BEFORE THE

OFFICE OF INSPECTOR AND AUDITOR

NUCLEAR REGULATORY COMMISSION

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Interview of: :

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Room 671
Rodeway Inn
833 North Watson Road
Arlington, Texas

Wednesday,
April 9, 1986
9:00 a.m.

APPEARANCES:

For the Commission:

GEORGE A. MULLEY, JR.
Special Assistant to the Director
Office of Inspector and Auditor
Nuclear Regulatory Commission

Attachment G

P R O C E E D I N G S

MR. MULLEY: The time is 9:07 a.m. The date is the 9th of April 1986, and we are in Room 671 of the Arlington, Texas Rodeway Inn.

Present are [redacted] who is a reactor inspector with the NRC Region IV; George Mulley, Special Assistant to the Director, Office of the Inspector and Auditor, Headquarters, Nuclear Regulatory Commission; and the Court Reporter, ...

THE REPORTER: Sandra Harden.

MR. MULLEY: Sandra Harden. I'm sorry.

I've got [redacted] here today to discuss information that he may have concerning Region IV's management's handling of two inspection reports pertaining to the Comanche Peak nuclear power station.

[Reporter's note: The interviewee was sworn at the end of his testimony.]

BY MR. MULLEY:

Q Before we start, [redacted] could you give me some background concerning your experiences and education?

A I have a Bachelor's degree in mechanical engineering from Texas Tech 1958.

I spent several years working for industry, aerospace industry.

Been working with the Federal Government Civil

Service since 1970.

From that time until 1982, I worked for the Department of Defense, DCASR, Dallas in the Navy Plant RIP office at LTV, Grand Prairie, Texas.

Came to work for the Commission in 1982. Worked in the Vendor Branch until it went to Washington in 1984. Transferred to my present position.

Q Would you briefly describe your present responsibilities at the Regional Headquarters?

A Present responsibilities are to perform inspections at plants under construction and operating plants that are assigned to Region IV.

Q Have you had any occasion to conduct inspections at the Comanche Peak plant?

A Yes, I have.

Q How many inspections have you conducted at that plant?

A I participated in either three or four inspections. And when I say "inspections", inspection might have covered more than one item, but three or four monthly inspection reports beginning April of 1985.

Q Okay. Concerning these inspections that you've done at Comanche Peak, have you had any problem with the findings that you discovered during your inspections and how they were eventually reported in the inspection reports?

A The-- As I pointed out, the first inspection I participated in began in April of 1982-- or, I'm sorry, 1985. This covered the period April-- I'm not sure, April through May, I believe.

Do you have a copy of that report you looked at?

Q Yes, I do, as a matter of fact.

A I want to clarify what period it did cover.

(Whereupon, the requested documentation was provided and referred to.)

April the 1st, 1985 through June the 21st, 1985 was the reporting period on the first inspection I participated in at Comanche Peak.

Q And the number of that report is?

A It's Docket No. 445-8507 and Docket No. 446-8505.

Q Okay. Would you describe for me the purpose of the inspection and what involvement you had with the inspection?

A The involvement I had on this particular inspection--

(Referral to documentation.)

I performed an inspection of the reactor pressure vessel and internal installation for Unit 2. I performed an inspection of the reactor coolant pressure

boundary systems for Unit 2. Those were the two items that were reported in the subject report that I performed.

Q What were your findings as a result of your inspection of these two areas?

A I documented either six or seven findings in my draft report. I don't have that draft report, so I can't tell you for certain. I can tell you the areas that I covered. I can't tell you the specific number of findings, but I can give you the subject of the findings.

Q Where is the draft report now?

A I destroyed my draft report.

Q You destroyed it? Okay.

Is that--

A Now, there may be some copies of it around, but I don't have one.

Q Is that a Region policy--

A Yes.

Q --to destroy the drafts?

A Yes.

Q Were you specifically instructed to destroy that draft, or were you just following general Regional policy?

A I was following the general policy that we should not keep draft reports and other material once the report has been finalized.

Q Has there ever been any disagreement concerning keeping draft reports by inspectors that you know of?

A Yes, there's been disagreements.

Q What would be the basis of the disagreement?

A Well, the basis of the disagreement is to be able to go back and recall what your specific concerns were at the time and to recall particulars about your inspection, which don't necessarily appear in the report. You're trying to recall instances a year later, and you don't have the records to make that recall.

Q And why wouldn't these things appear on the final report?

A Well, there are just some items in your collecting of material and that sort of thing that you don't include in a report.

Q So, do you feel that these things don't necessarily belong in a final report?

A Yeah, I think some of your notes are for your own material that help you prepare the report, and they don't necessarily appear in the report. Maybe you-- Maybe in the process of performing the inspection, you wrote down some things that weren't really pertinent. You went back and looked at them, and they weren't of any concern.

Q Okay. Getting back to inspection report 85-0507, what do you recall concerning your findings in that

report?

A I wrote a violation on Unit 2 reactor pressure vessel installation. In particular, the violation was a concern that there was no plant-- or, no on-site installation procedures, engineering procedures, that covered the installation of the reactor vessel. They relied strictly on a Westinghouse-recommended setting procedure. It was uncontrolled type document.

Q Are these procedures required?

A Yes.

Q By what?

A By commitment from the licensee.

There were certain tolerances that were required in the Westinghouse-recommended procedure that did not appear in any site engineering documentation. They did appear on an operation traveler, which is not a piece of engineering paperwork. It's construction paperwork.

Q Was this traveler maintained after the vessel was installed?

A Yes. It's permanent plant record.

Q Is it retrievable if it was ever needed? In case there was a problem with the tolerances, for example, would you be able to get to that traveler?

A I would say yes. I was able to get to it. It was still in one of the paper flow areas. You have to

understand, at Comanche Peak, papers remained in a paper flow group while the construction process is still underway. Once the thing is bought off, then it goes into a permanent vault. Now, I looked at it while it was still in a paper flow group.

Q Now, what is the problem with having this documented only on a traveler?

A Well, let me pursue my next concern.

Q Okay.

A My next concern, same subject, that certain clearances between the reactor vessel support bracket and support shoes were not within the tolerances stated on the construction traveler. In other words, the construction traveler called out certain tolerances. Okay, those tolerances had been changed one time on the traveler itself with no engineering justification for the change or anything else.

Okay. Then they went ahead and installed the reactor vessel, and when they checked the clearances, those clearances did not comply either with the original requirement or the requirement that had been revised.

Now, there was no nonconformance report or anything like that. They bought it strictly on the basis of a Westinghouse signature on the traveler, and I could see no engineering justification for making the change.

Q So, allegedly, somebody from Westinghouse made

these changes on a traveler; is that correct?

A They didn't actually make the changes, but they approved the changes.

Q Approved the changes.

A Yeah. Brown & Root is the constructor, and Westinghouse is sort of looking over their shoulder as they installed that thing.

Q Okay. Now, I guess the question is: Since there's nothing to support the changes on the traveler that you know of, how do we know these-- you know, these changes are valid, or how do we know that Westinghouse-- beyond somebody signing their name on a traveler, how do we even know that Westinghouse approved these changes?

