what we call an unresolved item. Very often
8 they are identified in reports as well as things that require
9 further inspections; and they would review those write-ups as
10 well.

11 Q The draft that you submit, is this a draft of specific
12 inspection reports that contain a purposed violation?

13 A Yes, there is a draft of each month of the inspector's
14 report sent in. You have to give something handwritten to the
15 typist to type up the reports. That draft is typed up and re-
16 viewed by a coordinator, essentially, for typo's and to make
17 sure it is appropriately transposed to typewriting.

18 Then it makes it's way through supervision for review.

19 Q And I am trying to understand this; This is a routine
20 monthly draft report that you, as the Resident Inspector, would
21 submit that would reflect apparent violations that you determined
22 on the basis of that previous month's work?

23 A Yeah, that report reports the work of the previous
24 month's inspection.

25 Q And the ultimate product of that draft, after appropriate

1 management review would it be a formal inspection report?

2 A Yes.

3 Q Would there be a formal inspection report for each
4 of the draft monthly reports that you submit?

5 A Yes, there is a report that officially comes out from
6 me to the -- it is generally monthly. There may have been one
7 case where I was in training for eight weeks and we might have
8 combined two months into one report or there may be a time period
9 when I was not on site on training; and obviously there is no
10 inspection report required for an inspector.

11 Q When you note an apparent violation, Mr. VanDoorn, do
12 you propose a specific severity level?

13 A Yes, generally, well, I suggest a severity level. How-
14 ever, that is, again, subject to the review of Regional Management.

15 Q Does the Region have a policy with respect to assign-
16 ments of severity levels?

17 A Yes, we have an enforcement policy.

18 Q Would you describe that, please?

19 A We have a policy which describes each of the severity
20 levels in various appendixes. There is an appendix specifically
21 to construction which lists levels one through five and a general
22 description of what we intend to be those various levels.

23 Q Are you speaking of provisions of 10 CFR?

24 A Yes.

25 Q Generally applicable rules for the agency as a whole?

1 A Yes, I don't have it with me. But really it is a gen-
2 eral question and we do have reference to it.

3 Q Is there a Region II policy that elaborates or defines
4 or otherwise alters that 10 CFR policy with respect to severity
5 level?

6 A I don't know of a CFR policy, sir, that would alter
7 that CFR policy; no.

8 Q Does Mr. O'Reilly have either a written or verbal pol-
9 icy with respect to the assignment of severity levels for viola-
10 tions?

11 A You would have to ask Mr. O'Reilly.

12 Q Do you know; has he communicated one to you?

13 A He has communicated that we will follow NRC policy.

14 Q Anything else, any more elaborations on the subject?

15 A Directly from Mr. O'Reilly to me in writing?

16 Q No, sir; communicated in your supervision from Mr.
17 O'Reilly as policy with respect to infractions?

18 A There are training sessions discussing severity levels
19 and violations; and some of it is from Mr. O'Reilly and other
20 management directors.

21 Q Describe Mr. O'Reilly's policy on Region II.

22 A His policy is to follow the NRC policy for enforcement.

23 Q I'm asking you for the NRC policy as you have --

24 MR. JOHNSON: You have asked the question twice,
25 at least, and he has answered it.

1 MR. GUILD: Counsel, I don't believe that the ans-
2 wer has been responsive.

3 MR. JOHNSON: Go ahead, but try to move ahead.
4 He said that Mr. O'Reilly is implementing and instruct-
5 ing, and it is all NRC policy.

6 MR. GUILD: And he said he follows the rules, but
7 I don't think that is responsive. I'm asking for his
8 description of Mr. O'Reilly's policy in implementing
9 what is a general standard and rules which you can see
10 in the Blue Book.

11 If he knows, I ask him to tell me.

12 MR. JOHNSON: He said he doesn't have anything
13 else, but I will let him answer.

14 THE WITNESS: Mr. O'Reilly insists on a thorough
15 review of everything. He insists on us being fair, but
16 very tough and a very strong implementation of the NRC
17 policy is what I understand Mr. O'Reilly wishes.

18 If there is a question of high level of severity,
19 once you get to a certain level, I believe three and
20 above, it gets review by some personnel in Washington
21 as well, from what I understand.

22
23 BY MR. GUILD:

24 Q What happens if a severity level three and above viola-
25 tion is indicated? What is the Regional response?

1 A The Regional response that I'm aware of, I have never
2 been involved in a level three or higher violation, so I cannot
3 speak from personal experience.

4 It would be much better to ask someone who has been
5 involved in that. My general understanding is an extremely thor-
6 ough review is done by Regional personnel for three's and above.

