

September 12, 1984

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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'84 SEP 13 P2:57

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
REGULATORY & SERVICE
BRANCH

In the Matter of)
DUKE POWER COMPANY, ET AL.)
(Catawba Nuclear Station,)
Units 1 and 2))

Docket Nos. 50-413
50-414/oc

NRC STAFF POSITION ON PROCEDURE FOR
DECIDING REMAINING "FOREMAN OVERRIDE" ISSUE

I. INTRODUCTION

On September 4, 1984, the Licensing Board issued an order directing the parties to file their positions as to what action should be taken next to resolve the "Welder B" concerns regarding "foreman override."^{1/} As set forth below, the Staff suggests that the Board act under the procedure described in Appendix A to Part 2, 10 C.F.R., to decide the "Welder B" concerns based on the written submissions made by Applicants and the Staff, and any responsive submission by Intervenors.

II. BACKGROUND

In its June 22, 1984 Partial Initial Decision (PID), the Board resolved the "foreman override" issue in favor of Applicants, finding no evidence that it was a widespread problem at Catawba. PID, at ¶ 51.

^{1/} Memorandum and Order (Further Statement of Board Views Concerning Dismissal of the Diesel Generator Contention and Order Directing Parties' Positions on Resolution of Remaining Foreman Override Issue), dated September 4, 1984, p. 8.

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However, the Licensing Board noted the allegations of "Welder B" concerning foreman pressure to weld outside prescribed procedures, and stated that the evidence received into the record, including the original interview summary containing the "Welder B" allegations, as well as several letters transmitting two summaries of meetings between Region II and Applicants' management and an inspection report addressing the Staff's follow-up of these allegations, was insufficient to resolve this matter. Id., at ¶ III.B.50. As a result, the Board left the record open "for the purpose of reviewing reports from Applicants and Staff on their resolutions of these concerns." Id., at ¶ III.B.51. As quoted in the recent order, the Board went on to say: "Upon receipt of those reports we can consider whether any further proceedings are appropriate, such as party comments on the reports or further evidentiary hearings." Id. Further, the Board conditioned its Order authorizing issuance of a low-power license upon a:

Demonstration to this Board of a reasonable assurance that the "Welder B" and related concerns described in paragraphs III. B 48-51 do not represent a significant breakdown in quality assurance at Catawba. We are retaining jurisdiction over this issue.

As a result of follow-up inspection and investigative activity by the Region II Staff, the Region requested a meeting with Applicants' management, which was held on March 13, 1984. The meeting focused on six allegations, and Applicants were requested to initiate an investigation into both the scope and significance of the problems raised.^{2/} Shortly thereafter, Region II issued Inspection Report

^{2/} A summary of this meeting was sent to the Board on April 11, 1984 and received into the record. PID, at ¶ III.B.50.

50-413/84-31 and 50-414/84-17, which set out in more detail the preliminary results of the Staff's follow-up investigation of the "Welder B" concerns.^{3/} The inspection report opened up two "unresolved items" which covered six allegations, as follows:

Licensee representatives were advised of the following issues which were developed during the Region II staff inquiry into this matter: (1) welders working on stainless steel sockets may have violated interpass temperatures, (2) arc strikes may have been removed from a valve without proper documentation, (3) socket welds may have been made out of procedure in that one side of the socket was completely welded and then the other side welded, (4) the lead man on the crew reportedly acted as a "look out" for licensee QC inspectors when welding procedures were being violated, (5) welders perceived the foreman to be applying pressure for quantity, and (6) the foreman allegedly instructed welders to weld without being in possession of proper welding documentation.

On April 18, 1984, Region II met again with Applicants' management to receive an update of the status of Applicants' investigation.^{4/}

Applicants' final report on its investigation, entitled, "Investigation of the Issues Raised by the NRC Staff in Inspection Report 50-413/84-31 and 50-414/84-17" (Duke Report), was submitted by Applicants to the Board and parties on August 3, 1984. Based on interviews with 217 Duke Power Company employees at Catawba, and technical evaluations of the safety significance of hardware concerns specifically identified during the course of such interviews, Applicants concluded:

^{3/} This inspection report was served on the Board and parties by letter of April 26, 1984, and, as noted above, received into the record in the PID.