A That was the point on the violation I wrote.

Q So, as a brief summary, the first deficiency was the fact there were no procedures to install it.

A Uh-huh. Other than an unofficial--

Q Recommended procedure by Westinghouse.

A Uh-huh.

Q Was the licensee committed to follow this recommended procedure, or were they committed to have their own procedures?

A Well, their commitment is that they will have engineering documentation, engineering procedures, to cover each operation that's performed on site.

Q Okay.

A That's what they committed to.

Q And so, having this Westinghouse-recommended procedure doesn't comply with their commitment to have their own.

A In my opinion, it did not.

Q Okay.

A This was not the universal opinion in Region IV.

Q Okay. Then, to carry the finding even further, they were using tolerances that were entered on a traveler, and they weren't even complying with those tolerances.

A That's correct.

Q Even after they made a change in the tolerances, they still didn't comply with the change.

A That's correct.

Q And there is nothing to support the change that was made, that you know of at least.

A Just the signature on the traveler.

Q The person that signed the traveler, is he somebody that is well known at the Comanche Peak site? How do we even know that the signature is valid, I guess is the question I'm asking.

A I-- You're talking about the Westinghouse proce-- or, the Westinghouse person or the--

A Yeah, the people that signed the traveler. There was a person that made the change in the traveler, and there was a person from Westinghouse that approved the change. How do we even know-- I mean, this might be, you know, a little bit of a--

A I think--

Q This may be very cynical, but how do we even know that the person that made the change in the traveler actually signed that thing and the Westinghouse person who approved it actually approved it? How do we know it wasn't actually two janitors from the site who decided to make the change? I mean, I guess that's the question I'm asking.

A Well, I don't know that for a fact, but it could be checked. You could pick up the person's signature and go back and see if he was a certified inspector or engineer or whatever.

Q Okay.

A I did not take that step.

Q Okay. What else did you find during your inspection?

A Well, in respect to the two above items that we've discussed on the vessel installation, I checked to see that TUGCO had audited that operation. My concern was how this got through their system without them catching it. And they have no records of having audited that process. So, I

cited them for that.

Q And they are required to audit this process?

A They are required to audit-- perform audits in depth enough to determine that each safety-related system is being installed, manufactured, and that sort of thing, correctly.

And that's a pretty important process, installing that reactor vessel. And I felt that it should have been audited by TUGCO.

Q That brings up an interesting point that we should probably cover here. Just how important is the installation of the reactor vessel?

A Well, that's where all of your radioactive fuel is stored during your operation of your plant. So, I feel it's pretty important.

Q So, we're not just talking about installing a coke machine down there. We're talking about something that is very, very important to the plant itself, the safety of the plant.

A That is true.

Q Okay.

A And one reason I looked at this as closely as I did, there had been problems before on the installation of the reactor vessel. I believe it was included in one of your Contention Five or one of the contentions that are going

on at the site now.

And to go along with this, there had been a problem on Unit 2 reactor vessel when they-- when they poured the-- Can't think of the word I'm looking for. --well, when they poured the cavity that the reactor vessel sits in.

You have to put the mounts that the reactor vessel sits in in the cavity at the time it's poured. You know, the reactor vessel sits down inside the cavity, and it rests on the cavity in special mounts. And these things were initially installed 45 degrees off.

And they had to go in and tear them out and replace them. This was back early in the process of building Unit 2.

Q Okay. So, they already had problems with this whole--

We're talking about Unit 2 in both-- on this inspection report and the previous.

A That's true.

Q Okay. So, we're talking a history of problems with the reactor vessel.

A Yes.

Q And so, I guess it even makes the audit-- TUGCO's audit of this installation of this reactor vessel even more important.

A I would think so, yes.

Q They'd already been alerted that they were having some problems, but there were no records to show that they had audited?

A (Shaking head back and forth.)

Q What else did you find?

A During the inspection, I documented two items which I later agreed to drop. This was a pretty unusual inspection. I had never been on one exactly like it. We performed our inspection. We had our exit meeting with the licensee. And weeks, maybe even months, later, they were coming back to us with bits and pieces of information that they had come up with since our exit meeting and since our inspection.

Q Was this previous to the final report being sent out?

(Whereupon, the proceedings were interrupted by a knock on the door.)

A Let me back up and explain a little. This inspection report-- You can see the date that it covered, April the 1st, '85 through June the 21st, '85, and the inspection report is dated February the 3rd, 1986. So, this thing was around a long time before it actually got issued. And before it got issued they-- the licensee came back and discussed some things with us.

In one instance, I had found a spool piece which I couldn't find a traceability marking on. Another instance, I couldn't find CMTR, that's certified material test reports, for certain items in the reactor coolant pressure valve.

The licensee later came up with evidence that these things were okay. In other words, they-- I went back out with one of the licensees, and we found a marking on the spool piece. I had inspected the same piece earlier, and I could not find it. I went out with one of the licensee people, and we could not find themarking.

Q And then later--

A Probably an oversight. I don't know what it was.

Q How much later did you go out again and find it?

A How much later? Oh, we're talking months, two or three months.

Q What is actually involved in this thing you were talking about the marking on?

A The marking?

Q Right.

A Each piece of material in the pressure boundary system is required to be traceable back to the certified material test report. Checking the pedigree of

the material, if you will. You know, that it complied with the codes.

So, you've got to have some marking on the-- in this particular instance, it was on the pipe, that you can trace back to the certified material test report.

Q And so, you inspected that pipe and found no marking when you originally went out and did your inspection, and you wrote them up for having no marking on the piece of pipe.

A That's true.

Q Now, at least I know myself when I'm doing something, making inspections and cite a deficiency. I'm very careful to support what I'm going to write up.

How careful do you feel you were-- Since you were going to write up this deficiency, how careful do you feel you were looking for this marking?

A Well, I feel I was very careful. But on the other hand, I don't claim to be infallible. I did have a licensee person with me.

Q Helping you look for the marking.

A Yeah.

Q And then--

A But you're looking at a long pipe, you know, maybe the length of this room, and you could overlook it.

Q Is this painted on or stenciled?

A Stenciled.

Q Okay. You went back, I guess, several months later with another licensee representative and found the marking?

A Uh-huh, uh-huh.

Q Where was the marking located?

A It was-- Well, the pipe was, maybe, this far from the wall (indicating).

Q When you say "this far", you're talking about two or three feet?

A Yeah, a couple of feet. Where you have to climb over the pipe between the pipe and the wall, and you have to inspect the whole length of the pipe. Which, we're talking, maybe, twelve to fifteen feet.

First of all, you have to make sure you're looking at the right pipe. You know, these spool pieces are designated between, maybe, one weld-- one field weld and another field weld, which is some length away.

So, you have to make sure, first of all, that you're looking between the right two field welds and that you have the right pipe.

Q Okay.

A But I might say that normally I think, under usual circumstances, even had we made a mistake, we probably would have left it in the report and let the licensee answer

us back and say, "Hey, you goofed. The marking is there."