7 An additional inspection is performed specifically re-
8 garding that violation. Those types of things get forwarded to
9 our headquarters to get further review. We want to make darn
10 sure that is, in fact, what it is.

11 And then, of course, three's and above have to be con-
12 sidered for civil penalties, and we want to get the total story
13 so an appropriate civil penalty can be assigned. Each case is
14 different and you try to apply the appropriate dollar figure or
15 whether one can be issued in a different case.

16 Q Have you ever recommended or advised a position of a
17 severity level three or above for Catawba?

18 MR. JOHNSON: I believe he answered that.

19
20 BY MR. GUILD:

21 Q Have you?

22 A I don't believe I have. I don't believe having done
23 some -- have I recommended a level three or above?

24 Q Yes, or above.

25 A I would say no.

1 Q Have you ever recommended a severity level for an ap-
2 parent violation, Mr. VanDoorn, and had that severity level re-
3 duced by Regional Management at Catawba, for instance, at Catawba?

4 A I would say probably yes; I don't recall for sure if
5 there were any -- I had no arguments with it. There are obviously
6 violations which are a little bit borderline as to whether it
7 is four or five. Neither of those is considered super urgent
8 or civil penalties oriented.

9 They can be, if you have multiple fours, for example,
10 but there are some occasional borderline kinds of floating be-
11 tween four and five, and there may be once or twice I may have
12 put down four that went to five or five that went to four. I
13 can't remember each and every violation, and which way it went.

14 There are very few times, if any, that any of my rec-
15 ommendations were changed at all..

16 Q Were there any instances with respect to violations
17 associated with either the welding inspector concerns or Quality
18 Assurance Program violations were your recommendations as to
19 severity level were rejected by Regional Management?

20 A That is another form of your previous question, Mr.
21 Guild. Almost all involve the Q.A. Program.

22 Q With respect to the welding inspector concerns?

23 A Was there a severity level recommended involving weld-
24 ing inspector concerns that was changed by Regional Management?

25 Q Yes.

1 A The answer is no.

2 Q Regional Management then adopted your recommendation
3 with respect to the violations that you noted that drew out of
4 the welding inspector concerns?

5 A Specific violations growing out of the welding inspec-
6 tor concerns, I don't know which violations you are talking about.
7 There were, in fact, several items amongst those concerns which
8 were related to inspections that I had done; and in fact, they
9 were duplicates of something I had previously gotten involved
10 in through one thing and another.

11 Perhaps through discussions in the field or something
12 that I alluded to earlier, there were several items related to the
13 concerns in that Welding Inspector Task Force that were also NRC
14 items, but through a different chain. There were no violations
15 issued specifically as a result of my review of the welding
16 inspector concerns, this Task Force effort that we are talking
17 about here.

18 Q With that distinction in mind, including those related
19 matters as you have explained, answer the previous question and
20 I will restate it.

21 A I know of no severity levels recommended by me that were
22 changed regarding anything related to the welding inspector con-
23 cerns.

24 Q Thank you, and again, the second part of the question
25 which was the broader category: And as you stated, most all

1 violations may relate to Quality Assurance, when you made rec-
2 ommendations for levels related to Quality Assurance, were any
3 not agreed to by your Regional Management?

4 A I think I answered that already.

5 MR. JOHNSON: At least twice.

6 THE WITNESS: I've answered the question. I said
7 very few, if any.
8

9 BY MR. GUILD:

10 Q Can you recall any?

11 A No, I can't.

12 Q Does the Regional Administrator, Mr. O'Reilly, have a
13 practice of meeting personally with licensee management to discuss
14 infractions or potential infractions?

15 A I avoid talking about Mr. O'Reilly's policy. I think
16 you should talk to him about his policy. As I understand Mr.
17 O'Reilly, he tries to obviously communicate with everyone, includ-
18 ing licensing management and his inspectors directly.

19 Q Could you answer the question to the best of your know-
20 ledge?

21 A I just did.

22 Q Let me try again: Do you know whether Mr. O'Reilly has
23 a practice of meeting with licensee management? If Counsel has
24 a document that would assist --

25 A Meeting with licensees regarding specific violations,

1 is that what you are asking?

2 Q Generally does he have a general practice of meeting
3 with licensee management to discuss infractions?

4 A Infractions, generally he has a policy of communicating
5 with licensee management, certainly.

6 Q Does he meet with them to do that with respect to in-
7 fractions?

8 A Depending on the issue, not every violation. Certainly,
9 it depends on the particular violation as you go up in severity
10 level or significant concern, some licensees he has had running
11 meetings discussing violations.

12 MR. GUILD: Is there a document?

13 MR. JOHNSON: This is the speech of Mr. O'Reilly,
14 that is all, in case he wanted to refer to it.

15
16 BY MR. GUILD:

17 Q Can Mr. O'Reilly meet with Duke Management to discuss
18 the subject of welding inspector concerns and related investigations
19 and review?