^{4/} A summary of this meeting was sent to the Board by letter of May 14, 1984, and also received into the record in the PID (¶ III.B.50).

Although a few allegations of foreman override were made, there is no evidence that there exists, or has existed, at the Catawba site a pattern of supervisory pressure on craftsmen to violate procedures, to perform less than adequate work, or to sacrifice quality of work in order to meet production schedules.

Duke Report, p. 2. Applicants, however, acknowledged that some incidents of foreman override did take place, but were isolated in number of occurrences and in the number of foremen implicated, and, upon evaluation, did not actually result in unacceptable work. Id., at 15-16. In addition, as a result of finding that "the perception of inappropriate foreman action was present . . . the foreman principally implicated has been removed from a supervisory position." Id., at 17, 26. Applicants also removed the general foreman over this welding foreman for "allowing one of his welding foremen to create the impression among some workers that quality may in some instances be second to production" Id., at 26. Finally, Applicants determined that the general foreman's supervisor, as well as three other craft supervisors (whose words were taken as reflecting insensitivity to quality of construction) should be counselled. Id., at 27.

On August 31, 1984, Region II issued Inspection Report Nos. 50-413/84-88, and 50-414/84-39, which addressed the unresolved items opened in Inspection Report Nos. 50-413/84-31 and 50-414/84-17, as well as the adequacy of the in-depth investigation conducted by Applicants and Applicants' August 3, 1984 report. The August 31, 1984 inspection report found that: (1) Applicants' report acknowledged instances where supervisors had urged welders to start or continue work without the appropriate paper work, but that no defective work resulted; (2) isolated instances of violation of interpass temperature requirements

did occur, probably due to the welder's perception of schedule pressure from his foreman, although tests of socket welds made without interpass temperature controls showed such welds to be acceptable; (3) the weld bead deposit sequence (completing one side of the weld before commencing work on the second side), which had been alleged to be in violation of procedures, was, in fact, an acceptable practice; and (4) allegations of unauthorized removal of arc strikes from outside the weld zone could not be substantiated. Inspection Report Nos. 50-413/84-88, 50-414/84-39, pp. 1-3. Based on its investigation of the foregoing matters, and notwithstanding its findings of technical adequacy, Region II concluded that Welder B's welding foreman and his general foreman perpetuated an atmosphere that procedure controls could be waived when production pressure dictated, and that Applicants' failure to identify this problem was a violation of Criterion II of Appendix B, 10 CFR Part 50, which provides for regular applicant review of the status and adequacy of the quality assurance program. Inspection Report Nos. 50-413/84-88 and 50-414/84-39, pp. 5-6. Notice of Violation 50-413/84-88-01, 50-414/84-39-01 (which was issued with the inspection report) states that, contrary to Criterion II of Appendix B, "the Quality Assurance Program in the area of welding, was apparently not reviewed for adequacy in that a welding foreman and his supervisor were able to create an environment which led some workers on the foreman's crew to perceive that QA requirements could be suspended to complete specific assignments." Enclosure 1 to August 31, 1981 letter from Richard C. Lewis, Director, Division of Reactor Projects, NRC Region II, to Duke Power Company.