But because this report was around so long, we discussed it with out on-site management, NRC management, that maybe it would be better to just take it out. Which we did.

Q Is there any way that this marking could have been added after the fact? Is it possible-- I'm not saying it was--

A Oh, sure, it's possible. But I'd be very careful before I made a statement like that.

Q Right, I understand that. I'm not asking you to accuse anybody. I'm just asking, you know, an objective question. Would it be possible for the licensee to add the marking?

A Yeah, it would be possible.

Q How long would something like that take, to get somebody behind there and add--

A Thirty minutes.

Q Okay. I noted-- Well, going back to the timeliness of this report, just a quick observation here, I see that this thing was dated-- or, signed, I should say-- The report itself was signed in October of '85, October the 1st or 2nd of '85, by the four inspectors. However, it looks like the report itself was not mailed or actually sent to TUGCO until--

A Well, you'll notice that the last signature was not made until January, almost February '86.

Q Right. And it wasn't actually sent out until February the 3rd of '86.

What happens between-- We're talking about all of October, November, December, and January. Four full months between when you signed-- not you, but the inspector signed the face sheet of the inspection report until it was actually sent out. What happens in those four months?

A I don't know for sure, but I know these reports have to go to NRC headquarters to be concurred with, also. I believe you see Mr. Noonan has concurrence on here.

And this thing could have possibly made several trips back and forth between headquarters.

Q Let's see, in this particular case.

A (Indicating on document.)

Q Okay. He concurred on January the 28th. As a matter of fact, I see-- This wasn't concurred with by anybody until the 28th of January, so--

Looks like here it didn't go to headquarters. It looks like it stayed down at the region because Noonan's concurrence was by telephone call--

A Uh-huh.

Q --on the 28th, the same day that Phillips and Hunnicutt and Westerman concurred on it.

A The final report may not have gone to headquarters, but I know the draft-- I feel quite sure it did go to headquarters.

Q Okay.

A Because we had comments back from headquarters on it.

(Whereupon, discussion was held off the record.)

Q Would you go over for me briefly the concurrence procedure for this particular report, who was involved in approving the report.

A Okay. At the time the report was performed, at the time the drafts were prepared, Mr. Hunnicutt was the-- was on site as the team leader or supervisor. I'm not sure exactly what his title was. ( ) was the branch chief over the project. ( ) was the division director.

The findings in the draft report were all coordinated and all concurred in by this set of management. Later on, Mr. Hunnicutt was removed from site, ( ) was removed from the project, Mr. Westerman came on site as the Comanche Peak supervisor.

For some reason, the report had not gone out before this change in management. Mr. Westerman came to me on several occasions to talk about some of the findings that I had documented on the report.

Certain findings-- He wanted to drop certain findings. He wanted to change some violations to unresolved items.

Q Based on what?

A On some instances, I think the licensee had come to him saying: Hey, we don't agree with this, or we have additional information, or whatever.

Q Now, this is obviously months after the inspection was done.

A Yes.

On other instances, on some of the findings that we haven't discussed yet, I had other findings that-- there were code issues and addenda type questions, and one, in particular, had to do with the hydrotesting of the reactor coolant.

Management did not agree with my interpretation of what the code required.

Q When you say "management", you're talking Region IV management.

A I'm talking about, specifically, Mr. Barnes who was the team leader who worked for Mr. Westerman and Mr. Westerman himself.

Q And what sort of disagreement did you have? Was Mr. Westerman being more narrow in his interpretation or less narrow?

A I don't like to use the word "narrow". Let me explain to you.

The pipe spool pieces were fabricated off in some vendor's shop. Okay?

Q (Nodding head up and down.)

A And the disagreement that we had was whether or not that pipe spool piece had to be hydrotested before it left the vendor's shop or after it got installed into the system.

Q When you're talking about hydrotesting, what exactly is that?

A Well, you cap the ends of the pipe, you fill it with water, and you pressurize it.

Q Okay.

A You're testing the base material, any repairs that were made, any welds that were made.

My interpretation of the code was it must be hydrotested prior to being installed in the system.

I was told by the licensee and his representatives that it's normal practice that they wait and do this after it's installed into the system. It's hydrotested when you test the rest of the reactor coolant boundary system.

I left this unresolved with the understanding that we would go to headquarters and get a written interpretation.

I don't like to rely on "This is normal practice" and that sort of thing. I inspect by what the code says and what my interpretation of the code is. And if I'm wrong, then I like to see what NRC's position is in writing, not verbally.

Q So, what happened with this finding? You said Mr. Westerman came to you and disagreed with your finding on hydrotesting?

A (Referral to notes.) The specific finding in respect to when the item would be hydrotested was dropped from the report. However, I also questioned the adequacy of the hydrotest as performed, and that was left in as unresolved. But--

Okay. First question was: Does it have to be hydrotested prior to being put into the system? If the answer to that is, yes, it's okay to do it that way-- or, it's okay to wait until it is in the system to hydrotest it, then my next question was: Did they adequately hydrotest it?

Q While in the system.

A Yeah.

Q Right.

A So, you know, you're talking about a-- I forget now, 24- or 36-inch diameter pipe. And to adequately hydro it, you should look at every weld that was made in the shop, plus all the welds that were made in the field. You

should make sure those are all checked.

The records I looked at indicated that maybe this had not been done.

Q Okay.

A You know, they do what they call a walkdown, and then they're looking around the pipe to see if there's any leaks. But I couldn't see any evidence where they had looked and mapped specific weld repairs, specific shop welds that had been made--

Q Okay.

A --and looked specifically at that.

Q Okay. Now, to correct-- This was left as an unresolved item. To correct that finding, what would the licensee have to do?

A He would have to prove to us that he did do a test. We would have to look at each each shop weld and each base metal repair weld and field weld.

Q If, in fact, he hadn't done a good test, what would be involved in correcting that mistake, or could it be corrected?

A Probably have to do another hydro.

Q The deficiency that was taken out concerning whether or not the pipe had to be hydrotested before it was installed, if, in fact, you were right about that, if the pipe had to be hydrotested before it was installed, how would

the licensee correct that?

A Well, I don't know. You know, to do it by the code, it would have to be removed and tested. I don't feel like it would ever come to that. I feel like we would probably accept a good hydro with it installed in the system.

Q You said that you initially left this finding concerning whether or not it should be tested before installation, you left it as an unresolved item contingent upon you going to the headquarters to get a reply in writing from headquarters.

A Uh-huh.

Q What was the reply from the headquarters?

A As far as I know, we have never gone out in writing. Tom Westerman called headquarters person, he's a branch chief in NRR. I can't remember his name right now. Bosnick, I believe. B-o-s-n-i-c-k. I'm not real sure of that spelling.

We talked to him on the phone, and he indicated this was an acceptable practice.

And I asked him would he please put that in writing for me. I haven't received anything, and on my last conversation with Eric Johnson, who is a division director, he said, "I don't think we need this in writing."

Q I guess the question I have still, and I think you alluded to it before: Why didn't Region IV issue

the report with the finding in it and let the licensee defend their practice of installing it first?

