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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

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IN THE MATTER OF:

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INVESTIGATIVE INTERVIEW  
OF  
PHILIP B. MAGITZ

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF INVESTIGATION

GPUN Headquarters  
100 Intertace Parkway  
Parsippany, New Jersey

Thursday, May 2, 1985

The Investigative Interview convened at 10:58 a.m.,

Richard A. Matakas, presiding.

PRESENT:

PHILIP B. MAGITZ, Interviewee  
QA Corporate Audit  
Supervisor  
GPUN

RICHARD A. MATAKAS, Investigator  
Region I  
Nuclear Regulatory Commission  
King of Prussia, Pennsylvania

ROBERT G. LA GRANGE  
Section Leader  
EQ Branch  
Office of Nuclear Reactor Regulation

P R O C E E D I N G S

MR. MATAKAS: The date is May 2, 1985 and the time is 10:58. Present for this interview are myself, Richard A. Matakas, investigator, U.S. NRC, Bob LaGrange, section leader in the NRC EQ branch, office of NRR, and Mr. Philip B. Magitz, QA corporate audit supervisor. The purpose of this interview is to discuss facts and circumstances leading to GPUN's submittal to the NRC involving the environmental qualification of electrical equipment at TMI Unit 1.

Mr. Magitz, do you have any objection to providing this information under oath?

THE WITNESS: None.

Whereupon,

PHILIP B. MAGITZ

was called as a witness and, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. MATAKAS:

Q Mr. Magitz, for the record, would you give us your full name, business address and telephone number, please?

A Philip B. Magitz, corporate QA audit supervisor, General Public Utilities Nuclear, 100 Interpace Parkway, Parsippany, New Jersey, 07054; telephone number is area

1 code 201-299-2101.

2 Q And would you give us a general overview of your  
3 education and work history?

4 A Okay. Education, I received a bachelor of  
5 industrial engineering from New York University, 1953.  
6 Basically that's mechanical with the industrial option. I  
7 received an MBA from Western New England College in 1964.  
8 Work experience? I lost track.

9 Q Just briefly your work history?

10 A Okay. Chronological or reverse?

11 Q Reverse is fine.

12 A Okay. I have been with General Public Utilities  
13 since 1979, April of '79. I was hired to be the QA fuel  
14 engineer, which was being handled by the corporate audit  
15 section. Subsequently the corporate section became  
16 somewhat more involved in work, as we shifted from a  
17 service corporation to an operating organization, and I  
18 have stayed in the same organization, primarily doing  
19 similar work, auditing, and I still have a nuclear fuel  
20 responsibility.

21 Prior to that I was with New York State Electric and  
22 Gas, at Binghamton, New York, from --

23 Q The dates aren't important.

24 A Okay. New York State Electric and Gas. My  
25 function there was supervisor of QA audits and budget. We

1 were responsible for the audit program of the nuclear  
2 project and the department budget.

3 Prior to that I was an employee of Holmes & Narver.  
4 Their headquarters was in Anaheim, California. They had  
5 me functioning on the breeder project at Burns & Roe in  
6 Oradel, New Jersey.

7 Prior to that I was -- oh, I was a senior QA engineer.

8 Prior to that I was with Litton Data Systems Division,  
9 Van Nuys, California. I was principal engineer of field  
10 quality assurance.

11 Prior to that I was with General Dynamics, electronics  
12 division, product assurance procurement.

13 Q So you have been around?

14 A Okay.

15 Q Mr. Magitz, are are you familiar with GPUN audit  
16 -- or just a GPU audit, I take it back, in the March 1981  
17 time frame? It was audit 81-02?

18 A Yes.

19 Q I want to be talking about that a little bit.  
20 The response to that audit cannot be located. What we  
21 have is a cover letter dated June 25, 1981; letter number  
22 QA 4186, which transmits the QA response to the Tech  
23 Functions response to that audit.

24 A Yes. Okay.

25 Q And then we have a revised Tech Functions

1 response dated August 21, 1981.

2 A Okay.

3 Q And we have a memo from Mr. Guimond to  
4 Mr. Stromberg, addressing open audit items dated April 4,  
5 1984.

6 A Okay.

7 Q Are you familiar with all those documents?

8 A I have seen them. I couldn't quote them, though.

9 Q I'll tell you what. why don't we just take a  
10 couple of minutes off the record, I'll show you the  
11 documents.

12 A I should have them right here. I should.

13 Q Why don't you familiarize yourself with them.  
14 We'll take a couple of minutes because that's what we are  
15 going to be talking about.

16 A Well, why can't I refer to them as we talk?

17 Q Okay. If you like.

18 A I really can't quote them verbatim and I have to  
19 refresh my memory, and I did have some activity in closing  
20 out some of these findings but at that point I still had  
21 to talk to the individual that went out and looked and  
22 verified the corrective action, to get the assurance that  
23 I could legitimately close them out.

