

EXHIBIT 9

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C O N T E N T S

WITNESS EXAMINATION

JAMES NELSON SAUM

BY MR. JOUKOFF 5

E X H I B I T S

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P R O C E E D I N G S

[11:00 a.m.]

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MR. JOUKOFF: We will be going on the record now. Today's date is March the 26th, 1999. The time now is approximately 11:00 a.m. and this will be an interview with James Nelson Saum, who is an employee of the Sacramento Municipal Utility District and is employed at the Rancho Seco Nuclear Generating Station.

My name is Philip Joukoff and I am a Special Agent with the NRC Office of Investigations.

Mr. Saum, do we have your permission to transcribe this interview today?

MR. SAUM: Yes.

MR. JOUKOFF: Could you for the record please state your full name?

THE INTERVIEWEE: James Nelson Saum.

MR. JOUKOFF: And what is your address, please?

THE INTERVIEWEE:

95640

MR. JOUKOFF: And what is your telephone number, please?

THE INTERVIEWEE:

MR. JOUKOFF: What is your date of birth?

THE INTERVIEWEE:

MR. JOUKOFF: What is your social security number?

EX 687C

EX 687C

EX 687C

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EX 677C

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THE INTERVIEWEE:

MR. JOUKOFF: And you are currently employed by the Sacramento Municipal Utility District, which we may also refer to as SMUD, at Rancho Seco, is that correct?

THE INTERVIEWEE: Yes.

MR. JOUKOFF: And what position do you occupy at the plant?

THE INTERVIEWEE: I am a Senior Electrical Engineer with the Technical Services Department.

MR. JOUKOFF: And give us a brief synopsis of what that means as far as what are your primary duties in your employment?

THE INTERVIEWEE: I am a System Engineer for the Radiation Monitoring System, for the security system. I am involved with F-1 controls of radiological effluents and a full spectrum of maintenance support and resolving nonconformance reports or as what we call at Rancho Seco PDQs -- identifying problems in the plant and dispositioning them.

MR. JOUKOFF: Okay, thank you. What's the name of your immediate supervisor?

THE INTERVIEWEE: James Field.

MR. JOUKOFF: And who is his immediate supervisor?

THE INTERVIEWEE: Steve Redaker.

MR. JOUKOFF: Okay. At this time I would like you

1 to stand, please, and raise your right hand.

2 Whereupon,

3 JAMES NELSON SAUM,

4 the Interviewee, was called for examination and, having been
5 first duly sworn, was examined and testified as follows:

6 MR. JOUKOFF: Are you giving this statement and of
7 your own free will?

8 THE INTERVIEWEE: Yes.

9 MR. JOUKOFF: Is it your understanding that you
10 can at any time terminate this interview and you are not
11 under any obligation to provide testimony for the NRC today?

12 THE INTERVIEWEE: Excuse me, repeat it?

13 MR. JOUKOFF: Is it your understanding that you
14 can at any time terminate this interview, and you are not
15 under any obligation to provide testimony for the NRC today?

16 THE INTERVIEWEE: I understand that.

17 MR. JOUKOFF: Okay, thank you. Are there any
18 questions you have before we start the interview?

19 THE INTERVIEWEE: No.

20 DIRECT EXAMINATION

21 BY MR. JOUKOFF:

22 Q Could you give us a brief description of your
23 post-high school education and work experience, please?

24 A Yes. I was in the U.S. Navy after high school. I
25 served as a Reactor Operator on the U.S.S. Enterprise. I

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1 was honorably discharged. After that under the G.I. Bill I
2 attended college. I went two years at Sierra College and
3 transferred to the University of California at Berkeley and
4 graduated there in 1993 with a dual major of Nuclear and
5 Electrical Engineering.

6 Q Okay, thank you. That was 1983 or -93?

7 A '83.

8 Q '83, thank you. Now as part of your employment at
9 Rancho Seco you sent a letter in or more than one letter at
10 times to the NRC and you expressed some concerns in these
11 letters regarding continuing employment discrimination, is
12 that correct?

13 A Yes.

14 Q And we have received a letter from you dated
15 February the 8th, 1999. It was written to Mr. Wise, and I
16 will show you a copy of that. Is this the letter sent in by
17 you?

18 A Yes.

19 Q Okay, fine, and you brought with you to today's
20 interview two different documents that basically synopsise
21 your employment discrimination concerns and you have also
22 brought with you some additional documentation that supports
23 these two synopses, is that correct?

24 A Yes.

25 Q Let me show you the first document you brought

1 with you today. It is a December 8th, 1998 letter to the
2 Department of Labor from you, is that correct?

