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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DUPLICATED

BEFORE THE ATOMIC SAFETY & LICENSING BOARD 11:52

In The Matter Of: PHILADELPHIA ELECTRIC COMPANY
Limerick Generating Station
Units 1 and 2
Docket Nos. 50-352 and 50-353 OL

Philadelphia, Pa., Thursday, March 15, 1984

Depositions in tandem of DAVID T. CLOHECY and
VINCENT S. BOYER held in the offices of Philadelphia
Electric Co., 2300 Market Street, at 9:10 a.m. on the above
date before Neith D. Ecker, Registered Professional
Reporter.

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APPEARANCES:

AIR & WATER POLLUTION PATROL
by: FRANK ROMANO
Chairman

CONNER & WETTERHAN, P.C.
by: Mark J. Wetterhan, Esq.
Counsel for Applicant

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ALSO PRESENT:

JAY M. GUTIERREZ, ESQ.
Regional Counsel
NRC Staff

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DAVID T. CLOHECY and VINCENT S. BOYER,
sworn.

MR. WETTERHAN: This is a deposition as ordered by the Atomic Safety & Licensing Board provided in the captioned proceeding as ordered in Transcript 8306 et seq.

The deposition will be by pursuant to the rules of the Nuclear Regulatory Commission, 10 CFR Part 2, in particular 10 CFR 2.74a.

Before we start, I just want to bring the procedure to your court reporter's attention that when the court testimony is fully transcribed, the deposition shall be submitted to the deponents for examination and signature.

Let me be clear that we do not waive this.

Once you receive the signature, the deposition shall promptly be forwarded by registered mail to the Nuclear Regulatory Commission Office of the Secretary, Washington, D.C., 20555.

MR. ROMANO: I wish to say that I stipulate that I don't want to waive any of my rights here, too; and that I will first have to see the copy before I sign it. That's...

MR. WETTERHAN: Off the record.

(A discussion off the record.)

MR. GUTIERREZ: I want to make one clarification. It's the NRC staff's understanding that this is a deposition ordered by the Board as a result of a discovery dispute between the licensee and the Air & Water Pollution Patrol. I am not making -- entering an appearance in this case and have been asked by the case attorneys to sit in and monitor the deposition.

MR. ROMANO: I would like to ask the representative of the NRC why wasn't it possible for the inspector for the NRC to be here?

MR. GUTIERREZ: You want an on-the-record response to that?

MR. ROMANO: Yes.

MR. GUTIERREZ: It's my understanding based on the Board's order that what the Board ordered was that PECO produce certain witnesses to clarify certain answers they've already given you in response to interrogatories; and that there's no pending discovery before the staff that needs clarification.

MR. WETTERHAN: Applicant's understanding is the same.

MR. ROMANO: However, I would like to add

that the order of the Board also indicated that I may have followup questions depending upon what statements are made; and that I feel that inasmuch as the NRC inspector is very important to the clarification of answers received from the applicant to AWPP interrogatories, that I feel that without him it jeopardizes our effort to clarify a number of points. And I really feel that the NRC being part of this entire operation at least should have the inspector involved with the 76-06-01 incident.

MR. GUTIERREZ: I only reiterate our understanding that this is a discovery dispute between PECO and the Air & Water Pollution Patrol; that at no time did the Board direct depositions be taken of NRC staff personnel.

MR. ROMANO: Well, I just have to add again that the Board did say I would have followup questions; and without knowing what my followup questions would be, I think it's unfair to have limited, limited -- the people I might want to depose or ask questions of.

MR. WETTERHAN: Well, we can't settle anything. Your statement is on the record. You can do with it what you want. I suggest that you now

question the witnesses who have been made available.

MR. GUTIERREZ: Just one further clarification.

I have read the transcript in pertinent parts; and it is the staff's understanding that the followup questions which the Board referenced were followup questions you may have directed toward the PECO employees that provided answers to your interrogatories.

MR. ROMANO: Well, there we have a matter of a misunderstanding in that the Judge specifically stated that when he -- when I asked for everybody involved with the 76-06-01, he designated -- he stated that there probably would not be all of them there but that the applicant must understand that my followup questions might require something like that.

So that we have it on the record that the only two witnesses for the applicant is Mr. Boyer and Mr. Clohecy.

MR. WETTERHAN: That's on the record.

MR. ROMANO: I will ask a question as we go.

And at this time I would like to say if we get an answer, I expect that it indicates that you

are answering what I ask and not again having what I feel might be not quite the answer to the question.

I would like to see -- let's see. I'm a little at a loss here because I had expected that the NRC inspector would be here to sort of corroborate or say -- be a sort of umpire in some of these questions.

And so I'll start off with the plan to perform welding with electrodes fastened to a broomstick was revealed to the NRC inspector by, according to the answer to Interrogatory No. 4, my first set, was answered by Jay Windsor, Bechtel structural steel and rigging superintendent; R. Johnson, Bechtel general foreman ironwork; R. Seisle, Bechtel foreman ironwork; G. P. Auclair, Bechtel welder.

Is that so? Is Mr. Corcoran not here?

MR. WETTERHAN: Mr. Corcoran is not here. These are the two witnesses.

MR. ROMANO: The inspector who was involved for the applicant and the inspector who was involved for the NRC are not here. I don't see how it's possible to clarify a dispute between applicant and AWPP without principal people being present.

MR. WETTERHAN: Mr. Romano --

MR. ROMANO: I am going to continue.

MR. WETTERHAN: Thank you.

MR. ROMANO: Well, then, I would have to say, Mr. Clohecy, is that not so?

MR. CLOHECY: Let me see what we said. You said the fourth set of interrogatories?

MR. ROMANO: No. I said Interrogatory No. 4, first set.

MR. CLOHECY: Oh, first set, okay. Let me take a look at that.

Okay. Yes, I agree with our previous statement.

MR. ROMANO: Well, I see here as licensee's inspector I was going to ask a question; but now I have to say as the licensee's representative, which is not the person I really wanted to be speaking to, Mr. Clohecy, should you have known that the weld procedure had not been qualified using extensions?

MR. CLOHECY. I don't agree with your characterization.

MR. ROMANO: I said should you have known --

MR. WETTERHAN: Let the witness finish, please.

1 MR. ROMANO: Well --

2 MR. WETTERHAN: Let the witness finish.
3 You asked a question. He's going to answer it.
4 Then you can follow up, but let him finish.

5 MR. CLOHECY: I don't agree with your
6 characterization there of the weld procedure not
7 qualified. That's not correct.

8 MR. ROMANO: I didn't ask you that
9 question.

10 MR. CLOHECY: Would you repeat the
11 question?

12 MR. ROMANO: I said should the inspector
13 have known that the weld procedure had not been
14 qualified using extensions?

15 MR. CLOHECY: There's no requirement to
16 qualify the weld procedure using extensions.

17 MR. ROMANO: Well, then will you turn to
18 the Attachment 1 from letter of R. T. Carlson to
19 V. S. Boyer dated 11/10/76 transmitting NRC i.e.
20 Inspection Report No. 50-353, 76-06?

21 MR. CLOHECY: Okay. Are you referring to
22 Appendix A, Mr. Romano?

23 MR. ROMANO: I am referring to Page 5 --
24 well, Attachment 1. Attachment 1 subsequent to

1 Summary of Findings, Page 5.

2 MR. CLOHECY: Okay. I have Page 5 and
3 Summary of Findings.

4 MR. ROMANO: Page 5.

5 MR. WETTERHAN: Yes.

6 MR. CLOHECY: Yes.

7 MR. ROMANO: Would you read the second
8 paragraph starting with "The inspector," which I
9 note to be the NRC inspector. Would you read that?

10 MR. WETTERHAN: Read it.

11 MR. CLOHECY: Okay. "The inspector determined
12 that the weld procedure PI-A-Lh (Structural) Rev. 0
13 had not been qualified using electrode holder
14 extensions, nor had the welder been qualified using
15 such extensions. Although the applicable Code AWS
16 D1-1-72 does not specifically address the use of
17 electrode holder extensions with respect to
18 procedure/welder qualifications, it does in Part
19 3.1.2 require that equipment be designed and
20 manufactured so as to enable qualified welders to
21 attain the results prescribed in the AWS Code."

22 MR. ROMANO: Then they do have a specified
23 procedure there. You said that the welder did not
24 have to be qualified; is that what you said?

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MR. CLOHECY: That's correct. And that NRC said that, too.

MR. ROMANO: Well, I read it differently, that they -- that they require that equipment be designed to manufacture so as to enable qualified welders to attain the results prescribed by the ACS (sic) Code.

MR. CLOHECY: Uh-huh.
(The witnesses conferring off the record.)

MR. ROMANO: I'm going to take a minute to find the place. I may have given you the wrong reference to read.

MR. CLOHECY: Well, I would like then to have this page -- I think it's page 10. "The inspector determined" -- that's the NRC inspector -- "that the procedure" -- "weld procedure had not been qualified using electrode holder, nor had the welder been qualified using such extensions."

So that you had said that the welder was qualified, but there it states specifically that the welder -- nor had the welder been qualified. That means that he was not qualified to use the extensions; doesn't that mean that?

MR. CLOHECY: That -- the inspector there was making an observation. You have to continue and

read on where he also says that "the applicable code does not specifically address the use of electrode holder extensions with respect to procedure/welder qualifications."

MR. ROMANO: That's right. It says that. But that's talking about the extensions.

MR. CLOHECY: Uh-huh.

MR. ROMANO: Here it specifically states that the welder had not been qualified.

MR. CLOHECY: No, it doesn't say that.

MR. ROMANO: Well, I would like then to have this page -- I think the procedure is that you will read this, is it, and that we can put this in as an exhibit.

THE COURT REPORTER: Okay.

MR. WETTERHAN: You can do it that way or identify it, since we all know what page we're talking about, to save you a couple of cents.

MR. ROMANO: Okay. I then will have that become Exhibit 1, the Attachment 1, letter from R. T. Carlson to V. S. Boyer dated 11/10/76 transmitting NRC i.e. Inspection Report No. 50-353, 76-06, specifically Page 5 and specifically the first sentence of the second paragraph where it states

1 the welder had not been qualified using extensions.

2 (The above-described document was marked
3 as Exhibit No. 1 for identification.)

4 MR. ROMANO: Isn't it true, Mr. Clohecy,
5 that -- see, I could say this to the inspector who
6 was there; but it makes it difficult now for me to
7 be asking somebody else a question which I had
8 specifically written for the NR -- for the licensee's
9 inspector.

10 So I have to say isn't it true, Mr.
11 Clohecy, in place of Mr. Corcoran, isn't it true
12 that you stated such non-qualified weld procedure
13 had been used after it was revealed by the people who
14 we just mentioned before, Mr. Windsor, Mr. Johnson,
15 Mr. Seisle and Mr. Auclair?

16 MR. CLOHECY: What paragraph are you
17 referring to?

18 MR. BOYER: Yes. That question is not
19 clear.

20 MR. ROMANO: Well, I'm not taking it out
21 of a paragraph. I'm taking it out of --

22 MR. WETTERHAN: Could you rephrase it, Mr.
23 Romano? The witnesses do not understand the question.

24 MR. ROMANO: Well, I'll try to rephrase it.

1 Isn't it true that you, Mr. Clohecy, for
2 Mr. Corcoran, stated such non-qualified weld
3 procedure had been used after it was revealed by the
4 craft and supervision people?

5 MR. CLOHECY: Where?

6 MR. ROMANO: Well, then we go back again
7 to Page 5.

8 MR. WETTERHAN: Let me state something,
9 an objection for the record.

10 I was willing to let one or two questions
11 go; but the identified interrogatory was not one of
12 the ones that you took objection to that you stated
13 were not answered fairly.

14 So I will object for the record, and I
15 will allow my witnesses to answer.

16 MR. ROMANO: Yes. But I want to ask these
17 questions because I feel they're very important to
18 the clarification which I didn't get previously and
19 which is not just perhaps specifically to one
20 interrogatory, but it comes in somewhere in the
21 various interrogatories that I didn't feel I got a
22 proper answer to.

23 It states in the second -- third sentence
24 on that "Interviews" -- and that's NRC inspectors --

1 "with craft and supervision personnel revealed a
2 plan to perform welding with the electrode holder
3 fastened to the end of a broomstick; and the personnel
4 stated, and licensee" -- and licensee, that's the
5 one we're talking about -- "and contractor QA and
6 QC personnel later confirmed" after the interviews
7 with the craft and supervision personnel, "that,"
8 as you read it there, "this approach had been used
9 on similar limited access weld joints at Elevation
10 253, Columns F and H at Wall 23."

11 Now, then I asked the question, isn't it
12 true that you -- as you read there -- know that
13 non-qualified weld procedure had been used -- have
14 been used previous -- before, before the personnel
15 revealed this broomstick affair was going to take
16 place at weld -- at Elevation 253, Columns F and H at
17 Wall 23?