Notwithstanding this citation and finding, Region II determined that the August 3, 1984 Duke Report adequately addressed the problems

underlying the violation, and no further action on the part of Applicants was required. Inspection Report Nos. 50-413/84-88, 50-414/84-39, p. 6. In sum, based on its review of the Duke Report and investigation, Region II determined to close out the previous unresolved items raised by the Welder B concerns, to issue a notice of violation, and to treat the "foreman override" concerns addressed in the violation as being closed as a result of (1) Duke's acknowledgment of the facts underlying the violation, (2) the Duke Report's satisfactory explanation of why the conditions occurred, and (3) Duke's corrective actions, including personnel actions, to prevent recurrence. Although not stated explicitly in the inspection report, Region II's action in closing out both the unresolved items and the violation thus constituted acceptance of the principal conclusions reached by Duke that: (1) quality construction standards were being met at Catawba, and (2) foreman override is not a pervasive problem at Catawba, but rather one limited to several first line supervisors and one second line supervisor. The Staff has attached two affidavits to this response which show that this, indeed, was the import of the Region II inspection report findings. See, Affidavit of Bruno Uryc and Affidavit of Jerome J. Blake, attached.

III. DISCUSSION

A. Legal Standards Applicable to Further Consideration of Welder B Issue

Consistent with the general direction in Section V of Appendix A to 10 C.F.R., Part 2, to hearing boards to conduct hearings in a manner "consistent with the development of an adequate decisional record", Section V (g) provides:

(g) Close of hearing:

(1) If, at the close of the hearing, the board should have uncertainties with respect to the matters in controversy because of a need for a clearer understanding of the evidence which has already been presented, it is expected that the board would normally invite further argument from the parties - oral or written or both - before issuing its initial decision. If the uncertainties arise from the lack of sufficient information in the record, it is expected that the board would normally require further evidence to be submitted in writing with opportunity for the other parties to reply or reopen the hearing for the taking of further evidence, as appropriate. If either of such courses is followed, it is expected that the applicant would normally be afforded the opportunity to make the final submission. (Emphasis added.)

Thus, Section V (g) sets out two alternative courses of action which the Commission "expects to be followed by Atomic Safety and Licensing Boards" where the board believes the record is insufficient to decide an issue: either require further evidence to be submitted in writing with opportunity to reply, or reopen the hearing for taking of further evidence. The action of this Board -- its determination in the PID subsequent to the close of the hearing that it was unable to decide on the existing evidentiary record whether the Welder B concerns were an isolated case and its prior determination to receive a written submittal by the Staff (Tr. 12,553) -- strongly resembles the first of these alternatives.^{5/} While it does not appear that this Board intended to

^{5/} A similar course of action was taken in Duke Power Company (William B. McGuire Nuclear Station, Units 1 and 2) (Reopened Operating License Proceeding), LBP-81-13, 13 NRC 652 (1981), affirmed in pertinent part, ALAB-669, 15 NRC 453, 480 (1982), where, after the close of the evidentiary hearing, the Staff filed an affidavit concerning pyrolysis of polyurethane foam in relation to the hearing issue on hydrogen control. The Staff affidavit was admitted as an exhibit, and the Board gave the parties the opportunity to respond. Both applicant and intervenor CESG filed affidavits. Id., 13 NRC at 673. Because the CESG affidavit was determined not to be responsive, it was not accepted into evidence. Id., 15 NRC at 480.

limit itself to receiving written evidence when it left the record open to receive the Staff report, it is clear that, under Section V (g) of Appendix A, the Board may proceed at this juncture to receive the Applicants' report and the Staff's report and affidavits into evidence, call for written replies to these submissions and the post-hearing communications from the Staff already received in evidence pursuant to the Board's PID, and proceed to decide based on such presentations whether there is reasonable assurance that the Welder B and related concerns do not represent a significant breakdown in quality assurance at Catawba. If the Board were to determine, after the written submissions contemplated by Section V (g), that full and true disclosure of the facts required the opportunity to present oral evidence or conduct cross-examination, 10 C.F.R. § 2.743 (a) authorizes further hearings for the receipt of such oral evidence.^{6/}

- B. The Board Should Supplement the Evidentiary Record with Applicants' and Staff's Evidentiary Submissions, Invite Written Replies from the Parties, and Resolve The Welder B Issue on the Record So Supplemented

In its February 17, 1984 oral ruling, the Licensing Board stated that it was holding the record open to receive the Staff's follow-up report on the Welder B concerns. Tr. 12,553. In its PID, the Board received into evidence several post-hearing documents served by the Staff and held the record open "for the purpose of reviewing reports from the Applicants and Staff on their resolutions of these concerns."