24 Q Okay. During the 1981-1982 time period, did  
25 Mr. Guimond work for you?

1 A Yes.

2 Q Who was your supervisor?

3 A Mr. Stromberg.

4 Q Where did Mr. Bader fit into this?

5 A At that point he was a parallel position. Let's  
6 see, I forget exactly when we absorbed Jersey Central.  
7 Mr. Bader was the assistant QA manager of Jersey Central  
8 and eventually we absorbed their QA department and he was  
9 the program and development functionary. I forgot the  
10 title he had.

11 Q Okay. So sometime in 1982; does that sound  
12 right?

13 A Roughly, yes.

14 Q At that time did you report to Mr. Bader?

15 A Eventually, yes.

16 Q What is your knowledge of how and why audit  
17 81-02 was initiated?

18 A On, boy. This was as a result of conversations,  
19 primarily between Mr. Stromberg and Mr. Croneberger, that  
20 there was this responsibility that had been assigned to  
21 Tech Functions and the realization or understanding that  
22 it would be a proper step for us to audit the  
23 implementation of that program, verify that they had a  
24 program, that they were properly implementing it. It was  
25 a prudent step.

1 Q Okay. And the audit team leader was Mr. Guimond;  
2 is that correct?

3 A Guimond, yes.

4 Q And Mr. Guimond eventually wrote or drafted  
5 audit 81-02; is that correct?

6 A The report, you mean?

7 Q Yes.

8 A Yes.

9 Q Then Tech Functions responded within 30 days to  
10 that?

11 A I don't believe they really fully responded  
12 within 30 days. But, yes, they eventually responded.

13 Q Okay. And that's the report that cannot be  
14 located. Do you have a copy of that response? Their  
15 first response?

16 A We had several telephone conversations and  
17 meeting -- this is the finding -- verbal indication that  
18 what's proposed was or wasn't acceptable.

19 Interesting, it should have been right after that.

20 Here's the answer -- but I should have the transmittal  
21 right in front of it.

22 The first documented answer that I find in the record  
23 is dated June 25, '81.

24 Q Is that letter number QA 4186?

25 A Yes.



1 Q And that's the QA response to the Tech Functions  
2 corrective action?

3 A Wait a minute. I think you are right. This is  
4 the response to the letter. Yes, this is the response.  
5 Thank you. Quite correct.

6 There was a response prior to that.

7 Q By Tech Functions?

8 A Yes. I wonder if it has been filed -- I don't  
9 think so.

10 Q I tried to locate it through the legal  
11 department. They didn't have it either?

12 A I don't know why they would have it.

13 Q They went to different individuals who should  
14 have it. They couldn't find it?

15 A It should be in here.

16 Q It's not?

17 A That's Mr. Guimond's responsibility to ensure  
18 that it's in here. Of course I have the ultimate  
19 responsibility.

20 Q I have no problem with that. The QA response  
21 reiterates the Tech Functions' corrective action?

22 A That's right.

23 Q And the initial response by QA rejected the Tech  
24 Functions' corrective action; is that correct?

25 A Pretty much, yes.

1       Q       Do you know why audit finding 1 was not  
2 addressed? You say you had some discussions during that  
3 time period?

4       A       Finding 1 is a finding that we haven't  
5 established a program and they committed to write part of  
6 031. Okay?

7       There was a lack of agreement at that point, as to  
8 whether 031 would or would not cover the management active  
9 or -- management directives required to fully implement an  
10 EQ program that would involve all of the organizations  
11 that should be involved.

12       The Tech Functions has the responsibility, the charter,  
13 to define the configuration of a plant, and plant  
14 engineering and maintenance and construction -- has the  
15 responsibility to ensure that the configuration as defined  
16 is properly maintained and that replacement parts are  
17 properly purchased and warehousing has the responsibility  
18 for assuring what the issue is -- et cetera.

19       The first response to that was that, by Tech Functions,  
20 was that they would issue EP-031, which would describe all  
21 of the activities.

22       There was a lack of agreement within QA as to whether  
23 Tech Functions, in issuing 031, could effectively describe  
24 all of the responsibilities for everybody required.

25       Since that procedure is signed only, or only has to be

1 signed by the director of Tech Functions, there is no  
2 automatic mechanism within that procedure to assure that  
3 plant operations, maintenance, construction, would have to  
4 abide, mandatory living to those requirements that Tech  
5 Functions spelled out.

6 But, yet, within their procedures they can identify  
7 what other organizations have to do or what requirements  
8 they should be meeting. So, I believe that there was a  
9 legitimacy to the answer, where they do say that they  
10 could have issued a procedure, EP-031, that would lay out  
11 the EQ program. But, yes, there's also legitimacy to the  
12 fact that, just because they write it, there's no  
13 guarantee everybody is going to live to it.

14 Q Do you know why it was not initially addressed?

15 A We did have an answer and it was rejected.

16 Q You mean Tech Functions had an answer and QA  
17 rejected it?

18 A Yes. Yes.

19 Q Okay.

20 A On the basis that EP-031 wouldn't cover all of  
21 the responses. There was more telephone communication on  
22 that than letters written.