18 MR. CLOHECY: No, it's not true that the
19 weld procedure was not qualified.

20 As it says there, the inspector made an
21 observation that the procedure had not been
22 qualified using electrode holder extensions.

23 MR. ROMANO: That doesn't answer the
24 question I'm asking.

1 MR. CLOHECY: But the procedure was
2 qualified.

3 MR. WETTERHAN: One at a time.

4 MR. ROMANO: How is he going to finish --

5 MR. WETTERHAN: One at a time.

6 MR. ROMANO: -- when he stops? I feel
7 that's it.

8 No, you're not answering the question.

9 It is indicated right there in that
10 paragraph that once the craft and supervision
11 personnel or through their interview found out that
12 this situation was going to take place, then, after
13 that that the licensee and contractor QA and QC
14 personnel, it says, stated that this approach had
15 been used before at elevations -- at Elevation 253,
16 Columns F and H at Wall 23.

17 MR. BOYER: That's what it says.

18 MR. ROMANO: That's what it says.

19 May I ask you, Mr. Boyer, what do you mean
20 by "That's what it says"?

21 MR. BOYER: Well, you read a statement
22 and asked whether that's what it said. I said yes,
23 I agree with you that that's what -- that you read
24 it correctly.

1 MR. ROMANO: But you don't agree that the
2 licensee inspector knew of a similar case described
3 there previous to the interview of the NRC inspector?

4 MR. BOYER: That question isn't clear.

5 MR. GUTIERREZ: Can I have a clarification
6 of that question? I didn't understand the question.

7 MR. WETTERHAN: What do you mean by
8 "similar case"?

9 MR. ROMANO: The craft and supervision
10 personnel as a result of an interview with the NRC
11 inspector found -- brought out the fact that a
12 weld was going to be done using broomstick
13 extensions.

14 And it says then that the licensee and
15 contractor QA and QC personnel later confirmed --
16 that's after they learned about this -- later
17 confirmed that this use of broomstick extensions,
18 which is a non-qualified use, had already been used
19 before.

20 MR. WETTERHAN: We will stipulate to the
21 fact that broomsticks had been used before, in the
22 interest of saving time. We do not stipulate that --

23 MR. ROMANO: All I want is the answer to
24 the questions. I mean your interpretation is not

1 what I'm after today.

2 MR. WETTERHAN: Fine. Okay. Ask your
3 question. I will not try to clarify it for the
4 record.

5 MR. GUTIERREZ: Mr. Romano, just so I'm --

6 MR. ROMANO: I don't believe you're
7 qualified -- I don't believe your effort is to
8 qualify it for the record, to clarify it for the
9 record.

10 MR. GUTIERREZ: Are you asking the witnesses
11 whether they agree with the facts as stated on Page
12 5?

13 MR. ROMANO: Well, in some cases I am;
14 and in some cases I want to find out, for instance,
15 why the licensee hadn't brought this improper use
16 of extensions to the notice of whoever had to know
17 it there before it was found out by the NRC
18 inspector.

19 Would you state -- I have to say now,
20 Mr. Clohecy, for Mr. Corcoran, who I expected to
21 question, would you state who the NRC QC inspector
22 was and who the Bechtel QC inspector was?

23 MR. CLOHECY: Let me make sure I understand
24 You want to know who the NRC inspector was?

1 MR. ROMANO: You know, that's a pretty
2 clear question.

3 MR. CLOHECY: Okay. Would you --

4 MR. WETTERHAN: Let the witness complete --

5 MR. ROMANO: Yes, but I can't --

6 MR. CLOHECY: Would you repeat it?

7 MR. ROMANO: Would you state who the NRC
8 QC inspector and Bechtel QC inspector was?

9 MR. WETTERHAN: Why don't you ask one at
10 a time.

11 MR. ROMANO: Well, that's one question.

12 MR. WETTERHAN: Do you know the names?

13 MR. BOYER: He's asking who the NRC
14 inspector was who made the observation.

15 MR. CLOHECY: The NRC inspector was Al
16 Toth.

17 MR. ROMANO: Who the Bechtel QC inspector
18 was?

19 MR. CLOHECY: Okay. We answered that in
20 one of our interrogatories, in one of -- in response
21 to one of your interrogatories.

22 MR. WETTERHAN: It's 17, I think.

23 MR. CLOHECY: There were two individuals
24 involved, as stated in our previous answer to your

1 first discovery request, Interrogatory 5. Ken
2 Bishop and Bill Driver.

3 (Witnesses conferring off the record.)

4 MR. BISHOP: We were -- Mr. Clohecy was
5 reading the names that were listed in Interrogatory
6 No. 5 of applicant's answers to the first set of
7 interrogatories, Discovery No. 15 dated December 5th,
8 1983, which was a list of names in response to a
9 general question.

10 On Discovery No. 17 dated December 19th,
11 1983, the answer to Interrogatory No. 1 under the
12 76-06 case reference number, which is the one you
13 are referring to, there are a list of names given
14 there which includes Mr. Bishop's --

15 MR. ROMANO: Yes, okay. It has been --

16 MR. BOYER: -- but does not include Mr.
17 Driver's.

18 MR. ROMANO: All right.

19 MR. BOYER: So we would say it was Mr.
20 Bishop.

21 (Witnesses conferring off the record.)

22 MR. ROMANO: Was Mr. Bishop one of the
23 inspectors or Mr. Driver one of the inspectors or
24 not?

1 MR. CLOHECY: He was also a QC inspector
2 at that time.

3 MR. ROMANO: Is there any reason why he
4 hadn't been indicated as one of the inspectors?

5 MR. CLOHECY: On the NRC Inspection Report?
6 Is that what your question is?

7 MR. ROMANO: My question is: You are
8 bringing up the fact there was a Bill Driver also
9 inspector at this -- in this situation. Why wasn't
10 he listed?

11 MR. CLOHECY: Where?

12 MR. ROMANO: In with the answers.

13 MR. CLOHECY: Okay. In the Answers to
14 Interrogatory 17?

15 MR. BOYER: Wait a minute. Hold on.

16 (Witnesses conferring off the record.)

17 MR. BOYER: Well, to simplify the matter,
18 we can see Mr. Bishop's name is listed in both
19 places. Mr. Driver's may or may not -- he may or
20 may not have been involved in this particular
21 incident.

22 MR. ROMANO: He may or may not have been?

23 MR. BOYER: Well, his name is not listed
24 on Discovery No. 17.

1 Can you clarify it?

2 MR. CLOHECY: Yes. Discovery 17 are the
3 names as listed in the NRC Inspection Reports as
4 personnel contacted by the NRC. And you would have
5 to ask the NRC why they didn't list Mr. Driver.

6 MR. ROMANO: But are you saying then that
7 you had sent in his name and that the NRC did not
8 list it?

9 MR. CLOHECY: That's correct. The NRC did
10 not list his name in their Inspection Report.

11 MR. ROMANO: Okay. We'll go on. We'll
12 go on here to the Interrogatory No. 5.

13 MR. GUTIERREZ: Point of clarification.
14 Your question to Mr. Clohecy was "Are you saying
15 you did not send in his name and the NRC did not
16 list it?"

17 He answered yes.

18 This is the first reference that's been
19 made to the fact that PECO is sending in names.
20 Can I have a clarification of either -- of the
21 answer?

22 MR. WETTERHAN: Can you clarify your
23 answer?

24 MR. CLOHECY: Okay. Yes.

1 In one of Mr. Romano's Interrogatories,
2 Discovery 17, Item 1, he asked us to provide the
3 names of licensee contractor and NRC inspectors and
4 welders who are indicated in all safety-related
5 welding deficiency or infraction reports or notices
6 so that applicant can provide depositions and/or
7 affidavits.

8 So in complying with that request we
9 listed the names for Mr. Romano as listed in the
10 NRC Inspection Reports under "Personnel Contacted."

11 MR. GUTIERREZ: I understand. Thank you.

12 MR. ROMANO: Mr. Clohecy, I want to again
13 go back to the fact that you said that there was
14 something wrong in the manner in which the welding
15 was done; the inspector was qualified, and so forth.

16 And it states here, the same Page 5, "The
17 inspector considered that an electrode holder
18 attached to a stick did not meet the requirements
19 of the code unless proven satisfactory by
20 qualification test for the six different weld
21 configurations to be welded at the limited access
22 joints."

23 Wouldn't you say there that the NRC
24 inspector is saying that the manner in which they

1 were going to do the weld or had done one of the
2 welds was not proper?

3 MR. CLOHECY: In answer to your question,
4 the first items you said about my previous
5 statements were not correct. I didn't say all
6 those things.

7 MR. ROMANO: Well, you said there was
8 nothing unqualified by that welding situation.

9 MR. CLOHECY: I didn't say that.

10 MR. ROMANO: Well, what did you say?

11 MR. CLOHECY: I said that the welding
12 procedure was qualified.

13 MR. ROMANO: The welding procedure was
14 qualified.

15 Well, then was any action taken there
16 regarding -- how about the welder? Was he
17 qualified?

18 MR. CLOHECY: Yes, he was.

19 MR. ROMANO: Well, then again I ask you
20 about this statement. The NRC inspector considered
21 that an electrode holder attached to a stick did not
22 meet this requirement of the AWS Part 3.1.2 unless
23 proven satisfactory by qualification test for the
24 kind of welding technique that was necessary in the

1 limited access joint.

2 Isn't that specifically stating that the
3 welder was not qualified?

4 MR. BOYER: No. That is not that the
5 inspector's view was as you stated it there. It was
6 his opinion. And the next sentence indicates that
7 the licensee disagreed with his opinion.

8 MR. ROMANO: Well, I don't see it that way.

9 Let -- it specifically states that the
10 manner in which the weld was to be done did not meet
11 the requirement. If it was to be -- to meet the
12 requirement, this welder had to take a qualification
13 test for the six different weld techniques that
14 would be needed in order to do that.

15 So that the statement is clear as it is
16 written here unless we want to challenge -- I say,
17 Mr. Boyer, are you challenging the NRC inspector's
18 statement at that point?

19 MR. BOYER: I am not challenging it. I'm
20 just trying to clarify what you read and to interpret
21 for you what it said. And it says, "The inspector
22 considered," et cetera.

23 MR. ROMANO: Yes.

24 MR. BOYER: That was the inspector's view.

1 The next sentence says, "The licensee disagreed."

2 So there was a difference of interpretation
3 or difference of opinion as to the interpretaion of
4 the code requirements relating to the qualification
5 procedures necessary to use an extension.

6 MR. ROMANO: Would you say that good
7 quality assurance by the licensee would have them
8 oppose or disagree with a view of the inspector who
9 had quality assurance in mind?

10 MR. BOYER: That was a rather long sentence
11 and I lost it.

12 MR. ROMANO: I've heard them longer than
13 this morning.

14 MR. BOYER: Well, maybe you can repeat it
15 again and I might be able to answer it again.

16 MR. ROMANO: I said that the licensee
17 quality assurance inspector, wouldn't you feel that
18 the licensee QC inspector would instead of disagreeing,
19 you know, go along with the idea of the NRC
20 inspector who had determined or felt that use of the
21 broomstick and by the specific person did not
22 qualify him to make this type of weld?

23 MR. BOYER: The NRC is free to make its
24 interpretation of requirements; and we, the applicant,

1 the licensee, make our determination of requirements.
2 Generally, there is agreement between the
3 interpretation.

4 However, in this particular case there
5 was a difference of opinion as to the interpretation
6 of the requirements. The inspector felt that the
7 particular extension that was used should have been
8 qualified. We felt that the requirements were
9 covered by our procedures which consisted of the
10 qualifications of the weld procedure and the welder.

11 MR. ROMANO: What do you mean by "qualifi-
12 cation of the weld procedure"?

13 MR. BOYER: This relates to the weld rod
14 that would be used and to temperature, pre-heat,
15 post-heat requirements and other aspects with regard
16 to the placement of the weld.

17 MR. ROMANO: But use of a broomstick as
18 the extension was not considered proper procedure,
19 was it?

20 MR. WETTERHAN: Objection. I don't
21 understand that question.

22 MR. ROMANO: Well, you don't have to
23 understand it. I'm asking --

24 MR. WETTERHAN: I have to understand it in

1 order to state whether I have an objection to it.
2 So you're wrong, Mr. Romano.

3 MR. ROMANO: But I am being asked to
4 repeat questions all the time here. And, again, you
5 know, it doesn't seem proper.

6 MR. WETTERHAN: Did the witness understand
7 the question?

8 MR. BOYER: I understood it when he stated
9 it; but there's been so much conversation since then,
10 he'll have to repeat it.

11 MR. ROMANO: See, same thing happens to
12 me now. That's what I think is not fair about it.

13 Do you, Mr. Boyer, feel that the use of
14 the -- of a broomstick as an extension is proper in
15 line with what you just said was proper technique?

16 MR. BOYER: I know that extensions are
17 allowed. As to whether a broomstick is appropriate
18 or not, I would have to defer to someone who was a
19 little more knowledgeable in welding technique
20 areas to make that judgment.