3 A Yes, that's one of them.

4 MR. JOUKOFF: I was going to mark that as Exhibit
5 1, okay?

6 THE INTERVIEWEE: Okay.

7 [Exhibit No. 1 was marked for
8 identification.]

9 MR. JOUKOFF: Let the record reflect that we have
10 marked that letter to the Department of Labor as Exhibit
11 Number 1.

12 BY MR. JOUKOFF:

13 Q You also brought with you an additional letter
14 today that is dated March the 25th, 1999 and it was written
15 to Russell Wise, the Senior Allegation Coordinator for the
16 NRC in Arlington, Texas. Let me show you a copy of that.

17 Is that the letter?

18 Q Yes.

19 MR. JOUKOFF: I'll mark that as Exhibit 2 to
20 today's interview.

21 [Exhibit No. 2 was marked for
22 identification.]

23 MR. JOUKOFF: Let the record reflect that we have
24 marked Exhibit Number 2.

25 BY MR. JOUKOFF:

1 Q Now my understanding, and please correct me if I
2 am wrong, that these two documents here basically provide a
3 synopsis of your employment discrimination concerns at
4 Rancho Seco, is that correct?

5 A Yes.

6 Q And my understanding is that in addition to these
7 two synopses that you also have brought with you some other
8 documents that you would like to talk about and you would
9 also like to perhaps highlight some of the information that
10 is contained in Exhibit Number 1 and Exhibit Number 2, is
11 that correct?

12 A Yes.

13 Q Where would you like to start in that part of your
14 testimony?

15 A In what part of the testimony?

16 Q I mean where in the documents. You mentioned --

17 A Where do I want to start with the testimony?

18 Q Yes.

19 A I would like to start with the most current
20 example of the suppressed environment that I am experiencing
21 right now.

22 Q Okay. Well, let's start there.

23 A That would be Exhibit 2, page 4.

24 Q Okay -- Exhibit 2, page 4, and at the top of that
25 page it starts with, "Why am I still reluctant to write a

1 PDQ?" Is that correct?

2 A Yes.

3 Q Okay -- so why are you still reluctant to write a
4 PDQ?

5 A Please refer to Attachment 7.

6 Q Of the same document?

7 A Of the same document, Exhibit 2.

8 Q Okay.

9 A I learned from 1993 in my experiences with the
10 backlash I had received from writing PDQs that I had
11 appealed to upper management to no avail, and so I had to
12 figure out how to get along without getting the backlash
13 that I received, so I modified my reporting technique for
14 reporting concerns whereby I no longer necessarily wrote
15 PDQs any longer.

16 What I did was I verbally notified my
17 supervisor of concerns instead and let him decide as to how
18 to go forward with it. This letter is an example of my
19 verbal communications of informing my supervisor of problems
20 that warranted deviations from quality -- a deviation from
21 quality is a finding by the management group that there is
22 in fact a valid problem that occurred. It actually was a
23 deviation from quality vis-a-vis a potential deviation from
24 quality where it is just an allegation or just a problem
25 that's brought up and then it is decided based on the

1 management group whether it deems to be raised to the next
2 level of an actual deviation from quality.

3 Okay, so --

4 Q Let me just for a second here -- now when you say
5 "this letter" let me make sure that it's clear. You are
6 talking about Exhibit Number 2, towards --

7 A No. Exhibit -- oh.

8 Q Exhibit Number 2, Attachment 7.

9 A Correct.

10 Q And the top of this document is written
11 "Sacramento Municipal Utility District Inter-Office
12 Memorandum" dated 8-17-98 to Jim Field from Jim Saum. Is
13 that the document you are referring to?

14 A Yes. The way we at Rancho Seco track documents it
15 is by this MNTS number. MNTS-98-66 is the document number
16 that could be --

17 Q Okay, good. Thank you. Now before you continue,
18 you mentioned that you had a backlash with management in
19 1993. Could you expound upon that a little bit for us?

20 A Okay. Shortly after being reassigned to by
21 current supervisors, Jim Field and Steve Redaker, one of the
22 first assignments I was tasked with was to downgrade plant
23 equipment or asset recovery and that involved either the
24 radioactive materials I was assigned to do a 50.59 analysis
25 to allow the removal of highly radioactive materials such as

1 reactor vessel steam generator, primary piping, et cetera.

2 Q Pressurizer?

3 A Pressurizer -- and therefore I wrote a letter or a
4 memo to my supervisor identifying the concerns with going
5 forward with that. I would like to -- off the record?