23 Q Okay.

24 A And meetings with the particular individual  
25 involved, who physically or personally was preparing that.

1 Q Was that Gerry Maus?

2 A Yes.

3 Q Okay. I notice that on the revised response you  
4 signed for the proposed corrective actions?

5 A Yes.

6 Q Why was that? Why did not the audit team leader  
7 sign for those?

8 A Well, he did not believe that the corrective  
9 action would be mandatory all the way across the board and  
10 at the point in time prior to the issue of the procedure,  
11 and recognizing the fact that the charter and the only  
12 charter that Tech Functions has is to define the  
13 configuration of the plant, I couldn't say that it  
14 wouldn't work. So, rather than go round robin on  
15 proposals and counterproposals and not get anywhere, I  
16 thought it was best: Accept the answer, let's see what  
17 they do. We don't have to close out the finding until  
18 they issue the procedure.

19 Now, if the procedure won't work they can always take  
20 whatever actions they have to within their charter to come  
21 up with a workable and liveable solution.

22 Q You signed for all 11 proposed corrective  
23 actions; is that correct?

24 A I don't remember if I signed all, but I signed  
25 those where they did propose what at that time did appear

1 to be a reasonable solution.

2 Q I believe on the August 21, 1981 revised  
3 response that you signed for all of the proposed  
4 corrective actions?

5 A Okay. It might be.

6 Q Did you --

7 A Yes. Yes, yes -- okay. Okay.

8 Q Did you confer with Mr. Guimond before you  
9 signed for all these?

10 A Before I physically signed these?

11 Q Yes.

12 A I don't remember.

13 Q Is it unusual for you to sign for the proposed  
14 corrective actions rather than the audit team leader or a  
15 member of the audit team?

16 A It is not normal, no.

17 Q Was there any particular reason this time? Were  
18 you directed to by your supervisors or --

19 A No.

20 Q Do you recall any particular reason why you  
21 would have done that?

22 A I believe that --

23 Q You answered for audit finding 1, but I was just  
24 wondering --

25 A Yes. I think it's pretty similar. In other

1 words, there were solutions proposed. I can't say that  
2 they were no good. I can't close out a finding until the  
3 corrective -- the proposed corrective action has been  
4 implemented and we verify that it has and has been  
5 effective.

6 Q Okay. Back during this time period, 1981-1982 --

7 A Right.

8 Q -- what responsibility did Tech Functions have  
9 to respond to your audit findings?

10 A The audit procedure and the QA program required  
11 them to respond within 30 days.

12 Q Okay. They did that. That's just the proposed  
13 corrective action.

14 A Yes.

15 Q What I'm interested in finding out is during  
16 that time period, what were QA's responsibilities in  
17 tracking the open items --

18 A Okay. Yes.

19 Q -- and what was Tech Functions' responsibilities  
20 in following through with their proposed corrective  
21 actions?

22 A Okay. The proposed corrective action was  
23 supposed to be proposed within 30 days of the finding. It  
24 was the auditing function's responsibility to review the  
25 proposed corrective action, and, with some judgment pass

1 to its acceptability.

2 If it was acceptable we would then accept the response  
3 and then it was our responsibility to verify when that  
4 proposed corrective action was scheduled to be  
5 completed to verify that it had been implemented. So it  
6 was Tech Functions' responsibility to respond and  
7 implement the proposed corrective action.

8 Q Are there any time limits involved? Or is there  
9 any mechanism where you can escalate the open item? In  
10 other words --

11 A Yes. Now, procedurally we did not have a method  
12 in that time frame. We did not have a procedure for  
13 escalating. We did have a statement in our QA program  
14 that stated escalation per -- I forget exactly the  
15 verbiage -- but we did have an escalation provision in our  
16 QA program.

17 Q Was this based on a judgment type thing?

18 A Yes.

19 Q The new procedure came in effect, 100 AM -- I  
20 forget what the numbers are.

21 A 1000-ADM-0218.

22 Q When did that come in?

23 A Within the past two years.

24 Q Okay. The audit was conducted in --

25 A 1981.

1 Q Under different QA procedure?

2 A Yes.

3 Q When the new QA procedure came out, did that  
4 then take control? Were the responsibilities that were  
5 stated and the new procedure, did that take control over  
6 the old audit? Or was the old audit to be tracked under  
7 the old QA procedure?

8 A We continued tracking it under the old QA  
9 procedure and we looked at it in the status of open audit  
10 findings, as a generalization, whenever we perform the  
11 corrective action audit, which is every six months.

12 No, we did not really take a look at that audit in  
13 relation to the new procedure, now. It had been raised at --  
14 in other mechanisms, but we did not, no.

15 Q Why are recommendations placed in an audit  
16 report during the 1981-82 time period?

17 A As far as I ever remember, our audit findings  
18 are indications or statements of a departure from a  
19 written procedure or a documented requirement.

20 Anything that we cannot describe as a measurable  
21 departure from a written requirement usually ends up as a  
22 recommendation, which means it is something that we feel --  
23 if you continue, you are going to be in trouble sometime  
24 in the future or it could be something that we feel could  
25 be improved.



1       Q       Is there any responsibility to follow these  
2       recommendations according to the old procedures, or the  
3       procedures in effect in 1981?

4       A       No.     \

5       Q       Would it be fair to say that the audit findings  
6       and recommendations in 81-02 were critical of the EQ-filed  
7       documentation?