21 MR. ROMANO: Do you have anyone here who
22 could make that judgment?

23 MR. BOYER: Do you feel...

24 MR. CLOHECY: Yes.

1 MR. BOYER: ...capable?

2 MR. CLOHECY: Use of a broomstick is
3 allowed when it is approved by engineering -- not
4 a broomstick; an electrode extension, an approved
5 electrode extension.

6 MR. ROMANO: But is a broomstick allowed?

7 MR. CLOHECY: Use of an approved --

8 MR. ROMANO: You're not asking (sic) the
9 question --

10 MR. CLOHECY: -- approved electrode holder
11 extension --

12 MR. WETTERHAN: Fine.

13 Ask another question.

14 MR. ROMANO: Is a broomstick considered
15 to be a proper extension?

16 MR. CLOHECY: I can only answer with the --

17 MR. ROMANO: I'd like a yes or no answer.

18 MR. CLOHECY: -- requirement -- is it?

19 MR. WETTERHAN: Just continue your answer
20 and finish it.

21 MR. CLOHECY: Okay. It would have to be
22 approved by engineering. They would have to
23 evaluate it.

24 MR. ROMANO: You said that for the third

1 time, and I ask you again: Is a broomstick which
2 can be picked up off the floor or anywhere around
3 considered a proper technique and good procedure
4 for welding? Is that broomstick considered to be
5 proper -- a proper extension?

(Witnesses conferring off the record.)

6
7 MR. CLOHECY: It could be if approved by
8 engineering.

9 MR. ROMANO: We came here today with the
10 idea of clarifying things and ask questions. I ask
11 a question now that could be stated.

12 You as an inspector should know that such
13 a simple question as that, and you refuse to answer
14 it yes or no. And it's obvious that the inspector
15 has stated here that it's not proper. And I think
16 the applicant is here today not to clarify but to,
17 it seems to me, to hold the same position before
18 irrespective of whether an NRC inspector has already
19 stated it as improper.

20 MR. CLOHECY: Mr. Romano --

21 MR. WETTERHAN: There's no question
22 pending.

23 MR. ROMANO: I'm not asking a question.
24 In regard to this number -- Interrogatory

1 No. 5 of my first set as to who confirmed the use
2 of broomstick extensions to performs welds,
3 applicant answered various -- Mr. Claus and Mr.
4 Bishop. And here Mr. Driver is mentioned; L.
5 McNamara and L. McNamara.

6 Who among those people stated to the NRC
7 inspector that broomstick extensions were used before
8 at another location? I want to know who that
9 specific individual was.

10 (The witnesses conferring off the record.)

11 MR. BOYER: The exact person is not known.
12 It was one -- undoubtedly in our view one of those
13 that were listed.

14 MR. CLOHECY: One or more.

15 MR. BOYER: You are trying to go back and
16 make us recall from memory a statement -- the
17 individual who made a statement that reported in the
18 NRC Inspector Report. We cannot absolutely identify
19 the individual. So we listed a group of individuals,
20 one of whom we believe made that statement.

21 MR. ROMANO: Well, now here we have a
22 situation where the NRC inspector isn't here who
23 could have clarified this thing. And if some of
24 these people who were involved also could have

1 clarified things, that's why I state that not having
2 people who are absolutely necessary to the clarifi-
3 cation of this thing is not here, again I say
4 jeopardizes my right to depose those people who
5 could have clarified some of these answers. And I
6 want that on the record. I want to ask --

7 MR. GUTIERREZ: Excuse me, Mr. Romano.

8 I just want to reiterate -- I don't want
9 that remark to go unanswered -- to suggest it was
10 ever the intent of this deposition to depose NRC
11 inspectors is totally contrary to my understanding
12 what the purpose of this deposition was ever
13 intended by the Board to be.

14 It is my understanding that the Board
15 required the licensee to provide witnesses to
16 answer clarifying questions on specific interrogatories.

17 MR. WETTERHAN: Let me add two things --

18 MR. ROMANO: But, wait a minute --

19 MR. WETTERHAN: -- first of all, in a
20 telephone conversation we had with Mr. Romano, I
21 stated the same thing. I agree with the NRC counsel's
22 position. And I believe as stated in the transcript
23 section which I quoted, that is clear.

24 MR. ROMANO: Well, now here we are again.

1 MR. WETTERHAN: Mr. Romano, let's --

2 MR. GUTIERREZ: I think our positions are
3 clear on the record. And you probably should ask
4 the questions to the witness.

5 MR. ROMANO: But Judge Brenner did say I
6 could have followup questions. Now we're finding up
7 finding out that without the NRC inspector I can't
8 proceed with followup questions. And --

9 MR. WETTERHAN: Mr. Romano --

10 MR. ROMANO: I cannot understand how we
11 can clarify a dispute without the principal people
12 being here. And I think it was an obligation of
13 the NRC inspector to be here, I would feel, for the
14 purpose of --

15 MR. GUTIERREZ: The dispute was --

16 MR. ROMANO: -- for the purpose of --

17 MR. GUTIERREZ: -- between your organi-
18 zation and the utility.

19 MR. ROMANO: But the NRC is what I said
20 earlier -- in this case in particular could have
21 been an umpire here today.

22 MR. WETTERHAN: Well, everybody's position
23 is on the record.

24 If you want to take any action before the

1 Licensing Board once the deposition is transcribed,
2 that's up to you. But I suggest again that you ask
3 questions of these witnesses who are provided.

4 MR. ROMANO: Isn't it true, I guess Mr.
5 Clohecy, for Mr. Corcoran, that the licensee and
6 contractor -- contractor's QC were negligent in
7 permitting broomstick extensions on previous welding?

8 MR. CLOHECY: I would not say that's true.

9 MR. ROMANO: Well, did they allow the use
10 of broomsticks on previous -- broomstick extensions
11 on previous welding?

12 MR. CLOHECY: I do not believe they allowed
13 it with prior knowledge.

14 MR. ROMANO: What do you mean "with prior
15 knowledge"?

16 MR. CLOHECY: What it says in the report
17 is that the licensee and contractor QA and QC
18 personnel later confirmed that this approach had been
19 used.

20 MR. ROMANO: Yes.

21 They later confirmed after it was brought
22 out by interviews with craft.

23 Why didn't they object to this use of
24 broomsticks for extension at the previous use that

1 they knew about?

2 MF. BOYER: Who is "they"?

3 MR. ROMANO: The inspectors.

4 MR. CLOHECY: It's my understanding that
5 they did not have prior knowledge of it.

6 MR. ROMANO: Well, it states it right
7 there.

8 MR. CLOHECY: It says they confirmed it.

9 MR. ROMANO: Yes, they confirmed it
10 because they had knowledge with which to confirm it.

11 MR. CLOHECY: Not necessarily prior
12 knowledge.

13 MR. ROMANO: Well, all I get is "not
14 necessarily"; and that doesn't clarify anything.

15 I'd like to ask: Isn't it true a Mr.
16 Ferretti was also an inspector involved with 76-06-01

17 MR. CLOHECY: Yes.

18 MR. ROMANO: Where was he mentioned here
19 this morning in other questions asking who the
20 inspectors were?

21 MR. CLOHECY: Because it does not appear
22 that he was the one who confirmed or was questioned
23 about this approach with the electrode holder
24 extensions.

1 MR. ROMANO: It doesn't say who was --
2 who anybody was of the QA and QC personnel
3 inspectors.

4 So why do you say he wasn't mentioned?
5 Doesn't mention anyone at that point here on Page 5
6 that we are discussing. I'm limiting this to this
7 question.

8 MR. CLOHECY: Okay. Mr. Romano, Mr.
9 Ferretti was included as a name provided under
10 Discover 17, Interrogatory 1.

11 MR. ROMANO: Well, then I had asked you
12 earlier. And you mentioned Mr. Bishop and Mr.
13 Driver, but you did not mention Mr. Ferretti.

14 MR. CLOHECY: That's correct.

15 MR. ROMANO: You did not mention him.

16 MR. CLOHECY: That's correct.

17 MR. ROMANO: Why did not you mention him?

18 MR. CLOHECY: Because, to the best of our
19 knowledge, he did not confirm the extension approach
20 with the NRC.

21 MR. ROMANO: I didn't ask you whether he
22 confirmed anything. I just asked you why did you
23 not state that he was involved in this 76-06-01.

24 MR. CLOHECY: That was not your earlier

1 question.

2 MR. ROMANO: Well, it was my earlier
3 question.

4 MR. WETTERHAN: Do you have a question
5 pending? Is there a question pending?

6 MR. GUTIERREZ: (Shaking head.)

7 MR. WETTERHAN: No?

8 MR. ROMANO: Now, I go to Interrogatory
9 No. 6, first set. This has to do with 76-06-01.

10 Is it your understanding, Mr. Clohecy,
11 that welder G. P. Auclair, who the applicant stated
12 was the welder involved in the broomstick affair,
13 was stated to be a qualified -- you stated him to be
14 a qualified welder, did you not?

15 MR. CLOHECY: That's correct.

16 MR. ROMANO: And also it was stated that
17 no unqualified welders were involved; isn't that
18 true?

19 MR. CLOHECY: That's true.

20 MR. ROMANO: Well, then the NRC inspector
21 at this point, again on Page 5, makes the statement
22 that the welder was not qualified -- broomstick
23 extensions and that he was not qualified unless he
24 was -- had passed a certain qualification test in

1 order to weld such limited access joints.

2 Do you say that Mr. Auclair was qualified
3 even though -- let me ask you this: Do you have
4 records to show that Mr. Auclair was qualified to
5 do a limited access weld? Do you have records
6 showing that?

7 MR. CLOHECY: We have records showing that
8 Mr. Auclair was qualified to use the welding
9 procedure assigned.

10 MR. ROMANO: Well, he was -- was he
11 assigned to make this weld at this limited access
12 joint?

13 MR. CLOHECY: Yes.

14 MR. ROMANO: And did he -- then the
15 inspector first states that the welder had not been
16 qualified to use extensions which was part of the
17 process that you saw he was asked to do.

18 And then I asked you as a result of the
19 inspector's questioning the situation, I asked you
20 whether you can show that Mr. Auclair was qualified
21 to do these six different weld techniques that would
22 be required at those weld joints.

23 MR. CLOHECY: Let me first state that I
24 did not say that he was asked to use an extension.

1 MR. ROMANO: I didn't say -- I didn't -- I
2 never said that.

3 MR. CLOHECY: You did.

4 MR. ROMANO: No, I didn't. I'll have to
5 ask you again.

6 The NRC inspector had stated that the
7 welder was not qualified to use those extensions.
8 Not only that, the NRC inspector questioned Mr.
9 Auclair's qualifications as to whether he had been
10 qualified to do these six different kinds of
11 limited access joint welds.

12 Are you saying that, again, you differ
13 with the NRC inspector as to whether he was
14 qualified or not?

15 MR. CLOHECY: Are you asking whether I
16 differ with the NRC inspector?

17 MR. ROMANO: I asked you that. You
18 question --

19 MR. CLOHECY: Whether he was qualified?
20 Yes, I do differ with him.

21 MR. ROMANO: Do you have proof that Mr.
22 Auclair did in fact meet the requirements, qualifi-
23 cation test for the six different weld configurations
24 to be welded at the limited access joints?

1 MR. WETTERHAN: Objection. That was asked
2 and answered.

3 MR. ROMANO: I -- wasn't answered.

4 (Witnesses conferring off the record.)

5 MR. CLOHECY: Yes, he was qualified.

6 MR. ROMANO: Would you give references to
7 where we can get that proof, that at the time that
8 this happened and that at the time the NRC inspector
9 questioned his qualifications, that he was qualified
10 in these six different weld techniques?

11 MR. WETTERHAN: Objection. This is beyond
12 the reasonable scope of what the Board asks for.
13 This is not clarification of questions. This is
14 discovery -- a request for production of documents
15 which is well beyond the close of discovery.

16 MR. ROMANO: I feel that this is a very
17 important part.

18 Here we have a welder who the NRC has
19 stated was not qualified to do this. The applicant
20 is stated that he was, and we would like to have
21 proof of that situation.

22 MR. WETTERHAN: Could you state for the
23 record whether those qualifications are stored at
24 the Limerick Generating Station?

1 MR. CLOHECY: Yes. Those qualification
2 records are at the Limerick Generating Station.

3 MR. ROMANO: Then will you make these
4 available?

5 MR. WETTERHAN: Objection. That's not
6 for him to provide. Discovery is open -- over. I
7 will state that we will not make them available.

8 MR. ROMANO: Well, this is to clarify
9 previously improperly-answered questions that didn't
10 give full information. And here we are blocked
11 again from receiving very important information to
12 this controversey.

13 I would like the court reporter to -- we
14 already have this page, but I want to refer to
15 Paragraph 2 wherein it states that this weld -- the
16 NRC inspector considered that the welder was not
17 qualified to do this welding and call that Exhibit 2,
18 Page 5 of the same previous attachment, letter from
19 R. T. Carlson to V. S. Boyer dated 11/10/76
20 transmitting NRC i.e. Inspection Report No. 50-353,
21 76-06.