6 MR. JOUKOFF: Sure. Let's go off the record at
7 11:09 for a short break.

8 [Pause.]

9 MR. JOUKOFF: On the record at 11:11 a.m. Mr.
10 Saum has reviewed his documents that he brought with him and
11 he is now prepared to testify regarding the incidences that
12 happened in 1993.

13 BY MR. JOUKOFF:

14 Q So why don't you go ahead, Mr. Saum.

15 A Okay. As I said, one of my first assignments was
16 to authorize or do a 50.59 safety analysis to authorize the
17 removal of highly radioactive materials.

18 In my 50.59 analysis I determined that there was a
19 problem with going forward with that because of 10 CFR 50.82
20 required a dismantlement plan. I wrote a memo to my
21 supervisor identifying all my concerns. However, they were
22 not acknowledged.

23 I waited for acknowledgement and several weeks had
24 passed and he came back to me and asked me how I was
25 progressing and I said that if -- that I had written a memo

1 and I still had some concerns and he continued to instead of
2 addressing the concerns that I had listed, he instead
3 basically coerced me into going forward and said that I was
4 dragging my feet and that I wasn't meeting my schedule and
5 ignored my concerns.

6 At that time I was working with Licensing Engineer
7 Richard Manheimer and so he observed me working on that
8 problem and I would like to -- this whole problem that I am
9 referring to is Exhibit 1, page 9 where it describes that
10 incident -- but I would like to bring you to Richard
11 Manheimer's testimony and that is in Enclosure 5 of Exhibit
12 1 and it's Attachment 2.

13 It is a memo from Richard Manheimer to Jim Saum,
14 date 12-28-93.

15 MR. JOUKOFF: Okay, let's hold on a second. We
16 haven't introduced that yet, so lets make that Exhibit 3. We
17 are going to make the document you are looking at now, the
18 whole package, is going to be Exhibit Number 3, and then you
19 can read from it, okay?

20 THE INTERVIEWEE: All right.

21 MR. JOUKOFF: I am going to mark Exhibit 3. This
22 is a series of documents that Mr. Saum brought with him
23 today. They are all clipped together. The first document
24 that starts the exhibit is dated 1-12-94. It is to Jim
25 Shetler -- S-h-e-t-l-e-r. It is from Jim Saum. The subject

1 is "Response to my Performance Evaluation."

2 That will become Exhibit Number 3.

3 [Exhibit No. 3 was marked for
4 identification.]

5 MR. JOUKOFF: Let the record reflect that we have
6 marked that and now Mr. Saum is going to refer to a document
7 that is in Exhibit Number 3 and it is dated 12-28-93. It is
8 to Jim Saum from Richard Manheimer.

9 BY MR. JOUKOFF:

10 Q

11 Go ahead and continue with your testimony, Mr.
12 Saum.

13 A Okay. It states, Richard Manheimer states, "It is
14 my opinion that Jim Saum was correct to insist that
15 appropriate administrative controls be put in place before
16 processing the 50.59 determinations for global QA Class 4
17 changes. These administrative controls became the basis for
18 the 50.59s. Jim Field should not have pushed Jim Saum to go
19 forward with the 50.59s without these controls in place,
20 especially since Jim Saum communicated these programmatic
21 concerns in a memo months before the PDQ was written. It is
22 my opinion that Jim Saum attempted to put quality ahead of
23 schedule."

24 Okay, so --

25 Q Okay, now --

1 A -- there is a witness that saw my supervisor
2 pushing me to go forward in what is, and the way he was
3 directing me, was an unlawful act. It required a
4 dismantlement plan prior to removing highly radioactive
5 materials such as the reactor vessel, and that's -- we'll
6 come back to that later, but I think I wanted to start out
7 with this to show my first encounter with my new supervisor
8 and the first discriminatory act.

9 Q Okay. Let me just ask you a couple of questions
10 about this memorandum, the 12-28-93 memorandum.

11 Tell us again for the record who is Richard
12 Manheimer and what is his position at SMUD?

13 A Richard Manheimer is Senior Licensing Engineer.

14 Q Okay, and he is a SMUD employee --

15 A Yes.

16 Q -- that works at Rancho Seco, is that correct?

17 A Correct.

18 Q Okay, and what prompted Mr. Manheimer to write
19 this letter or this memorandum, do you recall?

20 A Yes. I communicated my difficulties with Jim
21 Field and we were -- and I was consulting with him, since
22 this was a license-type activity, a 50.59 safety review, and
23 so we were working together on it and so in order to get the
24 problem addressed to a higher level than my supervisor we
25 decided to jointly write a PDQ on the problem here so that

1 we could get some kind of management decision on which way
2 to go forward.