A I can just give you my opinion. I feel like Mr. Barnes, who is the team leader who works for Mr. Westerman, worked in the nuclear piping industry for several years prior to coming with NRC, and he says this is a practice that's been used, and he says, by code, it's okay. So, it's a difference in interpretation. He says it's okay, and I say, well, show me it's okay. I read words that imply that it's not okay.

And what, really, does a code mean? Mr. Westerman's position was it really is not a licensee problem, it's a problem we need to resolve in NRC. So, let's don't put it in the report.

Q Well, this hydrotesting of piping, this has to occur in every plant. Right? I mean, this is just not unique to Comanche Peak.

A That's true, yeah.

Q So, I guess, you know, I'm being a novice here, but it would seem to me that we must have a history in the NRC of how this stuff is done. I mean, Region IV itself, how many plants has Region IV inspected and inspected hydrotesting of piping? I don't know if this was your first plant that you inspected, but there are other inspectors in the Region that know how it was done at Wolf

Creek and Fort St. Vrain and, you know, whatever other plants that Region IV has done.

A Yeah. Well,--

Q Is it always done?

A It seems to be an accepted practice to do it that way.

Q Okay.

A But if the accepted practice is opposed to the code, then I think we need clarification from headquarters on it saying, yes, it is an okay practice.

Q And I guess the next question is: Why can't we go to the people who write the code and ask them: Okay, you've written a code. It's vague. We have a question concerning something in the code. Could you explain to us what, exactly, you mean?

It would seem to me, also, such a question that the code would be clarified. Is that something that's impossible to do?

A We-- This is second-hand information on my part, but ( ) asked a ( ) I believe it was, who works with ASME-- He'd been on some of the committees, I believe. Knows the ASME people. He's another inspector with Region IV.

And ( ) called a member of the ASME, and he was not aware of delaying the hydro until it was

installed in the system. Now, that's second-hand information.

Q Right.

I guess, from a practice side, if you install the pipe into the system and then you do the test and the pipe turns out to be bad, is that more of a problem than testing the pipe before it goes into the system and finding that the pipe is bad? Is it easier to correct if you find out before it's installed?

A Well, sure, it'd be easier. You know, when the pipe's installed, it sits way up there off the ground. You have to have scaffolding around it to do your repair work. If it's laying in the shop on the floor, you can get a welder in there to repair it. You can heat treat, whatever is required.

Q And if you tested the pipe before it was installed, do you think you'd have a better test because you'd be able to access it better?

A Well, I think you would, yeah. Of course, the related issue to this is-- Well, these are ASME pipe, so they have ASME code data report that comes with them, and they have an ASME stamp that gets put on the pipe.

And a related issue is whether or not it's allowable if they didn't do the hydro in the plant where the pipe was built, is it allowable for the vendor to put out a code data report and sign it, even though they state

up there no hydro was performed, is it allowable that they can sign a code data report, is it allowable that they can affix the code stamp to the pipe?

Q Without having tested it first.

A Without having tested it.

Q Uh-huh.

A And the way I read the code, on items that can be deferred, the hydro can be deferred until it's installed, but when a hydro is performed, a representative from the manufacturer for that item has to be there, and he has to witness the hydro, and he has to sign the code data report.

Certain items can be deferred. It's pretty clear in the code, it can be deferred. But it's not that clear to me that piping subassemblies is one of them that can be deferred.

Q But in this particular case, if it can be deferred--

A Is it proper to do the report? Is it proper to put the code stamp on it?

Q Without having a representative from the--

A Well, even back in the shop,--

Q Right.

A --the code data report is signed by the vendor prior to the item being shipped. Code stamp is put on

prior to it being shipped. It's not really a code part until it completes all the requirements.

So, that was another clarification I wanted to try to get.

Q Now, in this case, the pipe was tested after it was installed. Was there a vendor representative present?

A No.

Q Okay. And so, the pipe did have the stamp and everything on it.

A (Nodding head up and down.)

Q Who put the stamp? That was done by the vendor before the testing?

A Yes.

Q Okay. So, the licensee added nothing to that pipe after he tested it.

A Well, they may put their own stamp on it, too. I'm not sure.

Q Okay. Either way, it seems to me, then, it was improperly done. And I'm--

A Well, I'm willing to accept an answer from headquarters saying, yes, this is okay. But I think they owe it to an inspector to put it in writing.

Q Okay.

A I don't like to accept verbal direction under those conditions.

Q What other findings in this report were either downgraded or taken out?

MR. MULLEY: Okay, let's go off the record for a minute.

(Whereupon, discussion was held off the record.)

BY MR. MULLEY:

Q Let me just ask one question for clarification purposes.

You initially had this finding as unresolved item. What does that mean, "unresolved item"?

A "Unresolved item" means that I don't really have enough information to make a determination on that. I want to look at it some more after I get some more information. I can't really write a violation because I don't really have enough information to determine whether it's a violation or not.

Q So, it implies or indicates that you do have a question about a certain item.

A Yeah. In fact, it's pointed out in each report what an unresolved item is.

Q Now, this particular matter concerning the hydrotesting of the pipe, this whole topic was taken out of the report; is that correct?

A Not the whole topic. The topic of the

adequacy of the on-site hydro was left as an unresolved item.

(Whereupon, there was a brief period off the record for an incoming telephone call.)

BY MR. MULLEY:

Q But the question concerning whether or not the pipe should be hydrotested before installation was dropped.

A (Nodding head up and down.)

Q So basically, there was no record that you even had a question about this matter; is that correct? The question in the report is limited to the adequacy of the licensee's test, but you had another question concerning whether or not that test should have ever been done after it was installed. Your question was whether it should have been done prior to installation.

A That's true.

Q And that question that you had was completely dropped from the report.

A Yes.

Q Completely dropped. There was no record that you even had this question.

A That's true.

Q And the purpose of an unresolved item is basically just to let it be known that there is a question

and you're looking for more information.

A Right.

Q And as far as you're concerned, as the inspector that identified this finding, this item has not been resolved to your satisfaction yet.

A No. I have the verbal answer of one person at NRC headquarters. I would still like something in writing on it.

And if that's the official NRC position, then that's fine.

Q So, in fact, the item is still unresolved as far as you're concerned.

A (Nodding head up and down.)

Q What other findings were either reduced from violation to unresolved findings or completely dropped from this report?

A I think there's one other one that we haven't discussed. We've discussed several.

Another one pertains to the code addition and addenda that the reactor coolant boundary is to be built to.

50.55-- 10 CFR 50.55(a) lays down the requirements on which codes are acceptable and which ones will be used.

Q Okay. To back up just a little, I had written another unresolved item. I reviewed the licensee's

FSAR. He committed, in the FSAR, to 1974 code with the-- I believe, winter of '74 addenda.

Okay, when I--

Q Which code is this?

A ASME, Section 3.

When I reviewed the certified material test reports for the reactor coolant pressure boundary material, they certified the material to 1974 code-- I believe it was 1975 addenda, which is a little later. Okay?

Q Okay.

A So, I identified as unresolved. I said he didn't comply with the FSAR.