22 MR. GUTIERREZ: Clarification. Mr.
23 Romano, don't you already have as Exhibit 1 that
24 entire document? That was my understanding of what

1 you did.

2 MR. WETTERHAN: Applicant's understanding
3 is the same.

4 MR. ROMANO: But -- what is your name?

5 MR. GUTIERREZ: Jay Gutierrez.

6 MR. ROMANO: Mr. Gutierrez, I am not a
7 lawyer. And the limitations of even asking a
8 question are coming out here, so that I did not
9 know that I could just say "Here, put this whole
10 thing in."

11 So that that's my clarification on that.
12 I'm sorry, but I would rather have it that I did
13 understand and save some time.

14 MR. GUTIERREZ: That was my intent, too.
15 I think you could save some time if you realize that
16 you've attached that whole document. So I don't
17 think you had to do it each separate page.

18 MR. ROMANO: Then we will have that whole
19 document put in as an exhibit.

20 We go to Interrogatory No. --

21 MR. WETTERHAN: Off the record.

22 (Discussion off the record.)

23 MR. ROMANO: I'm going to Interrogatory
24 No. 8. I asked the question: "Did applicant design

1 and manufacture equipment as required by AWS D1-1-72
2 under Part 3.1.2 so as to enable qualified welders
3 to meet the AWS Code?"

4 The applicant answered that "Applicant has
5 not designed or manufactured equipment described
6 under that reference and that any such equipment
7 needed for use at Limerick would be procured from a
8 vendor of such equipment."

9 Then I ask: Isn't it true that proper
10 equipment was to be available to available qualified
11 welders to meet AWS Code?

12 MR. CLOHECY: Yes, the code says they
13 should use equipment designed and manufactured for
14 welding.

15 MR. ROMANO: That means that the use of
16 broomsticks were not considered to be proper then;
17 right?

18 MR. CLOHECY: That's not what the code
19 says.

20 MR. ROMANO: The code says that the
21 equipment has to be designed and manufactured so as
22 to meet the code, does it not?

23 MR. CLOHECY: It says it has to be designed
24 and manufactured for welding.

1 MR. ROMANO: So as to meet the AWS Code;
2 right?

3 MR. CLOHECY: Let's take a look at the
4 code.

5 MR. ROMANO: Well, we're not going to go
6 through all that whole code. I'm just going to ask
7 you that question.

8 I want to rephrase the question. I don't
9 want to take time to go look through that whole thing.

10 MR. WETTERHAN: Fine.

11 Listen to the question. He does not want
12 you to look at the code.

13 MR. ROMANO: Well, it's not necessary for
14 this case.

15 MR. WETTERHAN: Are you directing them not
16 to look through the code and just to forget that
17 question?

18 MR. ROMANO: Not at all. If I feel it's
19 necessary as we go on, I will then perhaps look it
20 up.

21 Now, AWS D1-1-72 under Part 3.1.2 does
22 state that the equipment must be designed and
23 manufactured so as to enable qualified welders to
24 meet the AWS Code?

1 MR. BOYER: I would like to read that
2 paragraph.

3 MR. ROMANO: All right. Go ahead.

4 MR. BOYER: It says, "All items of
5 equipment for welding and oxygen cutting shall be
6 so designed and manufactured and be in such condition
7 as to enable qualified welders, welding operators and
8 tackers to follow the procedures and attain the
9 results prescribed elsewhere in this code."

10 MR. ROMANO: Well, that's exactly what I
11 said. It has to be designed and manufactured so to
12 enable qualified welders to meet AWS Code for
13 welding.

14 Now, then I ask again: Isn't it true that
15 proper equipment was to be available, that equipment
16 that's been just described in that code, was to be
17 available to enable qualified welders to meet AWS
18 Code?

19 MR. CLOHECY: That is a requirement of the
20 code.

21 MR. ROMANO: But I ask you: Was it to be
22 available by the applicant, contractor, whatever, to
23 enable the welders to meet AWS Code?

24 MR. CLOHECY: Yes, it --

1 MR. ROMANO: It was to be available.

2 MR. WETTERHAN: Had you finished your
3 answer?

4 MR. CLOHECY: Yes.

5 MR. WETTERHAN: Thank you.

6 MR. ROMANO: In other words, the use of
7 the broomstick may indicate that the applicant did
8 not have proper equipment for a welder to use. Is
9 that possible?

10 MR. CLOHECY: I'm sorry. I don't under-
11 stand your question.

12 MR. ROMANO: Well, in view of the fact
13 that the welder used the broomstick for an extension,
14 is it possible that the applicant or whoever was
15 in charge there or even the inspectors, that the
16 proper equipment was not available?

17 MR. CLOHECY: No, I don't believe it was.
18 The equipment used for welding was proper. A
19 broomstick which was not approved was used as a
20 construction aid.

21 MR. ROMANO: I know that. But you have --
22 do you know any reason why a welder would use an
23 improper extension if proper extensions were present?

24 MR. CLOHECY: No, I don't.

1 MR. ROMANO: Would you say that quality
2 assurance includes the use of specified equipment?

3 MR. CLOHECY: Yes.

4 MR. ROMANO: Therefore, isn't it true that
5 the use of equipment which is not specified, which
6 was not the proper equipment, is contrary to good
7 practice, is contrary to good practice?

8 MR. BOYER: Well, if it -- if it is
9 specifically stated that a piece of equipment is
10 not to be used, then if that piece of equipment were
11 to be used, it would be a violation and would not
12 be good practice.

13 MR. ROMANO: Okay. Would not be good
14 practice.

15 MR. BOYER: Or acceptable.

16 MR. ROMANO: All right. Well, then I ask:
17 Do you know whether the applicant had proper equip-
18 ment to meet that code that we are discussing here?

19 MR. CLOHECY: The equipment used was
20 designed and manufactured for welding. The
21 electrode holder extension used as an aid was not
22 approved by engineering.

23 MR. ROMANO: Well, did applicant have the proper
24 equipment there to in this case rather than have a

1 welder use a broomstick?

2 MR. CLOHECY: The welding equipment was
3 proper.

4 MR. ROMANO: I'm not talking about welding
5 equipment. I'm talking specifically about -- did
6 the applicant have proper equipment --

7 MR. CLOHECY: Listen to the question,
8 please.

9 MR. ROMANO: -- proper extension to meet
10 this code so that the welder did not have to just
11 use a broomstick?

12 (Witnesses conferring off the record.)

13 MR. ROMANO: Well, Mr. Boyer, you can
14 answer the question.

15 MR. WETTERHAN: No. They're discussing
16 it.

17 MR. ROMANO: Then call it off there then.

18 MR. WETTERHAN: It's entirely proper.

19 MR. ROMANO: Are you taking the witnesses
20 conferring?

21 THE COURT REPORTER: No.

22 (Witnesses conferring off the record.)

23 MR. CLOHECY: No, there were no approved
24 extensions available.

1 MR. ROMANO: Wouldn't you say that this is
2 a violation of the code when the code specifically
3 states that there should be equipment properly
4 designed and manufactured in order to enable
5 qualified welders to meet the code, AWS Code?

6 MR. CLOHECY: No, I wouldn't say that.

7 MR. ROMANO: Are you saying that in spite
8 of the fact that specific wordage is given as to the
9 manner, the type of extension that should be had
10 when not present does not violate the code?

11 MR. CLOHECY: The code does not address
12 extensions.

13 MR. ROMANO: But here we have just been
14 talking about that equipment must be -- extensions
15 must be properly designed and manufactured as the
16 NRC inspector specifically called attention to.
17 And now you're saying it's not required.

18 MR. CLOHECY: The code does not say that
19 extensions must be designed and manufactured.

20 MR. ROMANO: In view of the fact then that
21 the applicant did not have the proper extensions,
22 are you saying that it's okay for a welder then to
23 pick up any stick or anything like that and use it
24 in the absence of the applicant's not having the

1 proper equipment?

2 MR. CLOHECY: No, I'm not saying that.

3 MR. ROMANO: Well, then you said that he
4 could use this extension or you say that there's no
5 such specification for an extension.

6 You did say that, didn't you, that there's
7 no such specification?

8 MR. CLOHECY: No, I didn't say that.

9 MR. ROMANO: All right. I'm glad we have
10 a tape recorder this morning.

11 MR. WETTERHAN: And a court reporter.

12 MR. ROMANO: And a court reporter, right.

13 You said that there were, did you not --
14 the applicant did not have extensions designed and
15 manufactured so that a welder in this case where
16 this was needed would be able to meet the
17 qualifications for welding such things; isn't that
18 so?

19 MR. CLOHECY: That's correct.

20 MR. BOYER: You say you had -- we did not
21 have -- he said that we did not have on site other
22 approved extensions, other extensions which had
23 been approved. We did not have a supply of
24 extensions. My interpretation of your question is

1 related to that aspect, and that was the answer that
2 he gave you.

3 MR. ROMANO: Well, isn't it almost an
4 indictment of the applicant to say that they don't
5 have on the site equipment that is absolutely
6 necessary to do work properly and then we find that
7 because of improper equipment, welding was done that
8 did not meet the standards of the AWS Code?

9 MR. WETTERHAN: Objection. That is so
10 argumentative that it's not worthy of a response.
11 I will not have these witnesses talking about
12 indictments or anything. Just ask questions as to
13 the facts. You can make any inference you want
14 before the Board or in your published findings.

15 MR. ROMANO: I'll ask the question: Why
16 didn't the applicant have approved extensions on the
17 site?

18 MR. BOYER: If they had been considered
19 to be required, they would have been made available.

20 MR. ROMANO: Well, isn't it so that this
21 code that we've discussed here states that they had
22 to be used in these kinds of welding?

23 MR. BOYER: Can you point that out to me?

24 MR. ROMANO: Yes. Where the inspector

1 states, again on Page 5 --

2 MR. BOYER: That's not reading from the
3 code.

4 MR. ROMANO: Well, he refers to the code.
5 And he refers to -- and the inspector states that
6 the use of electrode holder extensions -- the
7 inspector, the NRC inspector, considered that an
8 electrode holder attached to a stick did not meet
9 the requirements of the code we're talking about.

10 MR. BOYER: That's what that sentence says,
11 yes, I agree to that.

12 MR. ROMANO: Well, it isn't -- it's not
13 just that, that the sentence says that. It's
14 detailing what the NRC inspector stated.

15 Now, you do know, Mr. Clohecy, that the
16 weld that was performed using the extension and
17 using that welder did not comply with AWS Code
18 welding; do you know that?

19 MR. CLOHECY: Yes.

20 MR. ROMANO: Now, the applicant says that
21 if they need any such equipment needed for use at
22 Limerick -- we're talking about the extensions --
23 it would be procured from a vendor of such equipment.

24 Didn't the applicant know the requirement

1 of the code relative did or did not -- did or did
2 not the applicant know that proper extensions were
3 required as per AWS D1-1-72 under Part 3.1.2?

4 (Witnesses conferring off the record.)

5 MR. BOYER: Well, the applicant was
6 familiar with that section of the code. The welder
7 involved in this particular weld felt that the
8 extension that he was using was appropriate.

9 As it turned out, there were some
10 deficiencies in the weld. So he had not made a
11 proper judgment. The deficiencies have not -- were
12 not analyzed to determine the total effect of the
13 deficiencies on the strength of the weld; that is,
14 the -- it was decided to re-do the weld and have it
15 fully comply with the code requirements.

16 MR. ROMANO: You say the welder took it
17 upon himself to decide to use the non-qualifying
18 extension?

19 MR. BOYER: Yes. Well, not a non-qualifying.
20 He felt it qualified for the work that he was to
21 perform.

22 MR. ROMANO: Is it general that welders,
23 especially in a nuclear facility, can make the
24 decision as to whether they can modify a specification?

1 (Witnesses conferring off the record.)

2 MR. BOYER: No. That should be discussed
3 with the foreman if he has any question about the
4 adequacy of it.

5 MR. ROMANO: In other words, this welder
6 did not conduct himself properly in this case?

7 MR. BOYER: Well, he did not use -- in
8 retrospect he did not use the best judgment.

9 MR. ROMANO: And isn't it possible that he
10 may have done this because there was improper or
11 not totally attentive inspection and supervision?

12 MR. BOYER: No.

13 MR. ROMANO: In other words, this -- you
14 feel -- do you feel that this welder did this on
15 more than one occasion but supervision had not seen
16 him?

17 MR. BOYER: I can't answer that.

18 MR. ROMANO: Can't answer it.

19 You do know that this fault -- faulty type
20 of work was brought to the attention of the
21 applicant by the NRC inspector; is that correct?

22 MR. BOYER: Yes.

23 MR. ROMANO: Yes.

24 Do you know whether it's possible that

1 this same welder could have, as he had, taken
2 liberty to modify procedures, could have on many
3 other occasions taken liberty and did improper
4 welding?