^{6/} Since the record has not been closed on the Welder B issue, the standard for reopening the record, recently reiterated in Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB-775, ___ NRC ___, slip opinion, June 28, 1984, at 6, is not applicable.

PID, §§ III.B.50-51. In accordance with the first of the two alternatives suggested in Section V(g) of Appendix A for supplementing an incomplete record, the Licensing Board should receive the two recent reports, together with the supplementary Staff affidavits attached to this response, and invite replies from the parties in the form of sworn affidavits or documents which address whether the Welder B concerns represent a significant breakdown in quality assurance at Catawba, and/or in the form of comments on the weight, reliability or significance of the evidence already submitted.

To assist the Board in deciding whether the Welder B concerns represent a significant breakdown in quality assurance at Catawba, and in accordance with the Board's concern whether "action by a supervisor resulted in defective work or a violation of QA procedures" (PID, at § III.B.52), both the Applicants' and the Staff's reports focus on five underlying factual questions: (1) whether there is any evidence of defective work resulting from foreman pressure, (2) whether QA procedures were violated as a result of foreman pressure, (3) if either defective work or QA procedure violations so resulted, whether there is a basis for finding that such defective work or procedure violations have been identified and are not pervasive, (4) if there has been either defective work or QA procedure violations resulting from foreman pressure, whether appropriate corrective steps have been taken, including evaluation of the safety significance of such actions, and (5) whether appropriate steps have been taken to prevent recurrence thereof. Any reply submittals should address these factual questions and the findings thereon provided by Applicants and the Staff.

The Applicants' and Staff reports show the following: First, there was no evidence of defective work resulting from foreman pressure. Inspection Report Nos. 50-413/84-88, 50-414/84-39, pp. 1-3; Duke Report, pp. 2, 14, 15-16, 17, 18, 19, 20, 21-23, 24-25, and Attachment A, pp. I-1, I-8, II-3, III-3, IV-3, V-3, V-4, VI-2, VI-3, VIII-2; Attachment B, pp. I-1 to I-8, II-2, XVII-1, XVII-2. Second, Applicants' report acknowledges that several instances of QA procedure violations did occur with respect to removal of arc strikes without process control (Duke Report, p. 17); an individual acted as lookout while a welding foreman used borrowed welding rods (*id.*, p. 18), and welding was performed without the worker being in possession of appropriate documentation (*id.*, p. 20). Also, the Staff found that violations of interpass temperatures did occur, and that the perception of foreman pressure from one first line supervisor and his general foreman did exist (Inspection Report Nos. 50-413/84-88, 50-414/84-39, pp. 2-3, 5-6). However, on the third question, the scope and depth of the Applicants' investigation, which included 217 interviews and numerous related technical evaluations, as well as the Staff's detailed review and acceptance of the report and investigation as adequate to close out the foreman override "unresolved items" and notice of violation, provide a basis for finding that any QA procedure violations arising from the Welder B concerns were identified and were limited to a few individuals. Duke Report, pp. 2, 7-12, 14-27, Attachments A, B; Inspection Report Nos. 50-413/84-88, 50-414/84-39, pp. 1-6; Affidavit of Jerome J. Blake, p. 1. Fourth, both the Applicants' and the Staff's reports detail the technical evaluations made as to the safety significance of the procedural violations which occurred or were

alleged to have occurred. Duke Report, p. 12, Attachment A, pp. I-3 to I-8 (and enclosure 1), IV-1 to IV-2, VI-2, VIII-1; Appendix B, pp. I-1 to I-2, II-1 to II-2, XI-1 to XI-5; Inspection Report Nos. 50-413/84-88, 50-413/84-39, pp. 1-2; Inspection Report Nos. 50-413/84-73, 50-414/84-32, pp. 1-2. And fifth, the Applicants' report, confirmed by the Staff, relates the personnel actions, training measures and procedure changes to prevent recurrence of these problems. Duke Report, pp. 17, 18, 19, 20, 21, 25-27; Appendix A, I-8, II-3, III-3, V-4, VI-3, VII-2; Appendix B, I-3, II-3, XI-6, XVII-2; Inspection Report Nos. 50-413/84-88, 50-414/84-39, p. 6.