20 A There was a meeting, and I believe you have a report
21 of the meeting when Duke Management came to RegionII in Atlanta
22 and discussed that Task Force Review with Mr. O'Reilly and a num-
23 ber of other individuals. I believe that was in May of 1982, as
24 I recall.

25 Q That would have been the May 25, 1982 meeting?

1 A I believe so, yes.

2 Q I want to show you a notice dated May 18, 1982 (indic-
3 ating). Does that reflect a notice of the May 25th meeting that
4 we had reference to?

5 A Apparently it does, yes.

6 Q What is the title of that document?

7 A Notice of Significant Licensee Meeting.

8 Q Is that a term that is used in Region II to your know-
9 ledge?

10 A That is standard terminology. Whenever we have a meet-
11 ing with licensee management we issue one of those notices. We
12 have broad numbers of meetings. "Significant" is fairly broadly
13 used. We consider any meeting with licensee management as sig-
14 nificant.

15 Q Did you issue a notice like this for every meeting?

16 A It is simply a notice of meeting to interested parties
17 in case anyone else might want to attend.

18 Q Speaking of that question, do you know why the parties
19 in the Operating License Proceeding were not copied with a notice
20 of that meeting? They don't appear to be.

21 A Who are you asking?

22 Q You, Mr. VanDoorn? Do you know why the licensing part-
23 ies to the licensing proceeding were not copied with a notice of
24 that meeting?

25 A I have no idea, I think it is probably irrelevant;

1 but I have no idea why you didn't get a copy. Is that what you
2 are asking?

3 Q Yes.

4 A I have no idea what was forwarded to you. It is a
5 very standard form. It is just a simple notice there was going
6 to be a meeting.

7 Q You said interested parties might want to attend.

8 A I'm talking about interested parties, we do not invite
9 intervenors to each meeting.

10 Q And you did not invite my clients to this significant
11 licensee meeting?

12 A I made no comment on the Record.

13 Q Did you attend this meeting?

14 A Yes, I did.

15 Q Did Mr. O'Reilly speak at this meeting?

16 MR. JOHNSON: Repeat the question.

17

18 BY MR. GUILD:

19 Q Did Mr. O'Reilly speak at this meeting?

20 A Yes, I believe he did.

21 Q What did he say?

22 A I don't remember.

23 Q Did he respond to the presentation made by Duke concern-
24 ing their efforts to review --

25 A Surely.

1 Q Do you remember whether he was critical of Duke, com-
2 plimentary of Duke; did he express an opinion one way or the
3 other on the subject, express concern?

4 A Mr. O'Reilly is always concerned. Mr. O'Reilly remains
5 fairly neutral in his issues until he looks thoroughly; and he
6 certainly impressed there would be a thorough review, I'm certain he
7 expressed that.

8 Q Did he?

9 A I'm certain that he did, yes.

10 Q And I'm asking if you remember his reaction generally?

11 A As I recall, that was a portion of his words, "we would
12 certainly do a thorough review of the Task Force effort." Other
13 than that, I don't recall.

14 Q I'll show you a memo that is a memo to file dated May
15 26, 1982. It is from Mr. Grier. Would you examine that (indica-
16 ting)?

17 MR. JOHNSON: For clarity, is this a document among
18 those produced yesterday?

19 MR. GUILD: It is a document attached to an April
20 19 letter to Palmetto Alliance.

21 MR. GIBSON: Could he read the date of that memo?

22 THE WITNESS: May 26, 1982 is the date of the memo.

23 MR. GUILD: Did you hear the date, Mr. Gibson?

24 MR. GIBSON: Okay.

25 MR. JOHNSON: Is there a pending question?

1 BY MR. GUILD:

2 Q I asked him to examine that, read it for himself, if
3 he will just let me know when he does.

4 A Okay, I have read it.

5 Q All right, sir; does that refresh your recollection
6 concerning May 25, 1982 meeting? It describes that meeting does
7 it not?

8 A It describes that meeting as perceived by Mr. Grier of
9 Duke Power.

10 Q Yes, does it refresh your recollection? It describes
11 Mr. O'Reilly's comments?

12 A I remember no more than what I stated previously.

13 Q Is this an accurate reflection of what transpired at
14 that meeting?

15 MR. JOHNSON: He answered the question; you are
16 badgering the Witness. He says he only had what he
17 said to say. You asked the same question in a different
18 way and it does not result in a different answer.