5 MR. BOYER: Your statement was that it
6 was an improper procedure. In the welder's view
7 it was appropriate and proper. There was no
8 specific procedure which said that he could not use
9 that type of access to the weld.

10 MR. ROMANO: Well, I thought we went
11 through this, did we not, that the extension had to
12 be designed and manufactured so as to enable him to
13 do the weld properly?

14 And then, you know -- and then --

15 MR. BOYER: In his opinion, he was using
16 a suitable extension.

17 MR. ROMANO: We're back again to whether
18 an individual welder can determine through his own
19 opinion rather than specify procedure what he will
20 do.

21 And I think again -- I say says something
22 about quality assurance -- is the big key situation
23 that we're discussing.

24 MR. BOYER: That's right. It was detected --

1 MR. WETTERHAN: There's no -- there's no
2 question pending.

3 MR. ROMANO: When a welder on his own is
4 permitted to make a decision that's contrary to
5 specified procedure, don't you feel that that is not
6 proper?

7 MR. BOYER: If it's a specified procedure,
8 it would be improper.

9 MR. CLOHECY: If the welder is violating
10 a procedure, that's improper.

11 MR. ROMANO: The use of a broomstick
12 instead of a qualified extension is improper, isn't
13 it?

14 MR. CLOHECY: The use of an unapproved
15 extension is improper.

16 MR. ROMANO: Right.

17 Okay. Now I'm going to Interrogatory No.
18 8.

19 MR. WETTERHAN: Okay. 8? You're there.

20 (Discussion off the record.)

21 (A five-minute recess was taken at
22 approximately 10:40 a.m.)

23 MR. ROMANO: Now, we are on Interrogatory
24 No. 9 of the first set. And I ~~asked~~ the question:

1 Under 76-06-01 has the name of the person who is
2 represented as the licensee who disagreed, the
3 inspector requested for visual inspection of the
4 limited access welds performed at Elevation 253 on
5 Steel Beam Piece No. 232B7?

6 And the applicant said it did not -- does
7 not agree with my characterization of the inspection
8 report identified in this interrogatory.

9 Well, on that score I want to ask -- again
10 I was asking the licensee inspector, Mr. Corcoran,
11 who is not here, and, therefore, tends to make my
12 questions look like they're hardly applicable.

13 So I ask again. Isn't it true -- and I
14 have to ask this of Mr. Corcoran again --

15 MR. WETTERHAN: Clohecy.

16 MR. ROMANO: Clohecy for Mr. Corcoran --
17 well, now, let me see here. I have to take a
18 second.

19 Well, I'm going to read again from Page 5
20 as to whether or not I did not -- I mischaracterized --
21 whether I mischaracterized that the licensee
22 disagreed.

23 Now, the NRC inspector states that in
24 Part 3.1.2 it is required that equipment be designed

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and manufactured so as to enable qualified welders
to attain results prescribed in the AWS Code, and
it continues.

"The inspector considered that an
electrode holder attached to a stick did not meet
this requirement unless proven satisfactory by
qualification test for the six different weld
configurations to be welded at the limited access
joints."

Now, it says, "The licensee disagreed,"
coming right after the NRC inspector's statement
that the extensions were not designed and manufactured
so as to enable qualified welders to attain these
results and coming right after the NRC inspector
stating that he did not consider that an electrode
holder attached to a stick meant the requirements
unless proven satisfactory by qualification.

It's obvious when the next sentence states,
"The licensee disagreed," and the inspector requested
that they now look at the possibility that this welder was not
characterized that statement.
So I don't see

1 MR. BOYER: I can just repeat my former
2 answer.

3 MR. ROMANO: I've asked that question,
4 though. How do you say I mischaracterized it?

5 MR. WETTERHAN: I think he's explained --

6 MR. ROMANO: No. I'm asking Mr. Boyer.

7 MR. WETTERHAN: Can you give a further
8 answer, or do you rest on that answer?

9 MR. BOYER: As stated in the last sentence
10 of the interrogatory, our interpretation of the
11 NRC report as you quote it on Page 5 --

12 MR. ROMANO: May I interrupt --

13 MR. WETTERHAN: No, you may not.

14 MR. ROMANO: I don't know where he's
15 reading, and I'd like to know.

16 MR. WETTERHAN: Could you just continue.

17 MR. ROMANO: Well, I will repeat. I said
18 that the last sentence in the response to
19 Interrogatory No. 9 which says, "The licensee's
20 representative, Mr. Corcoran, disagreed with the
21 inspector's statements on the need for certain
22 qualification tests"; and that is an explanation
23 of the statement "The licensee disagreed " comma.

24 MR. ROMANO: But the statements there of

1 the NRC inspector calling attention to the non-
2 qualification situations with the licensee disagreeing,
3 he disagreed to the inspector's statement on a need
4 for certain qualifications; but he also disagreed
5 with the fact that the welder wasn't qualified --
6 you know, the welder himself wasn't qualified. So
7 that that doesn't really answer the whole situation
8 as far as I can see it.

9 MR. BOYER: I thought your question related
10 to the inspection of the -- what other welds which
11 had been identified.

12 MR. ROMANO: Well --

13 MR. BOYER: That's what Interrogatory 9
14 is referring to, and I thought you were discussing
15 Interrogatory No. 9.

16 MR. ROMANO: That's right.

17 And the inspection of the weld is
18 involved there because the NRC inspector had already
19 said that they had used improper procedure and there
20 was a dispute at that point.

21 And as a result of the dispute, the NRC
22 inspector said, "Okay. Let's inspect that thing
23 then."

24 That infers that PE, the licensee, was

not agreeing to a reinspection, as I see it here.

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MR. BOYER: I would just come back and say that the answer to Interrogatory No. 9 is correct, and we will stand by that answer. I believe your interpretation is wrong.

MR. ROMANO: Well, the statement of the licensee, the -- what do you feel the licensee disagreed with at that point?

MR. BOYER: It's covered in the last sentence of the answer to Interrogatory No. 9.

MR. ROMANO: Why doesn't the licensee agree or disagree with the ability -- with whether or not the welder was qualified to weld? Why does that -- why is that not discussed in your answer?

MR. BOYER: The question did not relate to that.

MR. ROMANO: Well, the question does relate to improper procedure to be used on limited access welds. And that weld had already been inspected, had it not?

MR. CLOHECY: I can't answer that.

(Witnesses conferring off the record.)

MR. BOYER: Yes, it has been inspected.

MR. ROMANO: And it was found to be

1 non-conforming; isn't that so?

2 (Witnesses conferring off the record.)

3 MR. BOYER: You may respond to that.

4 MR. CLOHECY: Okay. Would you repeat the
5 question, please?

6 MR. ROMANO: That weld --

7 MR. BOYER: Which weld?

8 MR. ROMANO: The weld that -- 253,
9 Columns F, H at Wall 23.

10 MR. CLOHECY: Okay. That's two welds.
11 Go ahead.

12 MR. ROMANO: Those welds were found to
13 be non-conforming; right?

14 MR. CLOHECY: That's correct.

15 MR. ROMANO: And that non-conformance,
16 both in that weld and in the procedures used by
17 the inspector, the licensee had already known that
18 that procedure using improper extensions had been
19 used before, did he not? We already discussed that?

20 MR. CLOHECY: No, that's not correct.

21 MR. ROMANO: Well, doesn't it state there
22 that he later confirmed that the approach had been
23 used before up at the end of the first paragraph?

24 MR. CLOHECY: That's not referring to the

1 procedure. That's referring to the --

2 MR. ROMANO: No. I'm referring to the
3 licensee.

4 MR. WETTERHAN: Let him answer, and then
5 you can change your question.

6 MR. CLOHECY: That's not referring to the
7 procedure. That's referring to the approach of
8 using an electrode holder extension.

9 MR. ROMANO: I was discussing the
10 licensee inspector and not the procedure using
11 extensions.

12 MR. BOYER: Can you point where you are
13 referring to or can you read? None of that has to
14 do with Interrogatory No. 9, as far as I can see.

15 MR. ROMANO: Well, it has to do with the
16 weld involved there and whether or not the licensee
17 disagree with another inspection. We are hung up
18 on the same thing we were hung up on before about
19 mischaracterization.

20 Again I have to say that I would -- my
21 questions were to be for Mr. Corcoran who I feel
22 might have been able to more precisely answer. And
23 I think Mr. Clohecy is trying to do a good job, but
24 he isn't the one that was specifically involved here.

1 And so we have it as an incomplete picture of the
2 situation, as I see it.

3 MR. WETTERHAN: I'd like to make a
4 statement. Mr. Clohecy's name is written under
5 Answer to Interrogatory 9, which is in the set
6 designated Discovery 15. And as far as I have heard,
7 he has been able to answer any questions that you
8 have had of him.

9 MR. ROMANO: Well, so is Mr. Corcoran's
10 name under there, and he was the inspector. And I
11 think in order that I could fully question and
12 receive answers -- as I say again, the fact that the
13 inspector involved is not here adversely affects
14 what I try to do here this morning.

15 MR. WETTERHAN: I suggest you take that up
16 with the Licensing Board.

17 MR. ROMANO: Would you say, Mr. Clohecy,
18 that what did -- how do you interpret that sentence
19 starting with "The licensee," second paragraph,
20 "The licensee disagreed"?

21 Would you read the whole sentence and tell
22 me how you interpret that?

23 MR. CLOHECY: Well, I would have to say
24 that my interpretation is as stated in our response

1 to Interrogatory No. 9.

2 MR. ROMANO: Well, I'm going away from
3 that response now and asking you another question.

4 Would you read that question -- read that
5 statement and then tell me what your interpretation
6 of that...

7 MR. CLOHECY: Okay. "The licensee
8 disagreed, and the inspector requested that the
9 provisions" -- "that provisions be made to permit
10 his visual inspection of the limited access welds
11 performed at Elevation 253 on Steel Beam Piece No.
12 232B7."

13 MR. ROMANO: How do you interpret that?

14 MR. CLOHECY: Well, my interpretation is
15 as given in the Answer to Interrogatory No. 9.

16 And I would have to say that the -- you
17 have to read the sentence before that and the sentence
18 after that in order to understand that sentence
19 fully.

20 The disagreement was with the need to
21 qualify the welder and procedure using the
22 electrode holder extension. There was no disagree-
23 ment regarding the need to inspect.

24 MR. ROMANO: Well, wouldn't you think

1 that there had to be a discussion on the quality
2 of that weld if the license -- the inspector
3 immediately following the disagreement of the
4 licensee called to reinspect that weld? That's
5 immediately what he did after the disagreement, that
6 the NRC inspector immediately requested that we go
7 and look at that weld.

8 Doesn't that infer that there was
9 discussion on the possibility of whether that weld
10 was good or not?

11 MR. CLOHECY: No, it doesn't infer that.

12 MR. ROMANO: But why would you feel the
13 inspector immediately called -- requested that
14 provisions be made to permit his visual inspection
15 of that weld?

16 MR. CLOHECY: I think because he wanted to
17 inspect it.

18 MR. ROMANO: But it had already been
19 inspected once, hadn't it?

20 MR. CLOHECY: Yes.

21 MR. ROMANO: Why would he want to
22 reinspect it?

23 MR. GUTIERREZ: Point of clarification.
24 Are you asking these witnesses now questions as to

1 the motivations of NRC inspectors?

2 MR. ROMANO: Well, I'm trying to -- I
3 don't know what you exactly mean by "motivation."

4 But I'm trying to clarify --

5 MR. GUTIERREZ: It's my understanding
6 you're asking the utility witnesses to explain why
7 NRC inspectors took certain actions.

8 MR. ROMANO: Yes. And I'm doing that
9 because the NRC inspector is not here.

10 And again I say that that jeopardizes my
11 position, because I have to take time trying to get
12 around with many questions when I could ask it
13 directly and could possibly have the support of the
14 NRC inspector during this questioning.

15 MR. WETTERHAN: Why --

16 MR. GUTIERREZ: I would only stand on my
17 former explanation as to why there are no NRC
18 inspectors and only add that the report you're
19 reading from speaks for itself. *

20 MR. WETTERHAN: I would agree that my
21 interpretation is the same as Mr. Gutierrez'.

22 I have allowed this to continue because it
23 is your deposition, and I don't personally think it
24 has any utility whatsoever. But I've allowed it to

1 continue.

2 MR. ROMANO: You mean -- you mean to tell
3 me you're going to say I wouldn't be able to proceed
4 unless you agreed to it? Is that what you're saying?

5 MR. WETTERHAN: I am saying that if at all
6 useful, this is marginally useful.

7 You're asking an applicant's witness to
8 look at an inspection report that was written by the
9 NRC and ask what was their motivation behind certain
10 actions. They can hypothesize. They can guess.
11 They can give you their feeling. That's what these
12 witnesses are doing.

13 My only answer to you is I don't see what
14 usefulness it plays, but it is your deposition and
15 I have not objected.