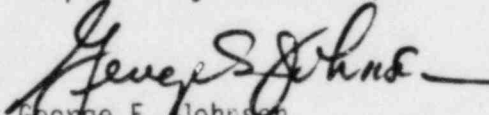
As a result of the Applicants' and Staff reports which have been served since the close of hearings in January, the Licensing Board has extensive information addressing the foregoing five matters on which the Board may base its decision whether there is a reasonable assurance that the "Welder B" concerns do not represent a significant breakdown in quality assurance at Catawba. What remains to be determined is the weight and reliability to be attached to such evidence. For this purpose, reply submissions, as contemplated by Appendix A, afford an opportunity for the Intervenors to address, either with written evidentiary submittals, or with argument, the weight and reliability to be accorded the Staff's and Applicants' submissions, or to submit controverting evidence. (It should also be noted that Appendix A contemplates that Applicants would be afforded a response to any such reply.) The Staff is of the view that the evidence already submitted, if not controverted with reliable and probative evidence, fully supports a finding that there is reasonable

assurance that the Welder B concerns do not constitute a significant breakdown in quality assurance at Catawba.^{7/}

IV. CONCLUSION

Pursuant to Section V(g) of Appendix A to 10 C.F.R., Part 2, the Board should supplement the evidentiary record with Applicants' and Staff's recent reports and Staff's supplemental affidavits submitted with this response, and invite written replies. Upon receipt of such replies (and any response thereto by Applicants), the Board may proceed to decide whether there is a reasonable assurance that the Welder B concerns do not represent a significant breakdown in quality assurance at Catawba. Absent the presentation by Intervenors of reliable and probative evidence controverting the findings of the Applicant's and the Staff's reports, the record thus developed fully supports such a Board finding.

Respectfully submitted,


George E. Johnson
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 12th day of September, 1984.

^{7/} Were the Board to decide that the weight of the evidence was still uncertain following completion of the written submittals, it could then hold the matter open for receipt of further evidence, such as through conduct of further hearings. See 10 C.F.R. § 2.743(a).

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NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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(Catawba Nuclear Station,
Units 1 and 2)

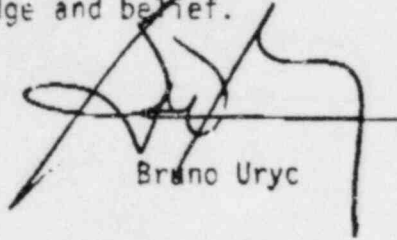
AFFIDAVIT OF BRUNO URYC

I, Bruno Uryc, being duly sworn, depose and state that:

1. I am an employee of the U. S. Nuclear Regulatory Commission (NRC). My present position is Investigation and Compliance Specialist, Enforcement and Investigation Coordination Staff, Office of the Regional Administrator, Region II, Atlanta, Georgia. A copy of my professional qualifications is attached.
2. I participated in the Region II inspection concerning the allegation of "foreman override" made by an individual who subsequently became known as "Welder B." This allegation was initially identified in Inspection Report Nos. 50-413/84-31 and 50-414/84-17. Following the development of this information, the licensee was advised of six specific concerns addressed in that report during a meeting conducted at the Region II Office on March 13, 1984. The licensee was informed that they should begin an immediate review of these matters based on the possibility that safety related systems may be involved.
3. The staff was directed to initiate a review of the licensee's investigative activity in these matters and that this review be conducted on site. Four visits were made to the Catawba site during the period May 1 to July 24, 1984 specifically to review the licensee's investigation. I had been directed to review principally the administrative methodology and investigative process used by the licensee in their investigation. My review consisted of selected interviews with licensee participants and a review of affidavits for detail and depth. My review indicated that the licensee was proceeding in an acceptable manner in relation to the two areas identified above.
4. Based on my investigative activity as identified in the above inspection reports and my review of the licensee's investigation of the "Welder B" issues, I conclude that my prior testimony, that foreman override was not a pervasive problem at the Catawba site, has not been impacted by any information developed to date.
5. In addition, I participated in the preparation of Inspection Report Nos. 50-413/84-88 and 50-414/84-39, specifically the followup contacts with