3 Q Okay, so did you and Mr. Manheimer write this PDQ
4 together?

5 A Yes.

6 Q And is that PDQ in our documents here somewhere
7 today?

8 A Yes, somewhere. It's PDQ 93-33.

9 Q Okay, so we can always find that. Okay.

10 Now just so the record is clear, when you are
11 talking about determinations for global QA Class 4 changes,
12 just for the record, why don't you explain briefly what that
13 means.

14 A That means an authorization to -- it's equipment
15 that is no longer operational and can be removed from the
16 plant for whatever purpose -- asset recovery or
17 dismantlement -- and so at this point in the juncture this
18 was the last barrier of authorization or 50.59 analysis for
19 the removal of those highly radioactive materials.

20 Based on this 50.59 it authorizes and does a
21 safety analysis that allows the removal of these highly
22 radioactive materials. There was no other barriers at that
23 point.

24 Q Okay, so basically what we are talking about here
25 is we are talking about taking the reactor, the associated

1 reactor piping, the steam generators, and the pressurizer
2 and we are wanting to change the Quality Class of that
3 equipment and make it a Quality Class 4 equipment such that
4 it can be then removed from the plant. Did I state that
5 correctly?

6 A Correct.

7 Q Okay, and that is what you were asked to work on.

8 A Right.

9 Q Okay, fine. Okay. Now is there anything else --
10 I know that you were referring to Exhibit 1 at page 9. Is
11 there anything else there that we need to go over on this
12 point before we move on?

13 A Could we break?

14 MR. JOUKOFF: Sure. Let's go off the record.
15 It's about 11:19.

16 [Recess.]

17 MR. JOUKOFF: We'll go back on the record now.
18 The time is approximately 11:34 a.m.

19 While we were off the record, Mr. Saum and I
20 numbered the pages and some of the exhibits that he brought
21 with him for testifying today, and this hopefully will
22 clarify and speed along the testimony.

23 We are going to mark our next exhibit now and this
24 is going to become Exhibit 4.

25 We have hand-numbered this. It has 79 pages total

1 in the exhibit. The first page is a August the 6th, 1998
2 letter to Special Agent Dennis Boal of the Nuclear
3 Regulatory Commission from Mr. Saum. I am going to mark
4 that as Exhibit 4.

5 [Exhibit No. 4 was marked for
6 identification.]

7 MR. JOUKOFF: Okay. Let the record reflect we
8 have marked Exhibit Number 4. Did you want to use Exhibit
9 Number 4 for your testimony, Mr. Saum?

10 THE INTERVIEWEE: Yes.

11 MR. JOUKOFF: Let the record reflect Mr. Saum has
12 Exhibit 4.

13 THE INTERVIEWEE: Getting back onto the subject of
14 removal, doing the safety analysis for that removal of
15 highly radioactive material, I want to reference the letter
16 to my supervisor, Jim Field, dated January 2nd, 1993.

17 It is on page 52 of Exhibit 4.

18 In this letter I identify my concerns about 10 CFR
19 50.82 and the need for a dismantlement plan before going
20 forward.

21 MR. JOUKOFF: Okay, thank you. Let the record
22 reflect I have the transcript. Let me just look this letter
23 over very quickly here.

24 [Pause.]

25 BY MR. JOUKOFF:

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1 Q So basically what you are telling Mr. Field in
2 this letter is that in order to proceed with doing the
3 change in the quality class so that asset recovery or
4 disassembly of the reactor system can be accomplished, you
5 feel that another plan needs to be created pursuant to 10
6 CFR 50.82, is that correct?

7 A Correct.

8 Q And that is basically what was summarized here in
9 this memorandum?

10 A Yes.

11 Q Okay, thank you -- and let the record also reflect
12 that a synopsis of what Mr. Saum just testified is found in
13 Exhibit 1, page 9, is that correct?

14 A Correct.

15 Q Okay. So this is in the 1993 timeframe. What
16 would you like to discuss next?

17 A Well, let's change our plan and just go from 1993
18 to present. It's more logical that way and we'll emphasize
19 the current situation at the end.

20 Q Okay -- and the current situation is your current
21 employment discrimination allegation, is that correct?

22 A Correct. Yes.

23 Q All right. So this is the starting point, in
24 1993. What transpired next as far as your employment
25 discrimination or harassment/intimidation allegations?