16 MR. ROMANO: Okay.

17 Do you know, Mr. Clohecy, whether or not
18 the licensee inspector was present when Bechtel's
19 quality control inspector checked off this weld as
20 being suitable?

21 MR. CLOHECY: I believe he was not.

22 MR. ROMANO: You don't know for sure, do
23 you?

24 MR. CLOHECY: There's no record that he

1 was.

2 MR. ROMANO: There's no record that he
3 wasn't, either, is there?

4 (Witnesses conferring off the record.)

5 MR. CLOHECY: It would be documented if
6 he had been.

7 MR. ROMANO: In that specific situation
8 where there was this question, why wasn't --

9 MR. BOYER: Clarification. Question.
10 What question?

11 MR. ROMANO: About that whole situation,
12 the broomstick affair and the type of weld that was
13 made.

14 Why wasn't he there?

15 MR. CLOHECY: Why wasn't...

16 MR. BOYER: Mr. Romano, your question is
17 not clear. Why wasn't he there at what particular
18 time? Are you referring to --

19 MR. ROMANO: Well, at the time that weld
20 was made and --

21 MR. BOYER: Which weld?

22 MR. ROMANO: -- reported as okay, the one
23 at 23, Column F and H at Wall 23.

24 MR. BOYER: At that time that that weld

1 was made there was no question raised about the
2 method of the adequacy or anything else relating to
3 that weld. The weld was made. It was inspected by
4 Ferretti, and the records were recorded and placed
5 in the file, I presume.

6 MR. ROMANO: Well, I'm talking about Mr.
7 Corcoran.

8 MR. BOYER: There was no question raised
9 by Mr. Corcoran or anyone else at that particular
10 time. It was on the next occasion that a weld was
11 going to be made that an NRC inspector observing
12 the preparation for the weld raised the question
13 about the methodology that was to be employed and
14 then raised a question as to whether others -- other
15 welds of a similar nature had been made using the
16 same techniques that were going to be employed in
17 the placement of the weld that was being observed.

18 MR. ROMANO: But isn't it so that Mr.
19 Corcoran knew about the previous use of an improper
20 extension?

21 MR. CLOHECY: No, that's not so. He had
22 not -- he did not have prior knowledge that that had
23 been used. He later confirmed that.

24 MR. BOYER: Later confirmed what? Just to

1 clarify.

2 MR. CLOHECY: He later confirmed that the
3 electrode holder extension approach had been used at
4 Elevation 253 on those particular columns, F and H,
5 Wall 23.

6 MR. BOYER: He confirmed that it had been
7 used, but he did not confirm that he had prior
8 knowledge of it.

9 MR. CLOHECY: That's correct.

10 MR. BOYER: He did not have prior knowledge
11 of it at the time that the weld was conducted or at
12 the time that the --

13 MR. ROMANO: Well, isn't it so by "later
14 confirmed," it means after the NRC inspector obtained
15 this information from craft and supervision
16 personnel?

17 MR. CLOHECY: Yes, he confirmed it after
18 the NRC talked to craft and supervision personnel.

19 MR. ROMANO: But he had known it before, he
20 had known it before it was brought up to the -- by
21 the NRC inspector, as it's stated there.

22 MR. CLOHECY: It does that state that there

23 MR. ROMANO: Well, it was not known by --
24 it was not brought out that improper welding had been

1 done using extensions until the NRC inspector brought
2 it out; isn't that so?

3 MR. CLOHECY: That's correct.

4 MR. ROMANO: So that after they found --
5 after the NRC inspector brought it out, Mr. Corcoran
6 admitted that this had been done before. So he did
7 not know about it before.

8 MR. CLOHECY: No. He confirmed that the
9 same approach using electrode holder extensions --
10 actually I think you're not giving the whole context
11 there.

12 When the NRC inspector talked to the crafts
13 and other personnel, that was about their plans to
14 use these extensions. They had not used them at
15 that elevation.

16 And then as a result of his questioning,
17 the licensee contractor QA and QC personnel confirmed
18 that that approach had been used on the similar weld
19 joints at Elevation 253, Columns F and H, Wall 23.

20 MR. ROMANO: but doesn't that say that they
21 knew of a previous incident where this improper
22 extension was used?

23 MR. CLOHECY: It doesn't say that they
24 knew of it at the time that it occurred.

1 MR. ROMANO: Well, that's your
2 interpretation. I think I can read as well as you
3 can; and it seems to me that Mr. Corcoran did know
4 about this before, as he states that he -- was used
5 at another place.

6 So to me it does indicate that he did know
7 about this before, and that I feel that's improper --
8 that adds to the fact that the QC work was less than
9 what -- less than proper.

10 Well, I'm going to the third set.

11 MR. WETTERHAN: What is it -- 17?

12 For the record, the third set of
13 interrogatories is also known as Discovery 17; and
14 it was dated December 19, 1983.

15 MR. ROMANO: I just want to go back to
16 No. 6 of the first set to be sure that I have this
17 in the record, that G. P. Auclair was stated to be
18 a qualified welder.

19 MR. BOYER: Yes, we -- I believe that it's
20 in this deposition already.

21 MR. ROMANO: Yes.

22 And that -- was he -- was he qualified in
23 every respect or in every technique which would be
24 involved in welding he performed?

1 MR. BOYER: Yes.

2 MR. CLOHECY: Yes.

3 MR. ROMANO: You stated yes.

4 And that the NRC inspector's questioning
5 him about whether or not he was in fact qualified
6 for limited access welding was the inspector didn't
7 know his qualifications; is that so?

8 MR. CLOHECY: I don't understand your
9 question.

10 MR. ROMANO: Well, the NRC inspector
11 questioned whether or not the welder was qualified
12 to do the six techniques necessary for that weld;
13 and you say he was qualified in all techniques.

14 Are you, therefore, saying that the NRC
15 inspector was wrong in assuming that G. P. Auclair
16 did not have qualifications to do that kind of
17 welding?

18 MR. BOYER: It's a matter of interpretation.

19 MR. ROMANO: Well, the NRC inspector did
20 question the qualification of Mr. Auclair, did he
21 not?

22 MR. BOYER: Yes.

23 MR. ROMANO: As it relates to quality
24 assurance on the third set, Interrogatory No. 3

1 asked to indicate name of welders who more than
2 one time were involved in reported deficient welds
3 and **who**, nevertheless, were not discharged or
4 separated from work at Limerick.

5 Applicants state that "Not all welders
6 who performed deficient welds identified by the
7 NRC as welding infractions have been identified."

8 Is that so?

9 MR. CLOHECY: Yes, that is so.

10 MR. ROMANO: They have not all been
11 identified.

12 And it further states that "Welders
13 involved with unacceptable welding performance or
14 non-adherence to specified welding procedures are
15 retrained. They are not necessarily discharged."

16 Is that also your understanding?

17 MR. CLOHECY: I would agree with our
18 response there in Interrogatory No. 3.

19 MR. ROMANO: Well, I ask you, you know,
20 specifically on that statement.

21 MR. CLOHECY: Yes. When it is determined
22 that a welder is experiencing difficulty, he is
23 retrained and/or requalified as appropriate and not
24 necessarily discharged or separated.

1 MR. ROMANO: You are saying that welders
2 who repeatedly or more than once performed bad
3 welding are not necessarily discharged?

4 MR. CLOHECY: That's correct.

5 MR. BOYER: Wait a minute. Pardon me.

6 MR. ROMANO: Do you have --

7 MR. BOYER: Pardon me.

8 (Witnesses conferring off the record.)

9 MR. CLOHECY: I would like to clarify. We
10 have not identified any welders who were involved
11 more than once in a safety-related welding
12 infraction reported in the NRC report; but were one
13 involved more than once, he would not necessarily
14 be discharged.

15 MR. BOYER: But his case would certainly
16 be reviewed.

17 (Witnesses conferring off the record.)

18 MR. ROMANO: Well, how is it that you can
19 say that welders identified by NRC as having
20 performed improper welding, that the applicant,
21 however, doesn't -- hasn't identified them?

22 MR. BOYER: Wait a minute. I don't think
23 that's not clear.

24 MR. CLOHECY: Would you repeat that?

1 MR. ROMANO: "Not all welders who performed
2 deficient welds identified by the NRC as welding
3 infractions have been identified." That means by
4 the applicant.

5 How is it that the NRC identified these
6 welders, these infractions and the applicant states
7 all those welders have not been identified?

8 MR. BOYER: Well, you see, in the sense
9 before it refers to welders -- it refers to AWS
10 Code which does not require traceability to the
11 welder's identity to the particular weld.

12 So in certain of the balance of plant
13 non-safety-related systems, there are, according to
14 the code requirements, that the welder or a
15 particular weld does not have to be clearly
16 identified.

17 MR. ROMANO: Are you saying that even
18 though the NRC identifies those welders, that the
19 applicant does not clearly identify those welders?

20 MR. CLOHECY: Okay. The NRC did not say
21 that they identified those welders.

22 I'd like to clarify that the AWS Code does
23 not require traceability --

24 MR. WETTERHAN: Let him finish.

1 MR. CLOHECY: -- of the welder's identity
2 to the particular weld; but it does require that the
3 inspector verify the qualification of welders and
4 permit welding only by qualified welders.

5 MR. ROMANO: Well, I know. That repeats
6 a question that was answered before.

7 But it does say here that "Not all
8 welders who performed deficient welds identified by
9 NRC have been identified."

10 Can you say that that can happen anywhere
11 else, where NRC comes up with knowing who welders
12 are and where the infraction was, that records of
13 the applicant do not parallel such disclosure?

14 MR. WETTERHAN: What do you mean "anywhere
15 else"?

16 MR. ROMANO: Anywhere else in the plant.

17 MR. CLOHECY: I don't understand the
18 question.

19 MR. ROMANO: I'll skip the question because
20 we have repeated answers.

21 And you do agree that, as it states here,
22 that "welders involved with unacceptable welding
23 performance or non-adherence to specified welding
24 procedures are retrained. They are not necessarily

1 discharged."

2 MR. CLOHECY: I agree with our statements
3 in Interrogatory No. 3.

4 MR. ROMANO: Then the applicant does permit
5 welders who have more than at one time performed
6 bad welds permit them to continue working, retraining
7 and working; right?

8 MR. BOYER: That is not what this says.

9 MR. CLOHECY: We had not identified welders --

10 MR. ROMANO: No. I'm talking about the
11 last sentence.

12 MR. CLOHECY: -- more than once in a welding
13 infraction reported by the NRC.

14 MR. ROMANO: I'm not talking about that.
15 I said we have passed that one.

16 The last one about -- I asked whether it
17 is so -- is it so that welders at Limerick who have
18 been known to or found to be making improper welds
19 are, nevertheless, not necessarily discharged?

20 (Witnesses conferring off the record.)

21 MR. BOYER: This last sentence refers to
22 the continual monitoring that is done of the
23 quality of welds produced by welders by their
24 supervisors. And if it is detected that a welder

1 may be having difficulty in making a satisfactory
2 weld by dipenetrated test, something else,
3 intermediate checks found a deficiency which would
4 be taken care of at that time. And if it is
5 considered he is having more than an average amount
6 of difficulty in performing satisfactorily, he would
7 be retrained.

8 MR. ROMANO: How do you retrain a welder
9 that has been making poor welds?

10 (Witnesses conferring off the record.)

11 MR. CLOHECY: I can't answer that off the
12 top of my head.

13 MR. BOYER: But retraining is going on.

14 MR. CLOHECY: We do have retraining
15 occurring occasionally.

16 MR. ROMANO: On a welder such as that
17 that you know is having trouble making proper welds,
18 do you have a program of a more precise and more
19 inclusive inspection of what that welder does?

20 MR. CLOHECY: The inspection requirements
21 would remain the same. There is a -- all welds get
22 a final inspection, all safety-related welds.

23 MR. BOYER: And you must appreciate that
24 these welders, to be able to work there, have passed

1 stringent qualification tests.

2 MR. ROMANO: Well, how stringent is the
3 qualification test when a welder is found subsequently
4 to be performing improper welds repeatedly?

5 MR. BOYER: We have not had improper
6 welds repeatedly.

7 MR. ROMANO: You had -- you do specify
8 that you've had welders who have more than once
9 been found to have unacceptable welding performance.

10 MR. BOYER: Where do you see that?

11 MR. ROMANO: Because you state here that
12 "Welders involved with unacceptable welding
13 performance or non-adherence to specified welding
14 procedure are retrained. They are not necessarily
15 discharged."

16 That same interrogatory I said -- I asked
17 to indicate name of welders who more than one time
18 were involved in reported deficient welds and who,
19 nevertheless, were discharged or separated from
20 work at Limerick.

21 Then you say, applicant states that
22 "Welders involved with unacceptable welding
23 performance or non-adherence to specified welding
24 procedures are retrained. They are not necessarily

1 discharged."

2 Doesn't that indicate that's more than
3 one welder?

4 (Witnesses conferring off the record.)

5 MR. BOYER: It could be more than one
6 welder. More than one welder certainly has had
7 some problems and been retrained.