licensee employees. This followup also substantiates my initial conclusion regarding the foreman override issue as well as my conclusion that the licensee's investigation was adequate.

6. I hereby certify that the statements made herein are true and correct to the best of my personal knowledge and belief.



Handwritten signature of Bruno Uryc, consisting of a stylized, cursive script with a prominent horizontal line across the middle.

Bruno Uryc

Subscribed and sworn to before me this
11th day of September 1984

William E. Mault
NOTARY PUBLIC

My Commission expires 3/7/88

BRUNO URYC

ORGANIZATION: U. S. Nuclear Regulatory Commission
Region II - Office of the Regional Administrator
Enforcement and Investigation Coordination Staff

TITLE: Investigation and Compliance Specialist

GRADE: GS-13

BIRTH DATE: August 4, 1943

EDUCATION: BA, Criminal Justice, Chapman College, Orange, CA
AA, Management, Golden Gate University, San Francisco, CA
AA, Police Science, Community College of the Air Force

EXPERIENCE:

2/84 - Present: Investigation/Allegation Coordinator - Responsible for coordination of allegations and investigations with Regional Management, Technical Staff, Office of Investigations and Headquarters Staff in accordance with established policy and criteria.

3/83 - 2/84 Physical Security Inspector - Division of Emergency Preparedness and Material Safety Programs, Physical Security Section. Detailed to Region II Program Support Staff, Enforcement and Investigation Coordination Group on December 6, 1983 as an Allegations Coordinator.

6/82 - 2/83 Investigator - USNRC Office of Investigations (OI) Atlanta Field Office Region II. Responsible for conducting authorized investigations of licensees, applicants, contractors and vendors involving those matters within the scope of NRC authority.

7/80 - 5/82 Special Agent - Air Force Office of Investigations (AFOSI) Chief, Counterintelligence Branch, AFOSI District 7, Patrick AFB, FL. Responsible for providing staff guidance and supervision in all Air Force counterintelligence and counterespionage investigations at eight major USAF installations in Florida and Georgia.

7/78 - 7/80 Special Agent - AFOSI. Senior Agent, AFOSI Detachment 707, Homestead AFB, FL. Responsible for supervision and review of criminal, fraud and counterintelligence, investigative activity of four other special agents. As Case Officer, responsible for planning, developing, controlling and coordinating highly sensitive and complex espionage and counterintelligence investigations.

11/75 - 8/78 Special Agent - AFOSI. Senior Agent, AFOSI Detachment 7011, Bitburg Air Base, West Germany. Responsible for investigat-

ing major criminal, fraud, counterintelligence, counter-espionage, and serious administrative violations in matters of USAF interest. Conduct liaison with national level agencies.

01/68 - 10/75

Special Agent - AFOSI. Various worldwide assignments as an investigator responsible for conducting investigations relating to criminal, fraud, and counterintelligence matters of interest to the USAF.

10/61 - 1/68

Security Policeman, USAF. Various worldwide assignment as a security policeman responsible for law enforcement and security duties.