1 A Well, on 12-6, 1993, I made a confidential
2 allegation to the Assistant General Manager James Shetler
3 after encountering some problems with my supervisors and the
4 one I just mentioned was one of the ones I included in this
5 allegation, so I would like to refer to that document.
6 Could we break?

7 MR. JOUKOFF: Sure. Let's go off the record at
8 11:40 a.m.

9 [Recess.]

10 MR. JOUKOFF: The time is a 11:45 a.m. -- we are
11 back on the record. While we have been off the record, Mr.
12 Saum has had an opportunity to review his documents.

13 He is now going to testify regarding some
14 allegations that he made to Jim Shetler.

15 BY MR. JOUKOFF:

16 Q And what was Mr. Shetler's position at the plant?

17 A Assistant General Manager.

18 Q And you did this in December of 1993, is that
19 correct?

20 A Correct.

21 Q Okay, and from the documents you brought with you
22 today, this presentation or the allegations that you gave to
23 Mr. Shetler in December of 1993 is at Exhibit 4, page 21, is
24 that correct?

25 A Correct.

1 Q Okay. What would you like to tell us about that
2 situation?

3 A During the year 1993 when I was working with my
4 new supervisor, Jim Field, I encountered many difficulties
5 with him including that first one about the QA Class 4 that
6 was already described.

7 At 12-6-93 after hearing a I&C technician tell me
8 that he had fudged calibration data, I thought that was
9 pretty serious and didn't want to present that -- wanted to
10 present that confidentially and also I wanted to bring to
11 the manager's attention some of the problems with Jim Field
12 and some of the other problems that I had encountered in the
13 year 1993.

14 Those problems that I communicated to James
15 Shetler were as I said falsification of calibration records
16 by an I&C technician, falsification of records by my
17 supervisor --

18 Q Okay. Just real quick for the record, this I&C
19 technician, who was that?

20 A That was a guy named Chuck Linguist.

21 Q Chunk --

22 A Chuck Linguist.

23 Q Linguist -- is he still at the plant?

24 A He is working temporary.

25 Q At the plant?

1 A Yeah.

2 Q Okay.

3 A Yeah, but I was just reporting what he said and in
4 the investigation I was surprised the Plant Manager Steve
5 Redaker had to investigate all these allegations that I made
6 in December of '93 and I don't think that was a very
7 pleasant experience, for the Plant Manager to have to deal
8 with addressing all these concerns, but however I was really
9 surprised to find in the investigation of that particular
10 allegation that the I&C technician admitted that he had told
11 me that he had fudged data, and he also said that he's
12 never, he's not going to lie again on the calibration data
13 because he's -- anyway --

14 Q Now did something come out of all that. Was some
15 action taken on that matter, this fudging of the data or the
16 falsifying of the records?

17 A That is all described in this document, Exhibit 4
18 as a whole response to this allegation and the response to
19 the General Manager's investigation results so --

20 Q Okay.

21 A -- I don't want to dwell on that. All I want to
22 do is bring to the point that I brought up some very serious
23 concerns in confidence to the Assistant General Manager
24 including wrongdoing by my supervisor --

25 Q Mr. Fields?

1 A Mr. Field -- wrongdoing on other -- not reporting
2 fires, again the QA Class 4 problem, the fact of when
3 describing the harassment and suppression that I was getting
4 from Jim Field on different issues and a number of different
5 items, and so I just want to again bring light to that
6 point, so Jim Shetler has this -- my allegation and he gives
7 it to Steve Redaker to investigate so that is happening at
8 the end of 1993. So --

9 Q Let me just ask you a couple of things about that.
10 This -- the confidential information that you
11 provided to Shetler in December of 1993 starts on Exhibit 4
12 of page 21 -- Exhibit 4, page 21 and continues on for a
13 number of pages here.

14 Is there anything that you think is important that
15 is not in these pages here? Do you have more information
16 that you need to tell us about -- the confidential report
17 actually goes page 21 through --

18 A No.

19 Q -- page 31. Is there something that we need more
20 than reading this?

21 A Yes. After I met with Jim Shetler at
22 Headquarters, he listened to it and he was very disturbed by
23 it and he made a comment at the end of it that I was
24 committing professional suicide.

25 Q Did he expound on --

1 A No.

2 Q -- on that?

3 A No. He was just totally discouraged at the end
4 when he said that.

5 Q Did he make any comments that you were going to
6 have some type of adverse action taken on you, maybe
7 threatening, harassing, intimidating --

8 A No, no -- besides saying --

9 Q Besides saying you are committing professional
10 suicide did he say which is going to result in you being
11 fired, is going to result in your being downgraded in your
12 work -- you know, in your pay --

13 A Of course not.

14 Q Okay.

15 A No one would be so foolish.

16 Q Okay.

17 A Everybody is -- managers are very clever, similar
18 to -- well, what Clinton does in the Clinton situation. He's
19 not going to admit to -- to obstruction of justice. He was
20 just referring one of his ladies to -- to get another job.