8       A       It was critical of the whole program. I'd go as  
9       far as to say it couldn't criticize the program because  
10      they didn't have a program.

11      Q       During the time period 1982 and 1983, did you  
12      meet with Tech Functions?

13      A       Yes.

14      Q       Were there official meetings or were these just  
15      unofficial meetings, gatherings, or how would you describe  
16      them?

17      A       I believe I would really describe them as unofficial  
18      meetings, yes.

19      Q       And what level of individuals did you meet with  
20      in the Tech Functions program?

21      A       Usually Don Croneberger was there, the director  
22      of engineering and design.

23      Q       Was Mr. Maus usually there?

24      A       Frequently if not always.

25      Q       And what about Mr. Chisholm? Mr. Chisholm?

1       A       Mr. Chisholm? I don't recall him being there  
2 too often. I can think of one meeting that he was at, I  
3 think.

4       As a matter of fact, no. My memory doesn't recall.

5       Q       That's all right. What about Mr. Wilson?

6       A       No. Not in the early meetings.

7       Q       In the later meetings are you talking about 1984?

8       A       Yes.

9       Q       Okay. During this 1982-83 time period, was it  
10 reiterated to Tech Functions that they still had a problem  
11 with their documentation?

12      A       Yes.

13      Q       Was it reiterated that they lacked management  
14 direction regarding the programmatic approach to the  
15 environmental qualification program?

16      A       You mean as it affects maintenance and  
17 construction -- other divisions?

18      Q       Right.

19      A       Yes.

20      Q       And,     stated in -- as stated in recommendation  
21 number 1, and in audit finding number 1?

22      A       Yes. Affirmative.

23       And when the EP-031 was issued, Ray Guimond did review  
24 that and his comments on the procedure included statements  
25 like that.

1 Q Was he asked to review engineering procedure #31?

2 A Yes.

3 Q By whom?

4 A It was either myself or Matt -- Matt Stromberg.

5 Q Was this a result of a request from Tech  
6 Functions?

7 A It was a request on our part to Tech Functions  
8 that we review it.

9 Q Okay.

10 A And Mr. Guimond, most assuredly, was very  
11 instrumental in that. It was his finding.

12 Q Was he more or less the QA auditor who was  
13 following the EQ program throughout its existence?

14 A All the way through or at any point in time?

15 Q Well, at what point was he? And during what  
16 point in time was he, might be easier.

17 A Okay. I don't recall that he was really  
18 involved. But he did have a permanent interest in the EQ  
19 program, at least after the audit.

20 Now, prior to that he was in a different organization  
21 and he had functioned on the task force for the  
22 qualification of the Rosemount transmitters. So he did  
23 have a good background for performing that type of  
24 inspection -- and I used the term "inspection."

25 Q I have two GPU Nuclear memoranda that I got from

1 Mr. Guimond. The subject of one is "Engineering Procedure  
2 031." It is addressed to Mr. Croneberger. And the second  
3 is "Proposed Corrective Action to Audit 81-02," and it's  
4 also to Mr. Croneberger.

5 I understand these were not ever sent. I would like  
6 you to take a look at these documents.

7 A Holy mackerel, they weren't?

8 Do you know, I have forgotten who this was written for  
9 signature of. We didn't believe that I had organizational  
10 stature enough --

11 Q Right now we are talking about the memorandum,  
12 the subject of which is "Proposed Corrective Action to  
13 Audit 81-02" to Mr. Croneberger.

14 A Yes. Affirmative.

15 Q I believe Mr. Guimond said this was in the  
16 August '82 time period?

17 A Sounds about right, yes. Yes.

18 Q It lists --

19 A He did write that memo.

20 Q It lists --

21 A And I reviewed it.

22 Q Okay. Do you know who else reviewed this in the  
23 QA organization?

24 A No.

25 Q Why did it not get sent, do you know?

1       A       I really don't know. This was discussed with  
2 them before we ever sent it, also.

3       Q       You mean the open audit items?

4       A       What we were going to say in the memo.

5       Q       It talks about open audit findings, findings 1,  
6 3, 5-A, 6-A, 10, and three subfindings under audit finding  
7 11.

8       A       Okay. Yes.

9       Q       And the second document, addressing engineering  
10 procedure --

11      A       031.

12      Q       -- 031; do you recall that document?

13      A       Yes. This should have been signed. Doesn't  
14 even have a signature block now.

15      Yes, I do remember this.

16      Q       Did you approve this, both of these documents?

17      A       I did not initial but I did see them and, yes, I  
18 did concur that they should be sent.

19      Q       Okay. And you don't know if they were or were  
20 not sent?

21      A       No, I don't.

22      Q       Was there any discussion of not sending them by  
23 anyone that you recall?

24      A       There was discussion about not sending them or  
25 revising them.

1 Q Do you remember for what reasons?

2 A Whether -- some of the statements, somebody felt,  
3 was too strong. Somebody. Somebody.

4 I don't remember exactly who.

5 Q Someone in the QA program?

6 A Yes. And they thought that perhaps if we stated  
7 our comments with more indication of precisely what we  
8 wanted them to do, it might be more helpful.