And this was eventually dropped out of the report. And later on-- It was even before the report went out, I guess. In December, he changed his FSAR to comply with what was stated in material certification.

So, he did see a need, and he did know, that he needed to do something because there was a discrepancy there. But we dropped it from the report.

Q Why is that? Why was it dropped?

A Well, this is another one of the items that went to headquarters, and their lawyers in headquarters reviewed it. And I saw a note from headquarters-- I never did have the note in my possession, but I read it. Mr. Westerman had it. And they seemed to think the thing should

be a violation or nothing. You know, they had not complied with a requirement in the FSAR.

But I guess Mr. Westerman's thinking was, since they had gone ahead and fixed the item, we'd just go ahead and drop it from the report. I don't really know what his thinking was on it, but he came to me and he says, "Look, here's"-- He said: This is the way it is. This is the note from headquarters.

And there was a letter kicking around from-- Well, let me back up. Can we go off the record for a minute?

(Whereupon, discussion was held off the record.)

BY MR. MULLEY:

Q Why don't you pick up?

A Okay. There was a letter had gone from TUGCO to headquarters requesting approval to use later addition to the code than had been approved by 10 CFR 50.55(a). Headquarters responded that, among other things, they requested that the licensee submit a list of the codes that they had used in constructing the plant. I requested from the licensee on several occasions their input to this response to the NRR letter. I never received it.

And later on, they withdrew their original request to use later codes than approved and said that they did not intend to respond to the request.

Where do we need to go from here?

Q Okay. Now, concerning the specific unresolved item that you had identified, the NRC's attorneys had determined that this was a violation? It should either be a violation or it should be nothing, is that what you said?

A That's true.

Q You thought it should be an unresolved item because of what?

A I had asked the licensee to review the item, review the codes, and to determine that the material that was bought to a later code than approved in the FSAR actually did not violate the code that was required to be used.

Q There may be a change?

A Because of some change.

Q That had been made in a later addendum?

A Yeah.

Q So, you just wanted to have assurances that what the licensee committed to back in '74 with the NRC, that their commitments were being followed through when the plant was being built. Is that what you were saying?

A That's true.

Q Okay. Now, Westerman came and decided to drop the entire issue from the report.

A He came and discussed it with me, and he showed me the note from NRR-- or, from headquarters. I

believe it was from the attorneys. And he also had the letter that I related to earlier from NRR pertaining to use of a later addition to the code. And he says, "I think we can drop this one."

And I told him if that's what he wanted to do, to go ahead and drop it.

Q And to your knowledge, why did he feel it could be dropped?

A I think there was a couple of reasons. One of them was he felt like that the licensee could use later additions than actually had been addressed in the FSAR, plus the licensee had gone in and changed their FSAR to be in agreement with the CMTRs.

(Whereupon, there was a brief period off the record for an incoming telephone call.)

BY MR. MULLEY:

Q But the licensee's change to the FSAR occurred after you had identified this item; is that correct?

A Seven months or so.

Q Are there any other items in this inspection report that were changed from the way you originally--

A Not actually in the report itself. I believe that covers most of them. There were some inconsistencies in the 766 reporting.

Q And what inconsistencies were they?

A There were certain modules listed on the 766 form that inspection reporting had not actually been reported on in the inspection report.

Q Okay. Now, the 766 are forms that are prepared by Region IV.

A For input into the tracing system, into the Regional-based tracking system.

Q And that shows the inspection modules that were completed and things like that.

A True.

Q And then refer back to specific inspection reports?

A True, yeah.

Q Okay. And the inconsistencies that you're talking about were of what nature?

A We'd have a 766 input for a particular module. I can't give you any example, but when you pulled that module and you looked at the inspection requirements, you could not find any conversation going on in the report related to that inspection requirement.

Q Okay. And this particular inspection report, 0705, were there any discrepancies with the 766s that were reported as a result of this inspection report that you know of?

A That's the one I'm talking about now.

Q Okay. You're talking about this specific report.

A Uh-huh.

Q Okay.

A And there are others, too, but....

In other words, if you go in and-- if you go into these modules, you try to go find the reporting of that module over here, you won't necessarily find it.

Q Why do you think these 766s were prepared like that?

A I have no idea.

Q You don't prepare them.

A I make an input to it. In other words, when I do an inspection, I give the person that's pulling the inspection report together the module that I inspected and the number of hours that I expended on that module and the percent completed that I brought that module up to.

Q But on the 766, there are modules entered that you didn't provide input for; is that correct?

A Well, that's true. But remember, there are other inputs to the report than mine.

Q Right.

A When you go down the 766 input and you try to relate it back to the report, it doesn't necessarily track.

Q At the beginning of the interview, you talked

about some of the findings that you had with the reactor vessel.

A Uh-huh.

Q Were all these findings left in the report as you wrote them?

A No.

Q Okay. How were they changed?

A The three that I discussed were changed from violations to unresolved items.

Q Was this change appropriate?

A Well, I did not feel so. I wrote the report, and I made it a violation. That's what I felt it should be.

Q Did you have something to cite the violation against?

A Yes.

Q And did you feel there was adequate information available to cite the violation?

A I did.

Q So, the unresolved item, as far as I know, is just that there is a question, but not enough information is available.

A Uh-huh.

Q If you enough information, you know what the cite is, and you know what the violation is, is it proper to list it as an unresolved item if you can write a violation

on the item?

A No. No, you should go ahead and make a violation out of it. That way, the licensee has to respond to it. He does not necessarily have to respond in writing to an unresolved item. Sometimes they do, but sometimes they don't. They don't have to.

Q So, the violations that you discovered with the reactor vessel installation, you wrote those in your draft report?

A Yes.

Q And they got changed to unresolved items.

A (Nodding head up and down.)

Q Could you identify for me which items on the report you're talking about here?

THE WITNESS: Let's go off the record while we discuss this.

(Whereupon, discussion was held off the record.)

A (By the witness) Okay, what are you asking?

THE REPORTER: The question was, "Could you identify for me which items on the report you're talking about here?"

THE WITNESS: Okay.

A (By the witness) In relation to the setting of the reactor vessel in the inspection report, 8507, 8505,

I had identified three violations. Those were downgraded to unresolved items, and they're covered in paragraphs 12A--

Q What was 12A talk about, very briefly.

A 12A briefly covers the lack of engineering drawings and procedures and that sort of thing--

Q Okay.

A --for setting of the reactor vessel.

Q Okay.

A And 12B, that talks about the lack of compliance with the tolerances as stated on the operation traveler.

12D relates to the lack of the licensee performing any audits or surveillances over the setting of the reactor vessel.

Q Okay. Now, at the time that you discovered these findings, you felt you had enough information to write a violation; is that correct?

A Yes, I did. In fact, when we write a violation, we have to state the requirement, and then we state how they failed to meet the criteria.

Q Okay.

A And that was-- Those were approved by the management at the time the report was written in draft form.

Q Okay. It says in the report that the inspector considered these to be unresolved items. How was it that-- Did you actually see this report before it went out

and agreed with that? I mean, like, for example, on 12A it says, and I quote: "The inspector considers this matter unresolved."