TRAINING:

12/61 - 2/62

USAF Security Police Training School

2/67

USAF Marksmanship Instructor Course

1/68 - 3/68

AFOSI Basis Agent Course

10/69

DEA Narcotics Investigator's Course

5/70 - 4/71

Department of State, Foreign Service Institute

Turkish language training

7/74

AFOSI Counterespionage Case Office Course

8/76

AFOSI Source Operations and Management Course

10/77 - 12/77

USAF NCO Academy

1/80 - 3/80

USAF Senior NCO Academy

2/83

USNRC Layout and Design Course

9/83

USNRC Radiation/Contamination Protection Course

8/84

USNRC Fundamentals of Inspection Course

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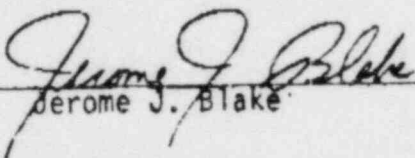
AFFIDAVIT OF JEROME J. BLAKE

I, Jerome J. Blake, Being duly sworn, depose and state that:

1. I am an employee of the U. S. Nuclear Regulatory Commission (NRC). My present position is Section Chief of the Materials and Processes Section, Engineering Branch, Division of Reactor Safety within Region II. A copy of my professional qualifications is attached.
2. I participated in the Region II inspection concerning the allegation of "foreman override" made by an individual known as "Welder B," and in the preparation of Inspection Report Nos. 50-413/84-88 and 50-414/84-39. (herein referred to as the NRC report)
3. The purpose of this affidavit is to supplement the NRC report and make explicit conclusions in the following three areas. These conclusions are as follows:
 - A. Paragraph 3.2. of the NRC report addressed the issue of "welding without proper records on hand." The staff conclusion is that while defective work did not result and the practice was not widespread, the problem was nevertheless another example of perceived production pressure and is a part of the quality assurance problem addressed in the Notice of Violation.
 - B. Paragraph 6 of the NRC report addressed the staff review of the Duke Investigation Report. The staff conclusion was that Duke had done a professional and complete job of determining the scope and safety significance of the problems presented to them during the management meeting on March 13, 1984. The staff accepted the principal conclusions of the Duke report, as described in paragraph 6 of the NRC report, namely, that at Catawba, quality construction standards were being met, and the foreman override issue was not a pervasive problem, but rather one limited to a few first line supervisors and one second line supervisor. Based on the completeness of the Duke report, and the appropriate corrective actions taken, the staff has concluded that the Duke report was an acceptable response to the Notice of Violation.


C. The third area was the allegation that the lead man on the crew reportedly acted as a "look out" for licensee QC inspectors when welding procedures were being violated. This item was one of the six original issues that were brought to the attention of Duke management during the meeting on March 13, 1984. This item was not addressed in the NRC report, but it was developed fully in the Duke investigation report. Duke found six craftsmen who alleged that they had seen others act as lookouts for inspectors. Three of these incidents involved the same welding foreman and crew that was identified to the NRC in the original issue. Two others that involved welding constituted practices which were not in technical violation of procedure requirements. The staff conclusion is that while defective work did not result and the practice was not widespread, the problem nevertheless was another example of the quality assurance problem with centered around one foreman and his supervisor and the perception of production pressure which resulted.

4. I hereby certify that the statements made herein are true and correct to the best of my personal knowledge and belief.



 Jerome J. Blake

Subscribed and sworn to before me this
 12th day of September 1984



 NOTARY PUBLIC

My Commission expires 3/7/88

JEROME J. BLAKE

PROFESSIONAL QUALIFICATIONS

U. S. NUCLEAR REGULATORY COMMISSION

REGION II

My name is Jerome J. Blake. My business address is 101 Marietta Street N.W., Suite 2900, Atlanta, GA 30303. I am employed as a Section Chief in charge of the Materials and Mechanical Engineering Section in the Engineering and Operational Programs Division of Region II.

My primary assignment as a Section Chief is to coordinate and oversee engineering inspections and technical evaluations in the areas of welding, metallurgical engineering, nondestructive examination, failure analyses, mechanical engineering and design, and Inservice Inspection and Testing of Reactor Plant systems and components.