9 Q But, in any event, the contents of both these  
10 memos were discussed with Tech Functions?

11 A Yes. Yes.

12 Q Whom in Tech Functions?

13 A Croneberger, primarily; and Gerry Maus.

14 Q You were present during these?

15 A At some of them, yes.

16 Q At what time period were they discussed, do you  
17 recall?

18 A Pretty much continuously from the time of the  
19 audit right up through.

20 Q Through what time period?

21 A Oh, boy. About the time of the memos, which  
22 would have been, I guess, around August or thereabouts, of  
23 '82; including our --

24 Q What about after 1982, August 1982?

25 A Less frequently. We started getting a little lax,

1 I think, on the follow-up, relying primarily on the  
2 corrective action audits to keep tabs on what was  
3 happening. And we did raise it at one quality assurance  
4 review committee meeting, to make other organizations  
5 within QA aware of the situation and what the status was.

6 Q Would that meeting have been in approximately  
7 1983?

8 A Probably.

9 Q What I have is another memorandum, interoffice  
10 memorandum, GPUN dated March 2, 1983, and the subject is  
11 "Corporate Quality Assurance Review Committee, Second  
12 Meeting, February 8, 1983." One of the items of  
13 discussion is "Environmental Qualification meeting." Is  
14 this the memo you were talking about?

15 A Yes. And we had Ray there to make the  
16 presentation, because he was the most knowledgeable of the  
17 problem we were encountering.

18 Q This is just an internal QA-type meeting.

19 A Yes.

20 Q What was the resolution from this meeting? How  
21 was this going to be transmitted to Tech Functions?

22 A We did not have a formal mechanism for  
23 transferring this to Tech Functions. If you note on the  
24 distribution, only the QA organization gets copies of this.  
25 But we did carry it on the -- our open item listing for

1 the QARC, the quality assurance review committee, which  
2 Mr. Kazanas had asked us to investigate and try to come to  
3 some conclusions of major quality assurance problems. So  
4 we really never came to a very firm conclusion on that, so  
5 we carried it as an open item.

6 Q It says February 25, 1983. One of the subjects  
7 is "Lack of Indoctrination and Training of Technical  
8 Functions Personnel."

9 A Right.

10 Q Reference finding?

11 A That's OTMI, 80-something dash 10.

12 At that point in time we had an open audit finding on  
13 the documentation of the indoctrination and training of  
14 all of the Tech Functions people in these Tech Functions  
15 procedures that they should be working on. The  
16 responsibility was each supervisor -- manager, was  
17 supposed to identify what his people should be  
18 indoctrinated and trained in, we have a form, and as they  
19 read the procedures they initial it and verify that they  
20 have read it and understood.

21 Q I notice that is an item for audit 80-10.

22 A Right.

23 Q It was also an idea in audit 81-02; is that  
24 right?

25 A I believe so.



1 Q It was a recommendation?

2 A Yes. Because we had already covered it in that  
3 finding.

4 Q Okay. I notice it says "party, R.F. Wilson."  
5 Does that mean --

6 A He's the responsible person to -- he's the  
7 responsible director.

8 Q Was that ever completed, to your knowledge?

9 A Yes, that finding has been closed.

10 Q When was that closed?

11 A Oh, boy. I don't remember.

12 Q Was it 1984?

13 A I would think it was '83.

14 Q And how was that closed?

15 A By verification that the I&T records were in the  
16 training coordinator's files.

17 Q Would that be the site training coordinator?

18 A No, that would be here in Tech Functions,  
19 engineering services.

20 In other words, if the supervisor had a complete I&T  
21 document, that wasn't good enough. That's fine. And we  
22 have assurance or some indication that your people have  
23 been trained, or at least recognized the existence of  
24 these procedures, but the procedure also required that  
25 they be in a central location, which the engineering

1 services group maintains. That had to be there in that  
2 central location. And we verified the existence of these  
3 I&T records where they were supposed to be.

4 Q During the 1983 time period, do you recall  
5 specifically advising Tech Functions, either Mr. Maus or  
6 Mr. Croneberger or both, that the files, the documentation  
7 in the files was not in accordance with the DOR guidelines  
8 or in accordance with the 50.49?

9 A Yes. Ray Guimond had been very active on that.  
10 I would say he had -- I would believe so.

11 Q Well --

12 A I can't quote what was said.

13 Q Okay. During the '83 time period, do you recall  
14 attending meetings when this was at least indicated?

15 A Oh, yes.

16 Q To Mr. Croneberger and Mr. Maus?

17 A Yes.

18 Q What was the response to that?

19 A That they were working on it; that they would  
20 get it in condition. They were accumulating information,  
21 they were accumulating data. They had proposed corrective  
22 action. They would eventually have it complete.

23 Q I notice, in the April 4, 1984 memorandum  
24 Mr. Guimond again states essentially the same thing that  
25 he stated in the previous memo regarding outstanding audit

1 items.

2 A Yes.

3 Q Do you know why it took so long? Well, as far  
4 as April 4, 1984, some of these still remain open and some  
5 still remain open today?