21 Anyway --

22 Q Okay. How about any witnesses to your meeting
23 with Mr. Shetler?

24 A Oh, it was in private and in fact they always
25 reassure me that there are not going to be any consequences

1 of that and they make, you know, for the record they have to
2 make it very clear that there will not be any repercussions.

3 Q Okay. Now how about -- just one more thing before
4 you continue. You said that Redaker investigated these
5 allegations that you gave to Shetler, is that correct?

6 A Yes.

7 Q And do you have a report here that reports his
8 findings?

9 A Yes. It is included in this attachment. This is,
10 the first part of this attachment or Exhibit 4 is my
11 response to Steve Redaker's response to the allegations, so
12 that includes my response, Steve Redaker's response, and the
13 allegation itself.

14 Q And somewhere in here we have got Mr. Redaker's
15 actual report, is that correct?

16 A Yes. Right there.

17 Q Okay, so -- and this is dated 8-8, 1994, and it is
18 Sacramento Municipal Utility District inter-office
19 memorandum to Jim Saum from Steve Redaker, and this is what
20 his investigation has found, is that correct?

21 A Yes.

22 Q Is there anything more that we need to know about
23 that isn't here and then in your response to his
24 investigation -- do you think this is pretty much complete?

25 A It's complete. There's probably some parts I

1 would like to highlight on that but --

2 Q Maybe we can come back to that.

3 MR. JOUKOFF: Want to go off the record --

4 THE INTERVIEWEE: Yes. Let's go off the record.

5 MR. JOUKOFF: It's 11:54. Let's go off the
6 record.

7 [Pause.]

8 MR. JOUKOFF: We are going to go back on the
9 record now, continuing with Mr. Saum's interview.

10 He has had a change to review his documentation,
11 specifically he is going to be referring in the continuation
12 of his testimony to Exhibit 4, commencing at page 21.

13 BY MR. JOUKOFF:

14 Q What is it that you found here that you wanted to
15 testify to today?

16 A Okay. In my confidential meeting with Jim
17 Shetler, I --

18 Q Is this the one in December of '93?

19 A Yes -- '93 --

20 Q Okay.

21 A -- I presented him with the cases -- or that QA
22 Class 4 problem, the problem I had with SP-482 in that Jim
23 Field was pressuring me to make a procedure change for a
24 calibration of the F-1 flow recorder that was unsafe and I
25 told him as such, but he insisted to go forward. He thought

1 I was being uncooperative but I explained to him how it was
2 unsafe but he continued to go forward and I explain in here
3 about the problems with the ISFSI -- ISFSI is the
4 Independent Spent Fuel Storage Installation -- that's going
5 to store spent fuel in our pool. It's going to be stored in
6 canisters at that facility in dry storage.

7 I told him I was in charge of designing the
8 security system and in this document I describe problems
9 with the regulations on that and Jim Field's suppression of
10 me bringing forward my concerns regarding regulatory
11 compliance with the design of the ISFSI.

12 Q Now when you say suppression by Fields, how did
13 that manifest itself?

14 A I wrote a memo, MNTS-93-16, which identified my
15 concerns. The way I work to a design is I make sure that I
16 determine all the regulatory requirements and other codes
17 and regulations and other design criteria very thoroughly
18 before proceeding on the design, and I had identified some
19 regulatory compliance concerns with the proposed design by
20 management and particularly the 10 CFR 73.50 requirement
21 that required the alarm station in a protected area.

22 I would like to refer to that memo, so --

23 MR. JOUKOFF: Okay, we can go off the record so
24 you can find the memo. We are off the record at 12:13 p.m.

25 [Pause.]

1 MR. JOUKOFF: We are back on the record now. We
2 have only off for about a minute. Mr. Saum has found the
3 memo that he was referring to, and why don't you tell us
4 where that memorandum is.

5 THE INTERVIEWEE: It is on page 71 of Exhibit 4.

6 BY MR. JOUKOFF:

7 Q Okay --

8 A In this memo I attempt to describe my regulatory
9 requirements for the ISFSI security system. I say, "This
10 memo is written with the basic assumption that the proper
11 establishment of the regulatory requirements for the ISFSI
12 prior to the detailed design phase is the most cost
13 effective approach to this project's successful completion.
14 The scope of this memo will only address the regulations
15 pertaining the ISFSI physical protection system excluding
16 administrative requirements."