8 MR. ROMANO: Yes.

9 Can I ask -- I do ask: Do you have any
10 welders there working who were found and records
11 show that more than once they were performing
12 improper welds?

13 MR. BOYER: The first paragraph states that
14 we did not have.

15 MR. ROMANO: That is your answer --

16 (Witnesses conferring off the record.)

17 MR. BOYER: Oh, that relates to NRC
18 inspections.

19 MR. CLOHECY: Yes. Our answer relates to
20 welders involved with safety-related welding
21 infractions reporting to the -- reported by the
22 NRC.

23 MR. ROMANO: Well, how about other than
24 reported to the NRC? Do you have -- can you state

1 that there are no welders who more than once have
2 been reported to have made improper welds but still
3 retrain?

4 MR. CLOHECY: No, I don't state that.

5 MR. ROMANO: I say do you have records of
6 such a thing?

7 MR. CLOHECY: Of what?

8 (Witnesses conferring off the record.)

9 MR. CLOHECY: There have been some welders
10 who have been found to have some minor defects in
11 their welds more than once.

12 MR. ROMANO: On safety-related matters?
13 Safety-related welding, that is?

14 MR. CLOHECY: Yes.

15 MR. ROMANO: And they are, nevertheless,
16 retrained to continue welding; is that so?

17 MR. CLOHECY: Their performance is
18 evaluated on an individual case-by-case basis; and
19 it is determined what action should be taken, whether
20 retraining, requalification or other appropriate
21 action.

22 MR. ROMANO: What do you mean by "other
23 appropriate action"?

24 MR. CLOHECY: That would be determined on

1 a case-by-case basis.

2 MR. ROMANO: Do you have a record of the
3 number of welders which have been discharged from
4 Limerick as a result of poor welding?

5 MR. CLOHECY: Yes. We answered that
6 question in one of the earlier interrogatories.

7 MR. ROMANO: Where is that?

8 (Discussion off the record.)

9 MR. CLOHECY: Yes. As we stated in
10 Interrogatory No. 4 to that same set of questions,
11 we have identified one welder who was -- no, that's
12 I'm sorry. That's not the answer I was referring to.
13 There's another interrogatory.

14 MR. ROMANO: Could I hold this up a
15 minute?

16 MR. WETTERHAN: Yes.

17 (Discussion off the record.)

18 MR. CLOHECY: Yes. In Discovery 24, also
19 known as AWPP's twelfth set of interrogatories,
20 Interrogatory 7K we have stated that "Bechtel Power
21 Corporation has separated, discharged or transferred
22 welders from work at Limerick for reasons such as
23 those listed above."

24 MR. ROMANO: Would you read that again,

1 please? I was thinking about something else.

2 MR. CLOHECY: Yes. "Bechtel Power
3 Corporation has separated, discharged or transferred
4 welders from work at Limerick for reasons such as
5 those listed above," which are the reasons you
6 listed in your interrogatory.

7 MR. ROMANO: How many were separated during
8 the working period?

9 MR. CLOHECY: I don't have that number
10 right now.

11 MR. ROMANO: You do have records of such
12 a thing?

13 MR. CLOHECY: We have stated that there
14 are some welders who were separated, discharged or
15 transferred for those reasons which you listed.

16 MR. ROMANO: Do you have records showing
17 all -- how many such welders and what the situation
18 was for their removal?

19 MR. CLOHECY: We have records on that.

20 MR. ROMANO: Okay. I'll go to the tenth
21 set of interrogatories.

22 MR. WETTERHAN: A particular one, Mr.
23 Romano?

24 MR. ROMANO: What's that?

1 MR. WETTERHAN: A particular interrogatory?

2 MR. ROMANO: It's tenth, tenth set under

3 2A.

4 MR. WETTERHAN: Okay. Thank you.

5 MR. ROMANO: What is the procedure, Mr.
6 Boyer, that you used to indicate that the number of
7 welds which now were involved with the 76-06-01
8 inspector, Mr. Ferretti, went up from your original
9 estimation of 350, roughly 350 to 709 on your second
10 approximation?

11 MR. BOYER: To answer that, I think you
12 have to have an appreciation of the filing system
13 and how you determine the number of welds that a
14 welder -- that a quality assurance inspector or
15 quality control inspector has been involved with.

16 The weld records are not filed under each
17 inspector's names. They're filed by groups of
18 welding records and the weld sheets, the drawings on
19 which the welds are indicated. And there is an
20 inspection sheet attached to those drawings.

21 At the time the initial question arose,
22 an inspection was made of the files; and all of the
23 drawings were gone over and examined to determine
24 welds which had Mr. Ferretti's initials on it and

1 the number came up to be 350.

2 At -- the group who did that evaluation
3 thought that they had encompassed therein thereby
4 all of the welds that Mr. Ferretti was responsible
5 for.

6 It was -- right, they were the accessible
7 welds, right.

8 It was subsequently determined that there
9 were a number of weld sheets, weld record sheets and
10 drawings that had other welds that had not yet been
11 inspected or were in the process of being inspected
12 that were out on field engineers' desks, and they
13 were sort of working in an act of review. This
14 then brought the number up to the higher level.

15 MR. ROMANO: Yes.

16 Well, then you said, did you not, that you
17 don't customarily have the name of the inspector on
18 these --

19 MR. BOYER: No. We have the name of the
20 inspector.

21 I said we do not have a file by inspectors'
22 names for every weld that he inspected. We do not
23 file them under the inspectors' names. That would
24 mean duplicate files and just a massive increase in

1 the amount of paperwork.

2 A drawing can have a number of welds on
3 it. What? --10 to -- 5 to 20?

4 MR. CLOHECY: Yes, that many or more.

5 MR. BOYER: It can have 5 to 20 welds on
6 it. And a number of inspectors could be involved
7 with the various welds on the drawing.

8 There is an inspection sheet attached to
9 that drawing which has a place for each of the welds
10 and for the inspector to put his initials.

11 MR. ROMANO: Well, then that was the
12 second time.

13 You would think by the second time that
14 you weren't sure you would at that point know what
15 the number of welds should be, shouldn't you, after
16 the second approach to it?

17 MR. WETTERHAN: Which second approach?

18 MR. ROMANO: Well, the recount.

19 MR. BOYER: The second approach included
20 the drawings that were out in the active working
21 arena, so to speak, on field engineers' desks and
22 whatnot --

23 (Witnesses conferring off the record.)

24 MR. ROMANO: We are talking about 1976.

1 And you -- these questions -- these answers came up
2 recently. And --

3 MR. WETTERHAN: Sir, are you asking the
4 difference between 709 and 1235? Is that your
5 question?

6 MR. ROMANO: No, not yet.

7 Why wouldn't these records in 1976 summed
8 up or otherwise, especially when it was determined
9 in 1976 that this incident occurred, why wouldn't
10 it have immediately been looked into so that you
11 would absolutely know where all these welds that
12 could have been improperly done, why wasn't it looked
13 into during that 1976 period instead of having now
14 to go looking through what you say they're around
15 the plant somewhere?

16 MR. BOYER: I was referring to the 1976-1977
17 time frame.

18 MR. ROMANO: But then you should have had
19 the number of welds at the time you reported what
20 you thought was the number originally reported as
21 the number which he was involved with if you're
22 talking about the '76 - '77 time frame.

23 (Witnesses conferring off the record.)

24 MR. CLOHECY: The number reported in the

1 response to the NRC's Item 9 compliance was given as
2 an approximate number which had been reinspected;
3 and those were considered to be at that time all
4 accessible welds that this inspector has been
5 involved with.

6 MR. ROMANO: Yes.

7 But we're also concerned with inaccessible
8 welds, aren't we?

9 MR. CLOHECY: Yes.

10 MR. ROMANO: And subsequent to the 709
11 we come up with 1235 welds.

12 Now, was that also known in the '76 - '77
13 time frame?

14 MR. CLOHECY: No.

15 MR. BOYER: No.

16 MR. ROMANO: I would say why wasn't it
17 known at that time when it involved not only bad
18 welding, but it involved bad quality assurance and
19 involved false documentation of records?

20 MR. WETTERHAN: I can't let that go by.
21 I disagree with false characterization of falsi-
22 fication -- false characterization of false records.

23 MR. ROMANO: I disagree it is a false
24 characterization because we'll read again on Page 5

1 at the bottom.

2 "For the weld joints designated No. 3
3 in the record drawing of the in-process checklist,
4 all inspection items had been checked off by the
5 Bechtel quality control inspector, including 'Final
6 quality verification.' The QC inspection
7 apparently did not comply with the requirements of
8 AWS D1-1, Section 6 'Inspection.'"

9 In other words, the inspector inspected,
10 supposedly inspected -- he possibly did not inspect
11 but checked it off as a final quality verification
12 even though the weld was subsequently found to be
13 improper. That would indicate it wasn't -- there
14 was falsification of records of -- wouldn't you
15 say that if an inspector inspected a weld or did not
16 inspect -- just say that he inspected a weld and
17 checked it off, final quality verification; but the
18 weld then was found to be non-conforming, very badly
19 non-conforming, that wouldn't you agree that that's
20 indicating that those welds were okay is a
21 falsification by the inspector?

22 MR. BOYER: Mr. Romano, your statement
23 was rather rambling. It had some statements in it,
24 partial statements in it that I would take objection

1 to.

2 MR. ROMANO: Let me clarify it then.

3 MR. BOYER: And the question is not clear.

4 MR. WETTERHAN: He's going to clarify it
5 and withdraw it.

6 MR. ROMANO: Let me clarify.

7 The QC inspector, Bechtel QC inspector
8 checked off the weld and went beyond that and put it
9 down as having been given final quality verification.

10 When that same weld was reinspected and
11 found to be totally off, isn't that a misstatement
12 of fact and isn't that falsification of records?

13 MR. BOYER: At the time Mr. Ferretti
14 inspected the welds, he felt that that weld was --
15 would meet the code requirements.

16 MR. ROMANO: Well, I say my interpretation
17 of reading this situation that he probably never
18 ever looked at the weld because -- he is qualified
19 as an inspector, is he not?

20 MR. BOYER: Yes, sir.

21 MR. ROMANO: Would you think that he would
22 know a good weld from a bad weld?

23 MR. BOYER: Yes.

24 MR. ROMANO: Would you think he would know

1 that the welds when reinspected were of an
2 unacceptable profile, contained excessive undercut
3 and were incomplete at the upper and lower edge of
4 the angle clip? Would you say that it would be
5 difficult for a qualified inspector to recognize
6 that situation?

7 MR. BOYER: I can't really make a statement
8 relative to that because I did not see the weld.
9 We are going by the words that are there. And I
10 don't think since the weld was repaired at the time
11 in 1976 rather than evaluated, none of us can really
12 determine personally, from a personal observation
13 or evaluation as to the adequacy of the weld.

14 MR. ROMANO: I understand that you can't
15 personally do it.

16 But you agree that the inspector was a
17 qualified inspector --

18 MR. BOYER: Yes.

19 MR. ROMANO: -- do you not?

20 And you know that the NRC inspector made
21 the second inspection, do you not?

22 MR. BOYER: Yes.

23 MR. ROMANO: Would you say that the NRC
24 inspector incorrectly determined the condition of

1 that weld?

2 MR. WETTERHAN: I object. I don't know
3 how he can testify as to the qualifications of any
4 NRC inspector.

5 MR. GUTIERREZ: Well, I object for a
6 different reason.

7 He has already stated that he cannot
8 personally talk about the adequacy of that weld.
9 He did not look at the paperwork or the radiographs
10 or whatever.

11 Now you follow up with a question
12 relative can he judge what an NRC inspector did
13 relative to that same weld. He has no personal
14 knowledge.

15 MR. ROMANO: I think it's very important,
16 though, that we have to agree -- we have to -- the
17 NRC inspector is being questioned as to his
18 qualifications, too.

19 MR. GUTIERREZ: I haven't understood the
20 witness to question the qualifications of the NRC
21 inspector.

22 MR. WETTERHAN: We don't even know even
23 if the NRC inspector's qualifications --

24 MR. ROMANO: Just a minute, Mr. Wetterhan.

1 (Discussion off the record.)

2 MR. ROMANO: Mr. Boyer, you did say that
3 you're not sure what the applicant -- what the
4 Nuclear Regulatory inspector saw there. You can't
5 vouch for what he saw?

6 MR. BOYER: No, I can't.

7 MR. ROMANO: Would you, therefore,
8 question other inspections and reports made by NRC
9 inspectors because they may also create a doubt in
10 your mind?

11 MR. BOYER: I'm not really questioning
12 this one.

13 MR. ROMANO: Well, I thought you said that
14 because you weren't there, you couldn't vouch for
15 what the inspector saw, the NRC inspector saw.