19 MR. GUILD: The question is this, Mr. VanDoorn,
20 let me see if I can get through with this.

21 MR. JOHNSON: He has answered your question.

22 MR. GUILD: You seem to be doing more badgering
23 than I.

24 MR. JOHNSON: The Witness is tired, he has been
25 answering the questions over and over.

1 BY MR. GUILD:

2 Q And the question is does this accurately reflect what
3 transpired in the meeting to the best of your knowledge, sir?

4 A I cannot recall everything in that meeting. I have
5 answered the question.

6 Q I ask you to answer the question to the best of your
7 knowledge.

8 A I intend no further answer on this subject.

9 Q It is not your judgement to make. If your lawyer in-
10 structs you not to answer the question, we will deal with that.
11 You are under oath here at my request.

12 MR. JOHNSON: You are badgering the Witness.

13 MR. GUILD: Excuse me, I would ask for responsive
14 answers to my questions.

15 MR. JOHNSON: Three times you have insisted.

16 MR. GUILD: I would like a clear answer. I want
17 to understand what happened at that meeting.

18 MR. JOHNSON: He has told you he does not recall.

19 MR. GUILD: I have shown him a memorandum. I want
20 him to say if he can, please, hear my question sir with-
21 out interrupting me again. To the best of his knowledge
22 and recall, I want to know whether Mr. Grier's memo
23 to File describing that meeting is an accurate reflection
24 of what transpired to the best of his recollection.

25 THE WITNESS: That memo does not serve to refresh

1 my recollection. I've told you what I remember about
2 the meeting.

3
4 BY MR. GUILD:

5 Q Is there anything inaccurate in here, sir, to the best
6 of your knowledge?

7 A I don't recall.

8 Q Did you make a presentation at that meeting?

9 A A presentation, no; I'm sure I stated I recall stating
10 a few words.

11 Q What did you state?

12 A I don't recall.

13 Q Do you recall a September 3, 1982 meeting between your-
14 self, Mr. Bryant of the NRC, Mr. Owen and Mr. Grier of Duke Power
15 Company, at which you discussed further matters relating to the
16 welding inspectors' concerns?

17 A What date?

18 Q You have documentation of that meeting that you can
19 show me? September 3, 1982: Do you recall that meeting?

20 A September 3, 1982, between Owen, Bryant and myself?

21 Q And Grier?

22 A Discussing specifically welding inspector concerns; is
23 that what you are saying?

24 Q Yes, that is the question.

25 A September 3; off-hand I don't recall, but you certainly

1 may refresh my memory with the documentation. It is hard to tie
2 down everything during this whole process to specific dates.

3 Q I mean to do the best I can to refresh your recollection
4 and ask you to be responsive to my question.

5 A Thank you, sir.

6 Q Could you identify that; what is the memo you have there,
7 please, Mr. VanDoorn? Would you identify that for the Record?

8 A September 3, 1982 meeting with Owen, Deldik, Grier,
9 VanDoorn and Bryant at the NRC.

10 Q What is the date that you remember reviewing this, sir?

11 A It is the overall document?

12 Q No, sir, the specific document I had reference to.

13 A A memo to file, and the subject was the meeting.

14 Q Yes, and from whom?

15 A Well, I have to look; apparently from G.W. Grier to
16 file.

17 Q All right, sir; now directing your attention to a
18 specific page but not the entire matter, but it looks to me to
19 be this page --

20 MR. JOHNSON: Are you directing his attention to
21 a particular paragraph?

22 THE WITNESS: There was a couple of times in which
23 I met at the site with management discussing a broad
24 number of issues at Catawba.

25

1 BY MR. GUILD:

2 Q Yes?

3 A That, as I recall, would be one of their documentations
4 there, their perception of one of those meetings, and there
5 may have been, in fact, some discussions about the welding inspec-
6 tor reports.

7 Q Look at Number 4 and see if that refreshes your recol-
8 lection as to the question, Mr. VanDoorn.

9 A Which portions are you talking about? Are you talking
10 about their own instructions; are you talking about my comments?
11 He made a comment that he has sent some material to Jack Bryant
12 in this matter (indicating).

13 Q Have you examined Number 4, Mr. VanDoorn?

14 A Yes.

15 Q Okay, may I have it back? Did you discuss in that
16 meeting the possible need to make a presentation by Duke or by
17 you or the NRC to the Office of Investigation with respect to the
18 Welding Inspector Task Force?

19 A I don't remember any discussions concerning Office of
20 Investigations. I sincerely don't.

21 Q Do you remember Mr. Warren Owen, as this memo reflects
22 (indicating), that we could make a presentation or that the Office
23 of Investigation would be free to talk to Lew Zwisler?

24 A As I recall Mr. Owen perhaps at that meeting, and I
25 recall in other meetings, provided open access to Mr. Zwisler

1 concerning the welding inspectors' reports at any time.