6 A Yes. That's correct.

7 Q Do you know why it has taken so long?

8 A No, I really wouldn't.

9 Q On audit finding number 3, if we look at the  
10 revised response, it has to do with auditable records.

11 A Yes.

12 Q And down at the bottom there's a little asterisk,  
13 it says "original corrective action was accepted in error."

14 A Accepted in error, yes.

15 Q Do you know what that represents or why that was  
16 there?

17 A Yes. I had accepted that on the same basis that  
18 I had accepted the other. This was questioned.

19 Mr. Kazanas indicated his concurrence, that it should  
20 not have been accepted. I listened to the arguments and I  
21 said: Very well, that makes sense.

22 Q Was this based in the 1982 time period when  
23 Mr. Guimond reviewed procedure C31?

24 A No. Before that.

25 Q Before he reviewed it?

1       A       Yes. And then it was withdrawn on the basis of  
2 the reconsideration.

3       Q       Okay.

4       A       It was not direction by anybody.

5       Q       In other words, you weren't directed to?

6       A       That is correct.

7       Q       You felt it was the right thing to do?

8       A       Well, I didn't feel it was the wrong thing to do.  
9 But there was less validity to their proposed corrective  
10 action. I think they were basically hanging their hat on  
11 031, and it really, probably, wouldn't have been in there.

12       So, on reflection, there was less possibility that  
13 their proposed corrective action would hold any water.  
14 That is correct.

15       I think I was too liberal in my original acceptance.  
16 And, regardless, the corrective action wouldn't have been  
17 satisfactory to close the finding out anyway, so, it was  
18 just which way he wanted to handle the situation.

19       Q       Did they come back with a new proposed  
20 corrective action?

21       A       Eventually, yes.

22       Q       When you say eventually --

23       A       Oh, I don't remember exactly when.

24       Q       I notice it's closed out in June 1984?

25       A       '84. They issued the procedure on records.

1 Q You closed that out?

2 A Yes. On the basis that the procedure that tells  
3 them how records are going to be maintained was issued.

4 Q That's a corporate procedure binding on all  
5 parties; is that correct?

6 A That is -- that's a corporate procedure, yes.

7 Q So that would be binding on all of the different  
8 divisions that were mentioned?

9 A Yes. They have to prepare their own procedures  
10 that would live up to this.

11 Q Do you feel that the audit findings in audit  
12 81-02 were handled in a responsible manner by Tech  
13 Functions?

14 A I don't think so, no.

15 Q Where was the stumbling block? What were the  
16 problems?

17 A Well, to some degree there was, I believe, a  
18 communication mismatch. We were trying to show these as  
19 examples that give us the symptoms of a lack of program,  
20 lack of program definition, lack of assignment of  
21 responsibilities; and our perceptions -- it was only a  
22 guess, we really couldn't say this -- lack of direction,  
23 meaningful direction that everybody had to follow to come  
24 up with a complete program.

25 And my personal perception was that many of these were

1 taken as the problem as opposed to the symptom. We'll  
2 correct that and we are in fine shape.

3 Possibly, we didn't phrase our verbiage sufficiently to  
4 emphasize the core problem as opposed to the symptoms. I  
5 really don't believe that but I think it can be construed.

6 Q Was there any action on the part of management  
7 to quash or to stifle what, for instance, Mr. Guimond was  
8 trying to address in his review of the Tech Functions  
9 program, to your knowledge?

10 A I don't believe that "quash" is an appropriate  
11 term.

12 Q Whatever. What term would you use?

13 A There was discussions as to the phraseology that  
14 would be used to try to assure that Tech Functions  
15 understands that we have a program problem. This is an  
16 audit, not an inspection.

17 Q But what I'm saying is, was there any -- did you  
18 perceive any attempt by management, either in Tech  
19 Functions management or QA management, or other management,  
20 to ignore or to make go away, in any manner, the problems  
21 or the considerations or the concerns that --

22 A Are you addressing management pressure?

23 Q That's right.

24 A Okay. No.

25 Now, where there was a disagreement as to whether the

1 proposed corrective action was acceptable, rather than  
2 pressure Mr. Guimond into accepting the answer, I accepted  
3 the answer.

4 Q That's what I'm saying.

5 A Yes.

6 Q But that's a proposed corrective action?

7 A Affirmative.

8 Q You have explained that and I understand that.  
9 But I'm talking about the concerns as a whole as they were  
10 being identified. These concerns were being brought to  
11 light for over a couple of year time period.

12 A Oh, yes. Yes.

13 Q Did you perceive any management pressure or any  
14 management action in order to, you know, make these  
15 concerns go away? Not resolve them. That's what I was  
16 talking about.

17 A No.

18 Q That's what I was trying to get at.

19 A I didn't perceive them.

20 Q Did anybody else perceive them? Did anybody  
21 else indicate to you that that was going on?

22 A Not that I'm aware of. If they did, it was so  
23 subtle or I'm so stupid --

24 Q That you missed it.

25 A No. I couldn't identify that, no.

1 Q Did anyone in the environmental qualification  
2 program indicate to you that they needed help, resources  
3 in the area of environmental qualification?