12B, "This matter is considered unresolved."

And the same for 12D.

A The inspection report-- If you'll notice, I didn't sign it. It wasn't presented to me to be signed. I talked to Mr. Westerman about this. Someone had told him that I would have refused to sign the report, and he asked me if that was so. And I said, "Tom, if you would have shown me the report, I would have wanted to have some more discussions on the report with you."

Now, to say I would have refused to sign it, may be a little overstated.

Q So, the fact of the matter is, though, the statement that "The inspector considers this to be an unresolved item" is an untrue statement and certainly something that you did not agree with before the report went out since you never saw the report.

A That's true.

Q I noted-- I've got a note--

A Let me clarify.

Q Okay.

A Mr. Westerman discussed certain of these, and I can't remember which ones he discussed and which ones

he didn't, requesting I make changes.

My statement to him was that I could not make changes to them, that I felt like they were valid when I wrote them, I felt like they were still valid, that if he wanted changes made, he'd have to make them himself.

Q Okay.

So, attributing, though, this to the inspector, meaning you, considered it to be would not be a correct-- still would not be a correct statement to make.

A That's true.

Q If, in fact, the violations went out as you wrote them, would there be a-- necessarily be a penalty assigned to the licensee?

A You mean a civil penalty?

Q Civil penalty, right.

A I don't think we had any level 3-- severity level 3. This usually-- It has to be at that level before they get a civil penalty.

Q Okay.

A I don't think anything we had was at that severity level.

Q Now, when you're talking about installation of the reactor vessel and it's obviously not being done properly, would that be severe enough to have a level 3, normally?

A It could, yes.

Q Okay. Now, if it went out as a violation, the licensee would have to respond.

A That's right.

Q How would the licensee correct-- Let's say what you're saying is right, it happened just the way you said it. How would the licensee correct that situation?

A Where we have three items.

Q You have three items. You're talking about tolerances and--

A Let's talk first about the engineering documentation.

Q Okay.

A Okay, the job's already done.

Q Right.

A So, getting the engineering documentation together now is kind of like shutting the gate after the cows are gone. But he should-- You know, adequate corrective action is more than just fixing the problem at hand. You know, you should research to see if he has a generic problem, to see if there's other instances where he might not have engineering documentation. And that should be part of his response.

We took corrective action on the immediate problem, plus we-- you know, we looked around to see if there

was a generic problem.

Okay, on the tolerances, I would expect an engineering evaluation to be made to determine whether or not the tolerances that the-- that were left were okay. Would it cause any problems?

Q That seems to be reasonable.

A That would be an engineering evaluation of some kind that says, yes, these are okay.

Q What about the fact that there was no audit done of the installation of the vessel?

A Well, there's not much that can be done there either, except he should correct his QA program to make sure that he is doing audits that he should do.

But this problem has been identified before, not just once before but several times. And probably even since, it's been identified. And apparently, there's been no corrective action taken yet.

Q Now, given all that, those three violations, would it still be possible for either the NRC or the licensee to say that the reactor vessel had been installed properly and safely?

A I think so.

Q Okay. The fact that they didn't audit the procedure, the fact that they installed it without proper procedures in place, given the fact that they had not, you

know, come up with the proper tolerances except off the travelers and they were improperly changed and even the changes weren't complied with, you still feel, even after all that, that they could still say the reactor vessel had been safely installed?

A I'm not sure you could say that. Now, I think you can go in and make the determination it was adequately installed or was not. There may be some rework they'd have to do.

Q Right. Yeah, that's what I'm saying. I'm not saying no determination would have to be made, but based on what we have now, without doing some rework, it seems to me, at least, it would be difficult to say that they know exactly what's down there now without having to go in and doing some reworking and some checking.

It seems, you know, from what you're telling me from what you found, the fact that they didn't audit the procedure, the fact that they didn't have proper procedures in place at the time, how can anybody say, well, yeah, everything's been done right, and it's safe? Without more work.

A Of course, I think the big problem now is-- You know, part of this is paperwork problem, and it's already gone and there's not much we can do about it.

Q Right.

A But the problem at hand is: Was it a valid change in the first place to change the tolerances.

Q Right.

A And what is the impact on not meeting the tolerances.

Q That were changed.

A That were changed.

Q Right. So, that's two.

A And if they can engineer it away and say, well, these tolerances, even though they did not meet the original tolerances and the revised tolerances, they're still okay. You know, if they can do an engineering analysis and say, yeah, this is okay. Then I think the problem could be made to go away.

Q Okay. And even-- Obviously, there were problems in installing the reactor vessel. Just from what you're saying there, they had tolerances, there were tolerances that were changed, and even the changes weren't met.

A That's true.

Q Okay. So, there were some problems down there, and you earlier talked about the platform being-- you know, the supports being installed 45 degrees off.

A Yeah.

Q So, there were problems with the vessel.

However, they didn't audit installation of the vessel. So, how do we know-- I mean, there are certainly some flags being raised here. How do we know that the rest of the stuff was done properly? Are there no other sensitive areas? Maybe those are the only sensitive areas, I don't know. But there must be other sensitive areas in installing this vessel. How do we know that those areas, since it was not audited, that that was done right? Or, are we to assume that these were the only two mistakes and everything else was done just fine and these were the only two mistakes that we had?

A Uh-huh.

Q I guess that's what I'm driving at. How do we know that other things weren't improperly done, since nobody audited the installation of the thing? These were things that you were able to pick out and see. But what about the stuff that you can't see? You know, can anybody say with any assurance, either from the NRC or from TUGCO, that, yeah, the rest of it's fine? These are the only two items. We've identified these two problems. Everything else has been installed and is just the way it's supposed to be.

A Well, of course, I don't have to tell you, but in the NRC, we just sample. You know, we can't inspect the whole plant.

Q Right.

A And in many instances, what you're alluding to is done. We fix the immediate problem, and we don't look back over our shoulder to see what else is going on.

Q Because you do sample, don't you depend, then, on the licensee to be looking at how the whole thing is constructed, and by sampling-- more or less testing, you can say, well, we've tested this and it's fine, so we assume that the licensee has properly--

A Yeah.

Q --you know, checked everything else out themselves?

A Yeah.

Q But in this particular case where you've identified the fact that this entire procedure was not audited by the licensee, you know--

A Sure, it reflects--

Q --you know, what do you use to support the fact that the vessel was installed properly. You know, normally, just like you said, you take your sample, you correct some problems-- You know, you might not do it as adequately as you should, but at least you can say, we have faith that the licensee, when they were inspecting and auditing the procedure, they picked up problems, so we have some assurance. Where, in this particular case, the licensee

didn't audit the procedure, you know, what can we go back and base--

A Well, all I can say is probably what they would depend on, and they would depend on Brown & Root and their QC inspectors in Brown & Root. You know, that's their contractor, constructing contractor.

But I think you're looking for problems when you don't keep a watch on those guys, too.

Q Sure. Because what are they inspecting against? What are the QC guys-- You know, they're inspecting against a certain checklist, right? Because they're not--

From what I understand about QC inspectors, they're trained to look for certain things.