2 Q I'm sorry, I don't understand.

3 A As I recall Mr. Owen, I don't recall whether at this
4 meeting or another meeting or whatever, it may well have been
5 at this meeting, but he did make access available to Mr. Zwissler
6 or anything we needed in essence to review the welding inspector
7 concerns.

8 Q What I'm not clear about is NRC access to Mr. Zwissler;
9 is that what you mean?

10 A Yes, as I understood.

11 Q Does this memo accurately reflect, "Kim VanDoorn made
12 a comment that he has sent some material to Jack Bryant in this
13 area."

14 A I don't recall all of the comments. I stated in that
15 meeting that it is possible that is true, yes. Except for it
16 was no secret.

17 Q Pardon me?

18 A Except for it was no secret.

19 Q What were the materials that you sent to Jack Bryant
20 with respect to the Office of Investigation involvement on the
21 Catawba welding inspection?

22 A I have no idea what particular materials that refers
23 to. It is probably the materials we previously discussed when
24 we were discussing the welding inspector concerns.

25 Q Do you know of anything else you may have sent to Jack

1 Bryant with respect to welding inspector concerns?

2 A No.

3 Q Would it be customary and consistent with your under-
4 standing of NRC policy to discuss with Duke Power Company manage-
5 ment the question of allegations of wrong-doing should be referred
6 to the Office of Investigations?

7 A Repeat the question, please.

8 Q Is it consistent with your understanding of policy
9 or NRC practice to discuss with Duke Power Company management the
10 question of referring allegations of wrong-doing to the Office
11 of Investigations?

12 A Consistent with policy, no.

13 Q No?

14 A No.

15 Q Why did you do it?

16 A I don't think I did.

17 Q Do you deny that this reflects a discussion with Duke
18 management of referring --

19 A I said I did not recall any discussions about Office
20 of Investigations at that meeting.

21 Q Is this an inaccurate reflection of that meeting?

22 MR. JOHNSON: I would ask for clarity to read
23 the statement.

24 MR. GUILD: I would be happy to have the entire
25 statement included, if you would like him to read it,

1 if you would read paragraph four.

2 THE WITNESS: "There may be a need to make a pre-
3 sentation of our Welding Inspector Task Force material
4 through the Office of Investigation of the NRC. Jack
5 Bryant will determine whether this is necessary. Warren
6 Owen indicated that we could make a presentation or
7 that Office would be free to talk with Lewis Zwissler.

8 Kim VanDoorn made a comment that he has sent some
9 material to Jack Bryant in this area. W. H. Bradley
10 needs to take lead to determine what material has been
11 sent to Atlanta. G.W. Grier will follow-up with Jack
12 Bryant on this item."

13
14 BY MR. BUILD:

15 Q Who is W. H. Bradley?

16 A That is one of Mr. Grier's assistants.

17 Q I am sorry, I appreciate your reading that for clarity.

18 MR. JOHNSON: I thought there may be some confus-
19 ion as to what was being referred to in this colloquoy
20 so now it is in the Record.

21
22 BY MR. GUILD:

23 Q I understood the Witness to say it was not NRC policy
24 to discuss that matter with licensee management.

25 A It is not consistent policy that we discuss with a

1 licensee any referral to the Office of Investigation. We are
2 talking Office of Investigation here, if that is the point you
3 are trying to make.

4 Q My point is is it consistent with your understanding
5 of NRC practice or policy to discuss referrals of matters to
6 the Office of Investigation with licensee management?

7 A Is this statement consistent with our policy?

8 Q No, is discussion of referring matters to Office of
9 Investigation consistent with NRC practice and policy?

10 A I would say no. And I said that before.

11 Q You did, and I thought we weren't understanding each
12 other.

13 MR. JOHNSON: I think it is clearer now.

14 MR. GUILD: Thank you, and I'm sorry to belabor
15 the point.

16
17 BY MR. GUILD:

18 Q But is it your testimony that you do not recall whether
19 there was any such discussion with Duke Management?

20 A To the best of my recollection there was no discussion
21 involving discussions with the Office of Investigation of NRC.

22 Q Is it an inaccurate statement that Mr. Jack Bryant
23 would make the determination of the need to make a presentation
24 to the Office of Investigations?

25 A He would be part of that decision, not necessarily on

1 his own. Certainly Mr. O'Reilly could make that decision without
2 him; I hope you understand that.

3 Q Yes. Normally he would be part of that discussion?

4 A Mr. Bryant?

5 Q Yes, sir.

6 A Yes, sir.

7 Q Earlier, Mr. VanDoorn, to try to just get some clarific-
8 ation for the Record, earlier we had a discussion about the sub-
9 ject of harassment and falsification as they relate to the welding
10 inspector concerns; and you related that there was some defintial
11 issues of question of how these terms were to be understood; and
12 for clarity, would you define your understanding of the term
13 harassment, and then your understanding of the term, falsification,
14 in the context of the welding inspector issue?