4 A No. We offered to help them.

5 Q And who was that, in particular?

6 A Gerry Maus and Don Croneberger.

7 Q And what was their response?

8 A When we need it we'll accept your help.

9 Q And who was that? Both Mr. Maus and  
10 Mr. Croneberger?

11 A Primarily Mr. Croneberger.

12 Q Do you recall attending a meeting where  
13 M. Chisholm mentioned the subject of getting contract  
14 help in the area of the EQ program?

15 A I don't believe I was at that meeting.

16 Q Do you know the meeting I'm talking about?

17 A No.

18 Q Did you attend a meeting on the subject of  
19 environmental qualification with Mr. Long?

20 A Dr. Long?

21 Q Yes. Dr. Long and Mr. Kazanas?

22 A I do not remember that meeting.

23 MR. MATAKAS: Let's take a couple of minutes  
24 break.

25 (Discussion off the record.)



1 BY MR. MATAKAS:

2 Q What I would like to show you is two GPUN letters,  
3 one dated May 20, 1983, 5211-83-153; the second is dated  
4 February 10, 1984, letter number 5211-84-2038. These are  
5 from Mr. Hukill, and -- Mr. Hukill, to NRR.

6 I would like you to look over these letters and ask you  
7 if you have ever seen them before.

8 A I think I've seen this letter.

9 Q You are talking about the May 20th --

10 A The May '83 letter. I just noticed that it had  
11 been issued. I didn't do anything about it.

12 Q No review on it at all before it was issued?

13 A No.

14 Q How about the February letter?

15 A Okay. Oh, these letters from Hukill, I rarely --  
16 rarely? I have never reviewed one prior to his sending it  
17 out that I am aware of.

18 About the only letters that he would send out would be --  
19 that I had anything to do with -- would be the response to  
20 IE Bulletins that affect the program. I'll give you an  
21 example, there was an IE Bulletins regarding the NUREG  
22 guide 1.144, which incorporates the ASME-3 requirements in  
23 the audit program, and I indicated that our program  
24 already covers it. We don't have to change our commitment.  
25 That's the type of --

1 Q It would be sent to you for review? Actually  
2 sent to you before it went out?

3 A No. I just input it to licensing.

4 Q Okay.

5 A Holy mackerel, I do not remember this.

6 Q Okay. Essentially what I'm getting at, the  
7 earlier letter, the May letter states, in effect, that the  
8 EQ program is in compliance with DOR guidelines. And then  
9 the later letter, February 10, '84, states that: "TMI is  
10 currently in compliance with EQ rule 10 CFR 50.49,  
11 applicable to TMI-1."

12 A Okay.

13 Q As you probably know, both the DOR guidelines  
14 and 50.49 state that you must have auditable records and  
15 documentation to support the qualification.

16 A Yes. Yes.

17 Q Based on your knowledge and your reviews and  
18 audits and inspections of the EQ program, are those  
19 statements valid?

20 A I don't know. According to our audit, when we  
21 performed the audit, they weren't. But that was in 1981.

22 '83 and '84 --

23 BY MR. LA GRANGE:

24 Q I thought you had mentioned previously about a  
25 meeting with Croneberger and Maus in '83 --

1 A Yes.

2 Q -- and the -- discussing what kind of  
3 documentation they were putting together?

4 A That's correct.

5 Q That would have been after the May 20, 1983  
6 letter?

7 A I don't know.

8 BY MR. MATAKAS:

9 Q Wasn't that meeting, again, a review of the  
10 files to get ready for an NRC inspection?

11 A Not the meeting that I attended, no.

12 Q I'm talking about the review in 1983. Review of  
13 the file --

14 A The review in '83 that I attended was on the  
15 audit findings and what they had to do, which included our  
16 symptoms, that tells us that the files were not complete.

17 Q And you don't know what time period that was in '83?

18 A I couldn't quote it, no.

19 BY MR. LA GRANGE:

20 Q But, based on the meeting you had, at whatever  
21 time during '83 it occurred --

22 A My feeling is that this wasn't accurate. I  
23 would -- my personal opinion is that it wasn't accurate.

24 BY MR. MATAKAS:

25 Q Have you conducted audits, personally conducted

1 audits or inspections in 1984 on the EQ program?

2 A On the internal EQ program?

3 Q Yes.

4 A No, I have not.

5 Q Okay. Based on outstanding audit findings that

6 were noted by Mr. Guimond in the April 4, 1984 --

7 A Okay. That was at the site.

8 Q Remember. The document we looked at, April 4,

9 1984, where he listed open audit findings 1, 3, 5-A, --

10 A Okay. The letter.

11 Q 1, 3, 5-A, 6-A --

12 A Yes.

13 Q -- based on that, could it have been possible to

14 make these statements?

15 A You are talking April of '84?

16 Q Right. Which was subsequent to either of these.

17 A Yes.

18 MR. MATAKAS: Let's take a couple of minute

19 break.

20 (Discussion off the record.)