A Uh-huh.

Q They don't have the education or the experience that the QA people do in setting up the program. They inspect against the program. So, the QC inspectors at Brown & Root, what would they be inspecting against? If TUGCO had nothing in writing, what would they be inspecting against? The recommended Westinghouse procedure, I guess?

A Yeah, and what was on the operations traveler, which I don't see as a piece of engineering documentation.

Q Right. And obviously, take that one step further, if they're inspected against the operation traveler and you've already found out that the tolerances weren't

done properly, so they didn't do a good job there, then what's to say they did a good job everyplace else? I guess-- I mean, I guess you could say, if they did a perfect job with the tolerances and they were right on line, you might use that as an indication, well, looks like they did a pretty good job.

But if you found out they didn't do a good job with the tolerances and they missed them,--

A Uh-huh.

Q So, I mean, what type of assurance do you have that they did a good job everyplace else? That's the point that bothers me a little bit.

A Yeah.

A And then, in fact, now that the Region has taken this whole problem out of the report and left it as an unresolved item, instead of the licensee having to report back on a violation, seems to me to be worsening the situation instead of improving it.

Has this item ever been resolved, to your knowledge?

A (Shaking head back and forth.)

Q No?

A (Shaking head back and forth.)

Q Did Westerman give you any good reason why he was dropping these out?

A Well, You said "any good reason". He-- I guess he was of the attitude that since Westinghouse was overlooking the thing that everything would be okay. He couldn't believe that they would do anything that was not proper since it was their equipment that was being set and everything.

Q But, I guess once again, you're looking at people down-- down at the level where they're installing it, you're looking at people just like you and I, and people at that level, you know, make mistakes.

A Uh-huh.

Q To be sure, I would think, as a company or corporate policy, Westinghouse wouldn't do anything, you know, improper with their equipment, but at the level where it's actually down at the plant being installed, mistakes can be made. Maybe at that level, people don't care about, you know, company reputation and stuff as much as the corporate people do.

A He feels like, too, that Westinghouse will be able to justify those tolerances as left.

Q Now, the unresolved items, who's going to have to-- nobody has to come back to us.

A Not really.

Q So, when do we get this justification? I mean, you've told me things that should be done, in your

opinion, and had a violation been written, they would have had to come back to us and done these certain--

A Uh-huh.

Q --you know, justification and things like that. But now they're unresolved items, who's on the line to come back and correct all these things?

A I guess we're really on the line to pursue those unresolved items ourselves.

Q Has there been any pressure on you to resolve these things?

A (Shaking head back and forth.)

Q Has anybody come to you and asked what the status is?

A (Shaking head back and forth.)

Q Do you know of any ongoing effort to pursue this items with from Region IV, you know, with the licensee? Are you aware of any?

A I don't know of any.

Q Okay. Are there any other comments on this report that were not covered?

A I don't know of any other.

Q Okay. We have a second inspection report, 50-445/8514 and /8511. I understand that you participated in this inspection; is that correct?

A Yes, it is. Just in one area.

Q Would you cover for us your participation and what you found as a result of your inspection?

A When performing another inspection on the-- or, when attempting to perform another inspection on the containment liner and mechanical penetration for Unit 2, I went to the on-site record vault, requested records for Unit 2 items, and I was informed that those items had been sent off site for reproduction.

I didn't really pursue the matter very far at the time. I went ahead and completed some other inspections. But later on, another inspector discovered that some more records had been sent off site.

Now, these are records that had been shipped off site, and they had no backup records. So, I pursued the matter a little further and reported it in inspection report 8514, and I'm talking now about-- I don't have all that report, but it's-- Let's see. --Item 5C.

As stated, I discovered that all the containment liner and mechanical penetration records which had been generated on site by Chicago Bridge & Iron had been shipped to Houston where the records were to be reproduced.

I looked into how the records were transmitted, how they were shipped. They were shipped in cardboard and wooden containers, which weren't fireproof or waterproof or anything else.

These are safety-related records. No backups. There currently had been no inventory of the records, so that the knew what was being shipped off site, so that they would know they got all of them back.

These records, if they had been destroyed, I don't really know what they would have done.

I talked to the TUGCO-- I can't remember his title, but he was an officer in the company. He said, "Well, we shipped these at our own risk."

I said, "Well, what are you going to do if they get destroyed?"

He said, "Well, we will reconstruct them."

And you're talking about multitudes of records which have welding, which have material certification. Some of them are buried in concrete. Various and sundry other things. It's impossible to reconstruct them.

The records did make it back. They are back at the site.

Q All the records?

A Well, I started to state, we don't know whether they're all there or not because there wasn't an inventory made.

Q And these were sent where?

A To Houston, Chicago Bridge & Iron.

Q For what purpose?

A For reproduction.

Q Is this the first time these records have been sent off site that you know of?

A Well, I'm sure Unit 1 was sent off site, too. This was for Unit 2.

Q For the same reason? Reproduction?

A (Nodding head up and down.)

Q They were never sent to a vendor for them to look through and--

A Well, Chicago Bridge & Iron was the on-site constructor of the containment liner and penetration. The records were generated on site, rather than at a vendor shop.

That's really all I have on this report.

Q Were these records ever--

A And I can't even state for sure that-- I was under the impression that this went in as a violation and it's unresolved now. Now, you may have to get clarification from someone else on this, since I don't have the drafts of that report.

Q To your knowledge, were these records ever sent up to Chicago Bridge & Iron for their review before they were copied?

A I would assume that they were reviewed on site and maybe even when they went to Houston. They had their

own QA group on site. And they had their own storage facility on site.

Q Okay. So, they went to Houston to be reproduced for what purpose?

A Well, I would assume they keep one copy down there and send the other copy back here for their permanent records.

Q Okay. Now, when-- You said these records-- the utility said these records were being shipped at their own risk.

A Yes.

Q Whose risk? Chicago Bridge & Iron or TUGCO?

A Well, both. I mean-- TUGCO apparently accepted that method of shipment, on handling the records.

Q When these records were on site, how were they stored?

A I did not-- That facility, when I started to do the inspection, the work had already been complete, and the records had already gone off site. And CBI had gone off site already.

Q I should say, how were they supposed to be stored? Would probably be the better question.

A Well, they should be stored in areas that protect them from water damage, fire, that sort of thing.

Q Did you feel at the time that there was enough

here to write them up for a violation?

A At the time I first started looking into it, I was uncertain. Like I say, I didn't-- I ran into the deadend, and I-- You know, it registered that there's something not quite right here, but I'm going to look into it a little later. And I did look into it later, and I looked into the method in which they did ship them and the way they were handled during shipment.

And I think, at that point, you could cite them. See, they're required to meet ANSI 45.2.49, I believe, as far as records retention and storage. And certainly, cardboard boxes and wooden boxes don't meet that requirement.

ANSI is silent as far as saying you will transport records in these types of containers, but it is stated that records will be protected and how they will be protected. And I think you've got to imply that that applies even during transit, shipment of records.

Q Sure, sure.

But you don't know the result of this violation, as a result what the licensee did or anything like that?