15 A Harassment is generally any antagonistic act; in this
16 instance, from one person to another or group of persons to another,
17 such as craft against Q.C. It is not, arguement is not harassment.

18 I believe I tried to explain that earlier. There are
19 two sides to any disagreement. In a broad sense harassment is
20 antagonistic acts. Generally how we approach whether that is an
21 issue or not, I think I previously explained at length; and I
22 would let that stand for the Record.

23 Q Thank you, that is fine. How about falsification as
24 it relates to the same subject?

25 A Falsification is intended signing for a record, for

1 instance, which is false in nature such as accepting a weld, for
2 instance. We are talking welding?

3 Q Yes.

4 A That, in fact, is not acceptable to the applicable
5 standards. Again, there is intent involved in our review of
6 falsification. It is not falsification if it is false within
7 the realm of those things that are considered judgemental. There
8 are many things considered judgemental, there is supervision in
9 a number of assisting personnel that are provided in the Q.A.
10 Organization.

11 Technically, any licensees that are charged with making
12 those judgements.

13 Q Anything else?

14 A That is basically it, if you want anything further I
15 can provide it to you.

16 Q Thank you. Now I understood you earlier to say, Mr.
17 VanDoorn, in response to the welding inspector concerns you felt
18 it was beyond your jurisdiction or outside of your responsibility
19 to review questions of pay. Is that a fair understanding of your
20 previous statement?

21 A That is a true statement; that's right.

22 Q Are you aware that at least in various stages within
23 Duke Power's review of the welding inspector concerns, that a
24 recurring explanation for those concerns were defense, if you
25 will, centered on those concerns arising out of the pay dispute?

1 A You mean Duke has been defending it in that light; is
2 that what you are saying?

3 Q Yes, or explain how those concerns arose.

4 A I have sent some of that that I may have thought that
5 had some relationship to the pay issue.

6 Q Yes, you are aware, are you not, that there was a
7 personnel re-classification that impacted the welding control
8 inspectors that had the effect of reducing their pay grade?

9 A I am aware of the personnel action you are talking
10 about, yes.

11 Q Did you investigate that action as part of your response
12 to the welding inspector concerns?

13 A The review of the pay grade re-classification, I did
14 not investigate that, no. I did not.

15 Q And would the explanation for that be that was, in
16 your judgement, outside of your responsibility and jurisdiction?

17 A Yes, I think so; yes.

18 Q Do you know whether anyone else for NRC did review the
19 pay grade re-classification?

20 A To the best of my knowledge I know of no one that did.

21 Q Did you reach a conclusion as to the significance of
22 that pay grade re-classification as an early motive or explanation
23 for the welding inspector concerns?

24 A A conclusion?

25 Q Yes.

1 A No.

2 Q Do you have an opinion on that question on the basis
3 of your review?

4 A Not a strong opinion; I did not let it affect the
5 fairness of my review of the welding inspector concerns. I
6 considered it a separate review.

7 Q Did you think there was an affect of that review on
8 the pay grade classification?

9 A I think it may have had some affect, yes.

10 Q Do you have any basis for being concerned that that
11 pay grade re-classification had a significant effect on the ade-
12 quacy or effectiveness of Duke's Quality Assurance Program at
13 Catawba?

14 A Disregarding the pay issue, I reviewed the effectiveness
15 of Duke's Quality Assurance action. I think they are separate
16 issues, okay?

17 Q Yes, I understand that and I appreciate your making that
18 distinction.

19 A Would you rephrase your question to be a little more
20 clear?

21 Q Sure; do you have a basis for being concerned that the
22 pay grade re-classification would have a significant effect on
23 the adequacy of Duke's Q.A. Program at Catawba?

24 A I didn't have a significant concern that the pay change,
25 by itself, would necessarily have an effect on that. As I stated

1 previously, it may have had some affect on the number of concerns
2 or something, obviously. When you have a pay decrease and at the
3 same time you suddenly get concerns, you think there may be some
4 relationship to them. It did not change my review process of
5 the welding inspector concerns.

6 That approach and that process was done as if there
7 was no pay change.

8 Q Do you know an individual named G. E. Ross?

9 A He is one of the inspectors that had concerns.

10 MR. JOHNSON: Excuse me, I would like to discuss
11 something with my client.

12 [Discussion off the Record]

13
14 MR. JOHNSON: What I'm concerned about is now
15 that you are asking him about specific people, I counseled
16 him to be careful. I don't know what you are going to
17 be referring to, but to be careful not to reveal the
18 names of the people who came to them specifically.