Before I was selected as a Section Chief in August 1982, I had been an engineering inspector in Region II since January 1975. As an engineering inspector I participated in or conducted routine and reactive inspections involving welding, metallurgical engineering, inservice inspection, and nondestructive examination activities at operating nuclear power plants and construction sites throughout Region II.

Prior to my employment with the Nuclear Regulatory Commission I was employed by the Department of Defense (DOD) as a metallurgist and welding engineer at naval

shipyards involved with construction, repair and overhaul of combatant ships. My major assignments with DOD were as follows:

May 1973 - December 1974: Supervisor of the non-nuclear welding engineer section at Pearl Harbor Naval Shipyard. Responsible for welding engineering repair activities involving all parts of naval ships except the nuclear power plant.

September 1971 - May 1973: Project engineer in the nuclear welding engineering section at Charleston Naval Shipyard. Responsible for welding engineering activities associated with repair and overhaul of naval nuclear power plants.

November 1963 - September 1971: Metallurgist and welding engineer at Mare Island Naval Shipyard, Vallejo, California - Various responsibilities in the metallurgical and welding engineer fields.

I graduated from the Montana School of Mines (now called Montana College of Mineral Science and Technology) at Butte, Montana, in June 1963, with a Bachelor of Science degree in Metallurgical Engineering. During my career I have completed a number of training courses related to my work. With the Navy I completed courses in Corrosion, Photo Elastic Stress Analysis, Welding, Health Physics, and Basic Supervision. Since joining the NRC I have completed courses in Nondestructive Examination, Welding Technology, Concrete Technology, PWR Fundamentals, BWR Fundamentals, and Supervising Human Resources.

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50-414

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF POSITION ON PROCEDURE FOR DECIDING REMAINING 'FOREMAN OVEKRIDE' ISSUE" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, by deposit in the Nuclear Regulatory Commission's internal mail system, this 12th day of September, 1984:

*James L. Kelley, Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Robert Guild, Esq.
Attorney for the Palmetto Alliance
P. O. Box 12097
Charleston, South Carolina 29412

Dr. Paul W. Purdom
Administrative Judge
235 Columbia Drive
Decatur, GA 30030

Palmetto Alliance
2135½ Devine Street
Columbia, South Carolina 29205

Dr. Richard F. Foster
Administrative Judge
P. O. Box 4263
Sunriver, Oregon 97702

Jesse L. Riley
Carolina Environmental Study Group
854 Henley Place
Charlotte, North Carolina 28207

Richard P. Wilson, Esq.
Assistant Attorney General
P. O. Box 11549
Columbia, South Carolina 29211

William L. Porter, Esq.
Albert V. Carr, Esq.
Ellen T. Ruff, Esq.
Duke Power Company
P. O. Box 33189
Charlotte, NC 28242

J. Michael McGarry, III, Esq.
Mark S. Calvert
Bishop, Liberman, Cook,
Purcell & Reynolds
1200 Seventeenth Street, N.W.
Washington, DC 20036

John Clewett, Esq.
236 Tenth Street, S.E.
Washington, DC 20003

Mr. Donald R. Willard
Department of Environmental Health
1200 Blythe Boulevard
Charlotte, NC 28203

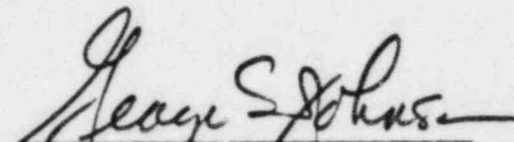
*Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

*Atomic Safety and Licensing Appeal
Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

*Docketing & Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Karen E. Long
Assistant Attorney General
N.C. Department of Justice
Post Office Box 629
Raleigh, NC 27602

Spence Perry, Esquire
Associate General Counsel
Federal Emergency Management Agency
Room 840
500 C Street, S.W.
Washington, D.C. 20472


George E. Johnson
Counsel for NRC Staff