17 In this I describe the requirement of Section
18 73.50 that requires the control room to be and alarm station
19 to be in a protected area on site and also to have a
20 secondary alarm station. Also I described the requirement
21 for backup power supply.

22 Q When you said 73.50 -- that is 10 CFR 73.50?

23 A Right.

24 Q Thank you.

25 A Also in this memo I described the requirement for

1 a backup power supply for security lighting because I also
2 knew that to be a requirement.

3 At this time Mr. Redaker is -- is responding to
4 NUMARC and stating that we don't need all these requirements
5 at the time NUREG 1497, the interim guidelines for ISFSI
6 design criteria was being written by the NRC as a result of
7 the NUMARC document which Steve Redaker had input into, but
8 didn't tell me even though I was the design engineer for the
9 ISFSI security system, but my investigation of other
10 regulations identified the need for this backup power supply
11 for the lighting system.

12 Anyway, the important thing I want to make known
13 is that I clearly communicated this concern about the
14 requirement to have an alarm station in the protected area
15 on site, and I wanted to communicate, simply make sure that
16 the management was aware of that, and in fact I said as my
17 recommendation that these nonconformances may be resolved by
18 seeking an exemption from the NRC, so I knew that they
19 didn't want to -- they wanted to put their alarm station at
20 the Headquarters facility, 35 miles away, and I knew that
21 was not -- that was at risk because this regulation said it
22 had to be on site in a protected area and therefore I was
23 concerned that we wouldn't get approval from the NRC in our
24 security plan and that would be a major problem after we
25 broke the ground to not have the planned alarm station as

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1 part of ISFSI site criteria because if we had to backfit it,
2 it would be impracticable unless -- impossible to meet this
3 requirement if it ever was a requirement and I didn't want
4 the District to suffer the expense of having to backfit
5 something that really couldn't be done unless it was done at
6 the outset of the design, so that's what I meant by
7 cost-effective approach.

8 Well, I presented this memo to Jim Field. He said
9 that it didn't represent management's view and that I
10 couldn't forward it. It was originally to distribution of
11 the project manager for decommissioning, Steve Redaker, and
12 the Security Supervisor, and he wouldn't allow this memo to
13 go forward and that is -- there is a footnote at the end of
14 this memo that says, "Per your instruction, only REC will
15 receive a copy." REC is Records. And that is the evidence
16 that he didn't want this to go forward.

17 It is interesting to note that currently our
18 security plan, six years later, has not been approved for
19 the fact that our alarm station isn't located on site in a
20 protected area.

21 The point I am trying to make here is that I was
22 flexible in this consideration of the design options for the
23 system. I was very flexible. I was only trying to make --
24 to ensure that management realized our regulatory
25 requirements and where they were deviating from, and later I

1 will describe this memo caused me to get a bad performance
2 evaluation where he criticized me as being inflexible and
3 resistant to change for not considering -- for considering
4 this design option, as will be evidenced in -- further that
5 that's a particular in my appeal of my performance
6 evaluation document which -- whatever that exhibit was, but
7 there are so many points here in the six years that I want
8 to ensure that reviewers of this information concentrate on
9 only the most important, because there's so much volume
10 here.

11 I am emphasizing this because the discrimination I
12 received in 1993 was the bad -- besides being harassed and
13 coerced by my supervisor, I got a bad performance
14 evaluation, needs development, and was not given my normal
15 pay increase, so I was in essence docked in pay for what
16 they called inflexible and resistant to change and they gave
17 three examples of why I was resistant to change, and this
18 was one of them.

19 The QA Class 4 that we already described with them
20 was another example and then another example, a third
21 example, was my reluctance to go forward with a procedure
22 revisions to Surveillance Procedure 482 that an I&C
23 technician submitted to me for -- for me to suggest a
24 revision to a procedure, and I reviewed that procedure and I
25 found it to be unsafe. I have a markup of that procedure,

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1 of the I&C technician's markup of that procedure, and I have
2 an analysis of that procedure somewhere in this
3 documentation that shows why it was unsafe to go forward
4 with the recommendation of the I&C technician.