19 MR. GUILD: I appreciate that and I do not intend
20 to delve into who said what to whom in terms of persons
21 who may have approached Mr. VanDoorn in confidence.

22
23 BY MR. GUILD:

24 Q You do know Mr. Ross though?

25 A Yes, I do, surely.

1 Q And not just the welding inspector, he was a Quality
2 Control Supervisor at Catawba; was he not?

3 A A Quality Control Supervisor, yes.

4 Q And generally without telling me whether or not Mr. Ross
5 came to you in confidence, that is not the point of the question;
6 did you, in the course of your review, have review documents re-
7 flecting Mr. Ross' concerns?

8 A Yes, he was one of the inspectors' that had concerns;
9 so obviously, I reviewed his document.

10 Q I want to show you one document and ask if you have
11 seen it. Take a look at it; it is dated July 31, 1981, to W. H.
12 Bradley from G. E. Ross; and I'm interested in particularly your
13 reading, if you would read the highlighted portions to yourself
14 (indicating).

15 MR. JOHNSON: Can you identify the source of this
16 document, where it comes from, which file?

17 MR. GUILD: To the best of my knowledge, Counsel,
18 it came from the item which was indicated as reflecting
19 the specific raw notes of concern by welding inspectors.
20 It is one of the attachments to Mr. Gibson's letter.
21 I believe it came from Discovery materials. It is not
22 from NRC files.

23 It may be in NRC files, but that is not where I
24 found it. First, Mr. VanDoorn, do you recall seeing
25 that document?

1 A I don't recall I have, I believe it was one of those
2 that was attached to one of the Attachments, Two, Three, Four.

3 Q All right, read aloud for the Record that one high-
4 lighted paragraph, please, sir.

5 A " The extra money was one major incentive causing these
6 people to come into inspection; and inspection was looked upon
7 as a small promotion. The change to a lower grade seems to be
8 very detrimental to the major objective of the Q.A. Program,
9 which is to attract and retain qualified help. The caliber of
10 people coming in from craft with no monetary gain and with no
11 promotion (psychological or otherwise) will be significantly low-
12 er than before. This does not seem to coincide with the best
13 interests of Q.A."

14 " The job is super-difficult with top notch people, and
15 is almost impossible with anything else."

16 Q Do you disagree with that statement?

17 A Yes, depending on the circumstances.

18 Q Please explain.

19 A It could or could not have an affect; it is dependent
20 whether or not the rest of the program is working, how well manage-
21 ment is handling things. The pay raise by itself or pay decrease,
22 that is Mr. Ross' opinion, one man's opinion who obviously is
23 entitled to his opinion. I would not necessarily agree with Mr.
24 Ross' comments.

25 Q Thank you. Has the Regional Office ever edited substan -

1 tively any of the correspondence which we have referred to, Mr.
2 VanDoorn, from you to supervision or Regional Office Staff with
3 respect to the welding inspector concerns?

4 A I don't believe they have.

5 Q Why have certain documents which have been published
6 over your name been signed for you by others?

7 A As stated previously, I would send a handwritten copy
8 into the Region. That is standard practice. That would be typed
9 up in the Region, especially if it is a memorandum or monthly
10 report; and in that case it would be signed by perhaps my super-
11 visor for me. I would review it and any substantive changes,
12 they would discuss with me, standard policy.

13 Q How would they discuss those changes with you?

14 A Generally verbally.

15 Q By telephone?

16 A Yes. I keep a copy of my draft and later destroy it
17 when I receive the final report. I do review each thing I get
18 such as monthly reports and weekly reports as well to make sure
19 there haven't been any changes or errors. Myself, I double-
20 check.

21 Q But it is the practice, generally speaking, you would
22 not get the typed final version back for your signature? It would
23 be signed for you if the handwritten draft had been sent to Atlanta
24 for typewriting, as you have described?

25 A It would be common practice it would be signed for me.

1 Occasionally I would type things. I have a secretary one day
2 a week and sometimes on that day if she is available I'll have
3 her type it and I will send it in. It will be sent in and typed
4 and you will see one or two memos signed by me, and those were,
5 in fact, typed by my secretary so I could sign them before I sent
6 them in.

7 Q Have you ever declined to sign a document for any other
8 reason other than your inavailability to sign the original typed
9 version, the final typed version?

10 A Not that I recall.

11 Q Is it practice or has it ever occurred to your knowledge
12 that someone in your chain of command above you would sign a
13 document for you where you had substantive differences with the
14 final version of the document?

15 A If they were substantive differences we would discuss
16 them before that memo went forward. It would not be the practice
17 to sign for something for me with my name on the memo if there
18 were substantive differences from what I had turned in already.