21 BY MR. MATAKAS:

22 Q Go ahead and answer that, please.

23 A I don't know the answer to that because I can

24 only tell you when we looked and when we verified what we

25 saw. It's possible that it was done before we looked --

1 it had to be done before we looked at it. But I don't  
2 know how much before. And the only documentation I got  
3 was when our QA engineer did verify that the component had  
4 been changed and that the component that is in there now  
5 does have adequate backup documentation.

6 Q What we'd have to do is look at the backup  
7 documentation package and see when it's dated?

8 A Yes. And that was the basis of my closing out  
9 that finding.

10 Q Okay. And that will be documented.  
11 That will be documented in your audit, the March audit.

12 BY MR. LA GRANGE:

13 Q Are you aware of any audit that took place where  
14 QA and Tech Functions people looked at the files somewhere  
15 in '83?

16 A Where Tech Functions personnel supported the  
17 audit?

18 Q It sounded like a combined Tech Functions/QA  
19 look at the file, sometime during '83.

20 BY MR. MATAKAS:

21 Q A file review or something to that effect, not  
22 an official audit.

23 I believe Mr. Guimond wrote something on it in May,  
24 finally wrote something on it in May 1984.

25 A As a formal review?

1 Q Yes. As a formal review.

2 A Oh. I'm unaware of any formal review.

3 BY MR. LA GRANGE:

4 Q Are you aware of any informal?

5 A Yes. Ray had been going into the files with  
6 Gerry, pointing out his comments, looking over those with  
7 him.

8 Q Did Ray indicate to you that the file still  
9 didn't look good? Or did he talk to you at all about --

10 A Not really.

11 BY MR. MATAKAS:

12 Q In fact, what I have here is a GPUN memorandum  
13 dated May 16, 1984 from Mr. Guimond to Mr. Chisholm,  
14 recommending an assessment of the environmental  
15 qualification files during December 27, 1983 to February 1,  
16 '84.

17 A Okay.

18 Q Were you aware of that?

19 A I knew they were doing that assessment, yes.

20 Q You weren't involved in any of that?

21 A No. That was not an audit.

22 Q Were you at any meetings where this assessment  
23 was discussed?

24 A Somenow or another, I believe I had to be. I  
25 don't recall that I did, no.

1 MR. MATAKAS: Let's go off the record for a  
2 second.

3 (Discussion off the record.)

4 BY MR. MATAKAS:

5 Q Did you review the December 10, 1982 TER  
6 deficiencies that were noted by the Franklin Research  
7 Center?

8 A No.

9 Q Were you aware that they did such a review?

10 A Yes. Just from conversations with Ray. I  
11 believe he was aware of it.

12 MR. MATAKAS: Bob, is there anything else that  
13 you would like to ask?

14 BY MR. MATAKAS:

15 Q Do you think the environmental qualification  
16 program has turned around?

17 A Yes.

18 Q What do you base that on?

19 A Well, first off I believe that they have really  
20 done an intelligent -- well, I shouldn't say intelligent.  
21 That's a judgment.

22 I think that the formation of the EQ section that has  
23 sole responsibility for EQ was a meaningful step and that  
24 assigning these individuals that responsibility and no  
25 other responsibilities gives them the flexibility and the



1 time to apply themselves to getting this program into the  
2 logical order and workable configuration.

3 MR. MATAKAS: Do you have any other questions,  
4 Bob?

5 MR. LA GRANGE: Yes.

6 BY MR. LA GRANGE:

7 Q I understand that QA hired a consultant sometime  
8 in '84, to assist?

9 A That was quality assurance, that was design and  
10 procurement -- quality assurance.

11 Q Were you involved in discussions with that  
12 consultant at all? Do you know what he found when he was  
13 brought in?

14 A The only discussions I had with him was he came  
15 and asked me about access to my audit files. And I  
16 pointed to him, and said: They are yours. Just sign them  
17 out.

18 Q He never discussed with you his findings?

19 A We discussed one item only, and that was the  
20 validity of the audit that I performed at B&W regarding  
21 the backup documentation that supported the summary report  
22 that was issued by B&W for the owners' group.

23 Q So he did not relay to you any of his findings?

24 A No. Nor did I question him about them.

25 BY MR. MATAKAS:



1           Q           Sir, is there anything that you would like to  
2   state? Or any statements you would like to make or  
3   anything you would like to ask?

4           A           I can't think of anything.

5           Q           Have you appeared here today voluntarily?

6           A           Yes.

7           Q           Have any promises been made?

8           A           None.

9           Q           Have any threats been made?

10          A           None.

11                   MR. MATAKAS: The time is 12:07. This will  
12   conclude the interview.

13                   (Whereupon, at 12:07 p.m., the interview was  
14   concluded.)

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CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

NAME OF PROCEEDING: INVESTIGATIVE INTERVIEW OF:

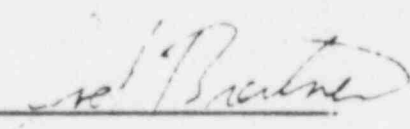
PHILIP B. MAGITZ

DOCKET NO.:

PLACE: PARSIPPANY, NEW JERSEY

DATE: Thursday, May 2, 1985

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission.

(sig): 

(TYPED)

Joel Breitner  
Official Reporter

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