A Yeah, a little bit. Last week I was on site, and TUGCO QA manager came in and said, "We've got this item resolved."

And we said, "Okay, how did you resolve it?"

And he said, "Well, we've had engineering go

determine which records we should have, we've reviewed the records, and we have those records."

We said, "Well, how about shipping them off-site? Why did you do that?"

He said, "Well, I really don't want to debate that. That's already gone on. That's already past." And he said, "We've got a procedure now which will prevent us from doing that."

So, you can't really argue with him too much, I guess.

But he wanted to set up a meeting between myself and the on-site QA supervisor. Okay, the fellow's name is Welch. I can't remember his first name, but he works for TUGCO, and he's a site QA supervisor.

He came over and talked to me briefly, and we set up a meeting. And he says, "Here's what we done-- what we did." He said, "We went back and reviewed all the purchase orders to Chicago Bridge & Iron to determine what records we're supposed to have."

And what they did was determine that these are the categories of records that we have. You know, we got drawings and we got certified material test reports and, you know, on and on and on.

He said, "Now, we don't know-- we didn't go in depth enough to determine that we have all the records

in each one of these types of records, but we do know that we have some records of all types." In other words, we got some drawings, we got some CMTRs, we got some of this and some of that.

And that's kind of where it is now. We're supposed to meet with them next week on site, but I probably won't be there. So, we'll have to put it off.

I think to satisfy my curiosity what they're going to have to do is at least go in and audit each group and see if their audit produces all the records that they want to look for, and it's going to be a big job.

Q Yeah. Just to insure that they've got all the records back that they're supposed to have.

A Yeah.

Q That doesn't get them off the hook for sending them out in the first place, but at least shows that no damage was done.

A Yeah. I frankly think they ought to be cited for sending them off in the first place, even though they did get them back. Because they're in violation, I think, of procedures.

Q Well, once again it's a an indication of how they review records and all that. That's some kind of a flippant attitude, that they're sending them off at their own risk.

A Well, they have a pretty loose record of control system.

Q So, once again, it's an unresolved item, and they're not required to respond. And it's just kind of a--

A In fact, when he came in, I said, "Well, have you got a written response to it?"

And he said, "No, we don't intend to make a written response."

So, we kind of went over it verbally, and he wants me to look at the system and tell him, yeah, it's okay.

And I don't know how, but they said that CB&I sent us all the records they felt we needed.

But still, you've got that lack of audit. It keeps cropping up.

Q You don't know unless something happens down the road and you're looking for a record and it's not there.

A Yeah.

Q And you don't recall if you initially-- how you initially wrote this finding up?

A No, I don't. I really, truthfully don't. I don't know how it got written up.

In fact, I may have just made an input and somebody else actually did the--

Q Wrote it.

A Right.

Q So, that was your only involvement with this inspection report; is that correct?

A Right.

Q Let me ask you, going back a little bit, you talked about the licensee coming back to you with information, you know, two or three months after the exit briefing.

A Uh-huh.

Q Is there a problem with taking that long for a licensee to be able to find information from records and stuff?

A Sure it is.

Q What do you feel is wrong with that?

A I don't feel like you have a retrievable system if it takes that long.

Q And is that a requirement, to have a system that you can retrieve--

A Sure.

Q So, apparently there's been numerous examples of--

A Given enough time, I think they could probably retrieve any record down there, but I don't think you should require that much time.

Q So, why wouldn't there be a violation written for the lack of a retrievable record system?

A Well, it's probably been attempted. I'm not

sure it flew. I don't have first-hand knowledge of that, but I have heard words to that effect.

Q Let me ask you something completely off the subject, concerning the Freedom of Information Act. Do you have any knowledge or any information that Region IV employees have been asked to destroy drafts and other records pending receipt of a Freedom of Information request?

A Well, as we discussed earlier, our directions are that we won't keep any of those records. And I think it's because of the Freedom of Information Act.

Now, if you're asking me, do I know of any instance where they have received a request and they have received a Freedom of Information Act request and they instructed us to destroy records, I don't know of that.

Q Okay.

A I don't.

Q Have you ever heard anything where, you know, somebody has said, "I've learned there's one coming in or coming down from headquarters and, therefore, get rid of this stuff before it gets to the Region"? Has that ever--

A I've heard that second-hand. I haven't actually been instructed myself to do it.

Q Have you ever attended a class given by Region IV concerning FOIA?

A Uh-huh.

Q Has there ever been any implied instructions that as long as you don't have the request on your desk that you can get rid of those documents? Has that ever been implied in a training class?

A I don't know that it's been implied in training class, but we have a local procedure that covers that sort of thing, and it's pretty explicit that you should get rid of them.

Q Okay. This procedure's in writing?

A Uh-huh.

Q Okay. So, you have never heard of any discussions concerning, let's say, the spirit of the Freedom of Information Act versus the letter, where, you know, somebody might say, well, you know, we're destroying stuff, and it might not violate the letter but it might violate the spirit of the law or anything like that?

A Oh, I've heard discussions between people. You know, inspectors.

Q Inspectors. What type of people?

A Huh?

Q Who are the people that you've heard discussing things like that?

A Inspector type people.

Q But no Region IV management people telling you, "I don't care what the FOIA says, I want these records

destroyed before it goes out," or "I don't want these records to leave the Region", or things like that?

A No, not in so many words.

Q When you say, "so many words",--

A Well, I think there's a certain implication when you read between the lines on even the written procedures. Maybe you should get a copy of that.

Q Yeah, I will. But the reading between the lines would be what I'd be interested in.

A I think it would be better if you drew your own interpretation on that.

Q Okay. But you yourself have never been told, "Listen, there's a Freedom of Information Act request coming down from headquarters on Inspection Report whatever, and I want you to get rid of your drafts before it gets down here."

A No.

Q Or things like that.

A No. Our instructions are that-- I believe as soon as an inspection report's released we should get rid of all our stuff, all of our data.

Q Have you ever requested that you be allowed to retain your drafts?

A (Shaking head back and forth.)

MR. MULLEY: Let's go off the record.

(Whereupon, discussion was held off the

record.)

MR. MULLEY: Is there anything else that you would like to add before we conclude this interview?

THE WITNESS: No, I can't think of anything.

Well, I would like to state that this interview was made at the request of Mr. Mulley. I did not call him; he contacted me.

And I would like to state that I have not contacted any other NRC management out of my Region IV chain of command.

BY MR. MULLEY:

Q You have presented this information to your Region IV management previously to me talking to you; is that correct?

A We have discussed it on numerous occasions.

(Whereupon, the witness was sworn as to the truth of the foregoing proceedings.)

MR. MULLEY: Thank you very much. This ends the interview.

(Whereupon, at 11:30 a.m., the proceedings were concluded.)

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REPORTER'S CERTIFICATE

I hereby certify that the proceedings herein are contained fully and accurately in the notes taken by me during the sworn interview of ( ) on April 9, 1986, at 9:00 a.m., and that this is a true and correct transcript of the same.

Sandra Harden
Reporter

My commission expires: 6-4-89