19 Q That has never happened to your knowledge?

20 A Not to my knowledge, no.

21 Q So just to conclude that point, if I see a document
22 here as far as you know, Mr. VanDoorn, that is issued over your
23 name but has been signed by another for you, say Mr. Bryant for
24 P.K. VanDoorn, I should attach no other significance to that other
25 than the document was typed in the Regional Office and you weren't

1 available to sign?

2 A That would be the normal conclusion, yes.

3 Q And you know of no exceptions to that?

4 A I don't recall any exceptions, no.

5 Q Okay, have you retained your calendars, Mr. VanDoorn,
6 or any other documents which would reflect or may reflect tele-
7 phone conversations or other verbal communications?

8 A Regarding the welding inspector concerns?

9 Q Yes.

10 A I know of none that I haven't forwarded to the Region
11 at this time.

12 Q Did you forward to the Region your calendars?

13 A I did not have any calendar notes regarding that sub-
14 ject.

15 Q I'm asking you, earlier we talked about your communica-
16 tions with supervision and I believe you indicated that you cus-
17 tomarily would note on your daily calendar if you had a conversa-
18 tion with supervision or if you had phone calls.

19 A I said, as a routine course, I use my calendar adminis-
20 tratively to say what I've done on a certain day. We have a
21 great many administrative procedures as to how we assign our time,
22 I did this today or this today. It is not really a telephone
23 log, per se; it is available to me. I use my calendar involving
24 welding inspector concerns, my primary notes were on basically
25 tablet paper. Everything was noted on tablet paper. I kept a

1 tablet in that file and used the whole thing by the time I was
2 done.

3 Q Have you retained your calendars for the periods that
4 you came on site? What calendar do you still have?

5 A '83.

6 Q Where is '81 and '82.

7 A I believe thrown away.

8 Q Do you know?

9 A To my recollection it has been thrown away.

10 Q Mr. VanDoorn, I would ask that you retain your 1983 --

11 MR. JOHNSON: I would not accept that as being
12 available for Discovery. His handwritten notes are
13 not discoverable.

14 MR. GUILD: I'm just informing you and the witness
15 that we may seek those, and if he has destroyed prior
16 calendars, that he not destroy the 1983 calendar. If
17 he finds he has prior records or calendars of those
18 verbal communications, I ask that he retain those.

19 MR. JOHNSON: You can ask him anything you want.

20 MR. GUILD: Mr. VanDoorn, I appreciate you for
21 being responsive. Thank you for being present.

22

23

CROSS EXAMINATION

24

BY MR. JOHNSON:

25

Q Yesterday, Mr. VanDoorn, we were talking about the

1 number of NCI's; and you made the statement there were too many
2 NCI's being written out or reported.

3 I was wondering in addition to the possibility that an
4 NCI is indicative of some concern or problem with the adequacy
5 of some tests or some technical item in the plant, is there any
6 other reason why you were concerned with the number of NCI's?

7 A Well, the concern is that it would, in essence I guess,
8 dilute the overall evaluation process. The NCI system included
9 a greater minority items.

10 Again, the professional suggestion that they review as
11 to what affect that is having, I did not, as I recall, myself,
12 come to an absolute conclusion that had a significant effect.

13 It was certainly something that seemed to me would have
14 warranted some consideration. The key thing is to be able to
15 sort out those that are significant and give them the thorough
16 examination that was required for those.

17 MR. JOHNSON: Okay, I have nothing further.

18 MR. GIBSON: The Applicant has no questions of the
19 witness.

20 MR. JOHNSON: We would like to review the Deposition.

21 FURTHER THE DEPONENT SAITH NOT.

22
23 (Whereupon, the Deposition was adjourned at
24 3:40 p.m.)
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I, Peter K. VanDoorn, hereby certify that I have read and understand the foregoing transcript, and believe it to be a true, accurate and complete transcript of my testimony.

PETER K. VanDOORN

This Deposition was signed in my presence by Peter K. VanDoorn on this the _____ day of _____, 1983.

Notary Public

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C E R T I F I C A T E

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Lynn B. Gilliam, do hereby certify that the proceedings were by me reduced to machine shorthand, afterwards transcribed upon a typewriter under my direction; and that the foregoing is a true and correct transcript of the deposition as aforesaid.

I further certify that these proceedings were taken at the time and place in the foregoing caption specified.

I further certify that I am not a relative, counsel, or attorney for either party or otherwise interested in the outcome of this action.

IN WITNESS WHEREOF, I have hereunto set my hand at Charlotte, North Carolina, on this the _____ day of June, 1983.

LYNN B. GILLIAM
Notary Public

My Commission expires May 12, 1988.