16 MR. BOYER: That's right.

17 MR. ROMANO: Then there's a little element
18 of doubt there since -- isn't there a little element
19 of doubt?

20 MR. BOYER: Well, what I'm basing my
21 statement on or -- is that in this total reinspection
22 program where we had a number of different inspectors
23 looking at a number of welds and in some cases we had
24 two or more inspectors looking at the same weld, we

1 would get a difference of views as to whether the
2 weld fully met the qualifications or not. So that
3 welding inspectors can have different opinions as
4 to the situation with regard to a particular weld.

5 Now, I don't honestly think that that would
6 have been a -- that this weld would have been that
7 borderline a case. But it could have been a case
8 wherein Mr. Ferretti felt that the weld was adequate
9 for the job that it had to do; and he did not comply
10 with the strict full requirements. He was using
11 some judgment which was probably in error on his
12 part at that point in time; but that could have
13 occurred. I have no way of really elevating that
14 at this point.

15 MR. ROMANO: You have no way either of
16 knowing whether Mr. Ferretti inspected that weld at
17 all, have you?

18 MR. BOYER: I'm sure he did.

19 MR. ROMANO: How can you be sure of that?

20 MR. BOYER: Well, just from the total
21 program that we have and the records and the monitoring
22 that is done and a review of other welds which he was
23 responsible for that generally show a reasonable
24 degree of adequacy.

1 MR. ROMANO: A reasonable degree of
2 adequacy.

3 What do you consider a reasonable degree
4 of adequacy?

5 MR. CLOHECY: The -- there were no --
6 other than the -- these initial welds, which were
7 redone -- there were no welds that he inspected that
8 had to be repaired to meet the requirements for the
9 strength of the weld.

10 MR. ROMANO: Isn't it true that you were
11 still looking for some of the welds that he did?

12 MR. BOYER: No.

13 MR. CLOHECY: No.

14 MR. ROMANO: How about applicant -- Page 5
15 of this interrogatory, 2B? You state that you are --

16 MR. WETTERHAN: Would you care to examine
17 it?

18 MR. ROMANO: No.

19 You state, last sentence, I believe that
20 is --

21 MR. BOYER: Yes.

22 MR. ROMANO: -- that there may be other
23 deficient welds.

24 MR. ROMANO: That was an interim report.

1 That was a quotation from an interim report while
2 the investigation was still continuing.

3 MR. ROMANO: But isn't it possible that
4 there will be welds that you still might find off
5 and also many of the welds which are inaccessible
6 now, isn't it possible that they could be off?

7 MR. BOYER: They have all been evaluated
8 and found to be acceptable; or where there was any
9 question, we have chipped out the concrete and made
10 a physical reinspection.

11 MR. ROMANO: But most of those welds
12 really were dispositioned, used as is, weren't they?

13 MR. BOYER: A lot of them were, yes.

14 MR. ROMANO: I would say aren't most of
15 them that way?

16 MR. BOYER: Yes.

17 MR. ROMANO: Is it true, Mr. Clohecy,
18 quality control relative to audits on welding
19 activity were done with random sampling rather than
20 scientific statistical sampling?

21 MR. CLOHECY: Which audits of what welds
22 are you talking about?

23 MR. ROMANO: Well, in many of your audits --
24 well, let me ask you: You continue that question.

1 Do you do or do the inspectors do random
2 sampling or do they do sampling based on statistical
3 scientific procedure?

4 MR. WETTERHAN: I think that is confusing.
5 Are you talking about inspectors or auditors?

6 MR. ROMANO: Well, do inspectors make
7 audits and in those audits take samples, do they
8 randomly take samples or do they use scientific
9 statistical procedures to be sure that they have
10 proper representation of the welding population?

11 MR. CLOHECY: As auditors performing our
12 audits, we have done both. We have used judgment
13 and we have used standards. It depends on the
14 situation.

15 MR. ROMANO: Where would you use judgment
16 and on what basis do you use judgment?

17 MR. CLOHECY: I would appreciate it you
18 would be a little more specific in your question.

19 MR. ROMANO: You said you used judgment
20 at times in how many samples you take.

21 MR. CLOHECY: Yes, I answered this question

22 MR. ROMANO: And I asked you when do you
23 use -- on what basis do you use judgment?

24 MR. CLOHECY: Okay. We answered a similar

1 and related question in one of your earlier
2 interrogatories.

3 MR. ROMANO: No. Just tell me now.

4 What basis do you use when you make a
5 decision you're going to use your judgment on this?

6 MR. CLOHECY: It's the judgment of the
7 auditor and the auditor's field branch head as to
8 what sample size or what items should be audited.

9 MR. ROMANO: What basis do you use for
10 when you're going to do that?

11 MR. CLOHECY: It's the judgment of a
12 qualified auditor.

13 MR. ROMANO: In other words, he can make
14 that judgment any time he wants without, you know,
15 qualification, without checking it with anyone else?

16 MR. CLOHECY: It's approved by supervision.

17 MR. ROMANO: Why isn't a statistical
18 procedure used rather than random judgment by an
19 individual?

20 MR. CLOHECY: We have used statistical
21 procedures.

22 MR. ROMANO: Why isn't it always used?

23 MR. CLOHECY: It's not felt necessary.

24 MR. ROMANO: That's your opinion, isn't it?

1 MR. CLOHECY: It's also the opinion of my
2 supervision.

3 MR. ROMANO: Can you tell how -- what the
4 biggest welding population would be in which you
5 would use your own judgment as to how you're going
6 to audit it?

7 MR. CLOHECY: I don't understand the
8 question.

9 MR. GUTIERREZ: Can I have a point of
10 clarification?

11 This -- since we've gone down this line of
12 questioning, I've been confused. When you're
13 talking about random versus statistical judgments,
14 are you talking about deciding the sample size for
15 the audit, or are you talking about what welds will
16 make up the sample?

17 MR. ROMANO: Both.

18 MR. GUTIERREZ: I don't think that's been
19 clear in the questions and answers.

20 MR. ROMANO: If you don't understand
21 random sampling versus scientific statistical
22 sampling, it would be covered.

23 MR. WETTERHAN: Well, the record will
24 speak for itself.

1 MR. ROMANO: Yes.

2 Would you say that in this sampling
3 situation, if one out of sixteen samples is found
4 to have a deficiency, is that okay, one out of
5 sixteen?

6 MR. CLOHECY: Where are you reading from?

7 MR. ROMANO: Paragraph 13 of I think it's
8 Mr. Boyer's October 4th, 1983, affidavit.

9 MR. BOYER: October 4th?

10 MR. ROMANO: Yes.

11 MR. WETTERHAN: September 29th.

12 MR. ROMANO: Well, the affidavit -- isn't
13 the affidavit --

14 MR. CLOHECY: Paragraph what?

15 MR. ROMANO: 13.

16 MR. BOYER: I don't have a 13.

17 MR. CLOHECY: I don't, either.

18 13 line.

19 MR. ROMANO: In that summation it was
20 found that there was one deficiency on welds
21 previously inspected. One out of sixteen was now
22 found to be deficient.

23 And would you find that acceptable, Mr.
24 Clohecy, that one out of sixteen is acceptable?

1 MR. CLOHECY: The deficiency was reported,
2 and it was evaluated by engineering to be acceptable.

3 MR. ROMANO: I'm asking you if you think
4 one out of sixteen welds should be considered
5 acceptable.

6 MR. BOYER: It was evaluated so that it
7 was acceptable. It wasn't any question of whether --
8 I mean if one out of sixteen was unacceptable, then
9 you have a different question.

10 MR. ROMANO: No; I know.

11 But there again we have some -- either
12 the applicant or the contractor making a decision
13 as to what is acceptable and what is not acceptable.
14 And when they do that without using specific
15 statistical methods of sampling, I believe that is
16 very questionable.

17 Now, then Paragraph 6, Page 4 of the
18 September 29th affidavit. Well, that's... There
19 were 423 welds; is that right? Do you have that?

20 MR. BOYER: Yes.

21 MR. ROMANO: But in answer at 7G of the
22 twelfth interrogatory it is stated that there are
23 439 welds.

24 Which is it? --423 or 439?

1 MR. CLOHECY: Let me look at 7G here.

2 You have to add the 16 and the 423 in order
3 to get 439.

4 MR. ROMANO: But it seems to me that the
5 16 were already -- weren't those 16 already in the
6 423?

7 MR. CLOHECY: No.

8 MR. ROMANO: Well, can you show that those
9 16 were not in the 423?

10 MR. CLOHECY: Yes.

11 MR. WETTERHAN: He just said they weren't.

12 MR. CLOHECY: It says it right there.

13 MR. ROMANO: Well, you say it.

14 MR. CLOHECY: Right in it --

15 MR. WETTERHAN: He's saying it under oath,
16 Mr. Romano.

17 MR. BOYER: We will admit that following
18 through the numbers it's rather confusing.

19 MR. ROMANO: I just want to ask. You had
20 stated, Mr. Boyer, in your December 15th, '76,
21 letter to James O'Reilly that the inspector involved
22 in that broomstick affair is no longer employed by
23 the contractor.

24 MR. BOYER: Right.

1 MR. WETTERHAN: True statement.

2 MR. BOYER: Right.

3 MR. ROMANO: I have then -- I have then
4 later been told by Mr. Wetterhan that Mr. Ferretti
5 was not fired.

6 Would you tell me how that stacks up, how
7 the two answers stack up?

8 MR. BOYER: He left the employment of
9 Bechtel --

10 (Witnesses conferring off the record.)

11 MR. BOYER: He left for other employment.

12 MR. ROMANO: But did applicant have anything
13 to do with requiring that Mr. Ferretti be removed
14 from the construction?

15 MR. WETTERHAN: Well, the previous answer
16 was that he left for other employment.

17 MR. ROMANO: I asked him if the applicant
18 had anything to do with it.

19 MR. BOYER: No.

20 MR. ROMANO: When did he leave; do you have
21 an idea?

22 MR. BOYER: It was --

23 MR. ROMANO: Do you know when?

24 MR. WETTERHAN: Do you have a date?

1 MR. CLOHECY: Yes, I do know. It was
2 right after the inspection ended, the NRC inspection
3 ended, which was October 22, 1976.

4 MR. ROMANO: Did the NRC or the applicant
5 or Bechtel state why he was released?

6 MR. CLOHECY: I think Mr. Boyer --

7 MR. WETTERHAN: You mischaracterized the
8 answer. The answer stated he left the employment.
9 He never stated he was released.

10 MR. BOYER: I have no additional
11 information.

12 MR. ROMANO: Then are you saying, Mr.
13 Boyer, that he was not discharged; is that right?

14 MR. BOYER: No.

15 MR. ROMANO: He had -- he did not leave
16 as a result of the quality of his work?

17 MR. BOYER: Since he left the employment,
18 there was no need for further consideration of that.

19 MR. ROMANO: Except to find out really
20 every weld he did in order to inspect it; is that
21 right?

22 MR. BOYER: That was not his function.

23 MR. ROMANO: I know; but it was important
24 when we consider Mr. Ferretti, isn't -- that he was

1 to be considered in light of whatever other welds
2 he inspected; isn't that so?

3 MR. BOYER: We located and inspected or
4 evaluated all the welds that he had had responsibilities
5 for.

6 MR. ROMANO: You are sure that the last
7 number, the last number of 1235 is absolutely the
8 total amount of welds which he had something to do
9 with?

10 MR. BOYER: As sure as I can be.

11 MR. ROMANO: As sure as you can be.

12 I think I'm down to the last possibility.

13 All right. That's it.

14 MR. WETTERHAN: Let me -- one, for the
15 benefit of the reporter, please send the completed
16 transcript for signature to Mr. E. J. Cullen, Jr.,
17 Legal Department, Philadelphia Electric Company,
18 2301 Market Street, Philadelphia, Pennsylvania, 19101.

19 (Witnesses excused.)

20 - - -

21 (The depositions were concluded at 12:10
22 p.m.)

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24I N D E XEXHIBITS

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>IDENTIFICATION</u>
1	Attachment 1, letter from R. T. Carlson to V. S. Boyer dated 11/10/76 transmitting NRC i.e. Inspection Report No. 50-353, 76-06.	12

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We hereby certify that we have read
the foregoing transcript of testimony given by
us in this matter, and it is true and correct
to the best of our knowledge and belief, subject
to the corrections shown on the attached
errata sheet.

David T. Clohey

DAVID T. CLOHEY

Vincent S. Boyer

VINCENT S. BOYER

Subscribed and Sworn to
before me this 12th day
of April, 1984

Patricia A. Jones

Notary Public

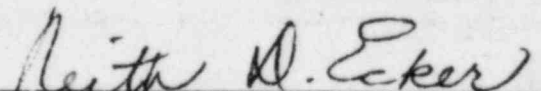
PATRICIA A. JONES
Notary Public, Phila., Phila. Co.
My Commission Expires Oct. 13, 1988



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C E R T I F I C A T E

I, NEITH D. ECKER, a Certified Shorthand Reporter and Registered Professional Reporter, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes taken in the above-captioned matter to the best of my knowledge and belief.


NEITH D. ECKER, CSR, RPR

DATED: 3-22-84