5 I had communicated that fact to my supervisor, yet
6 he insisted I go forward. He is a mechanical engineer, and
7 is in a different discipline and I don't think he understood
8 possibly the technical problems, but I did tell him that we
9 couldn't, the way the procedure was written it would result
10 in an unbound condition and the accuracy could not be
11 ensured and therefore the calibration -- there wouldn't be a
12 calibration, a proper calibration of the instrument if I
13 went forward with that proposed revision and he marked that
14 down as my -- as being resistant to change and inflexible,
15 when in fact I had communicated clearly my concerns and he
16 still considered that inflexibility.

17 Those three examples were very unfair criticism
18 as -- it's documented in my response to my performance
19 evaluation, whatever exhibit that is.

20 Q Your response to your job performance evaluation
21 is Exhibit 3. Let me show you that. Is that what you are
22 referring to?

23 A Yes, and in that I say --

24 Q You are reading from Exhibit 3, page 1?

25 A Yes.

1 Q Okay.

2 A "I admit I am inflexible to proceed with something
3 I know to be procedure violations, is adverse to safety, or
4 results in regulatory noncompliance. I believe that my past
5 performance clearly demonstrates this. However, I believe I
6 should be commended not punished for such actions. I
7 believe such efforts will eventually be seen as a
8 contribution to Rancho Seco, not a hindrance."

9 So as I said, by trying to bring to the attention
10 the regulatory requirements of ISFSI, telling my supervisor
11 that this procedure is -- or the recommended procedure
12 change out of the I&C maintenance department is not safe to
13 go forward with, won't result in a proper calibration, and
14 my memo to Jim Field on January 2nd, '93 identified my
15 concerns over the QA Class 4 changes and Richard Manheimer's
16 testimony that Jim Fields was coercing me on that are all
17 examples that I was not being inflexible and resistant to
18 change. I was validly trying to do what I thought was
19 proper and safe, and it was really unfair for Jim Fields and
20 Steve Redaker to have criticized me for that.

21 Getting back to this -- to the allegations made
22 prior to my performance evaluation I had identified all
23 those concerns in this confidential -- confidential
24 submittal to James Shetler. I had identified all these
25 concerns and then it turns up later in February 22nd, '94 I

1 received my performance evaluation with those examples
2 listed.

3 Q Okay. Let me just see if we can get a couple of
4 points here. You feel that because you raised these three
5 issues that you told us about, perhaps others but you have
6 told us about three, that your job performance appraisal was
7 downgraded or made to be less than what it should have been,
8 is that correct?

9 A Correct.

10 Q And that because of that job performance
11 appraisal, your merit raise was less than it should have
12 been?

13 A Yes.

14 Q Okay -- and that you did complain to management
15 about this on multiple occasions --

16 A Yes.

17 Q -- the Shetler meeting was one example, asking for
18 the investigation, is that correct?

19 A Yes.

20 Q And then you later protested that 1994 job
21 performance appraisal?

22 A Correct.

23 Q Okay, and is that -- do we have that 1994 job
24 performance appraisal here in these documents?

25 A Yes. It's Attachment 4 to Enclosure -- I don't

1 know what you are calling it, but let's see -- I call it,
2 this whole package, Enclosure 1, and --

3 MR. JOUKOFF: I have got it right here. Let's go
4 ahead and mark this, okay? We haven't marked that yet.

5 You're talking about this document here.

6 THE INTERVIEWEE: That is only part of -- let's
7 see, Enclosure 1 -- yes, this is Enclosure 4.

8 MR. JOUKOFF: It is Enclosure 4 to --

9 THE INTERVIEWEE: The performance evaluation is
10 Enclosure 4. That's Exhibit 1, Enclosure 4 is my
11 performance evaluation, 1993, where it states --

12 MR. JOUKOFF: Okay, there's the performance
13 appraisal right there.

14 THE INTERVIEWEE: You should have something
15 circles Number 4.

16 MR. JOUKOFF: Okay, let's mark that right now.
17 Let me get this job performance appraisal marked.

18 We are going to mark Exhibit Number 5, and this is
19 going to be Mr. Saum's Employee Performance Evaluation from
20 1-1-93 to 12-31-93.

21 [Exhibit No. 5 was marked for
22 identification.]

23 MR. JOUKOFF: Let the record reflect we have
24 marked that as Exhibit 5.

25 BY MR. JOUKOFF:

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1 Q Okay, so this is the job performance appraisal in
2 which you were downgraded because of the concerns that you
3 raised, is that correct?

4 A Correct.

5 Q Okay.

6 A And look at Item Number 3 -- learning ability,
7 comments. It says, well -- "Resistent to change." It says,
8 comments, "Jim has strong opinions on how work he is
9 involved in should be done. He is resistent to other
10 acceptable approaches, examples in which this inflexibility
11 has caused problems are downgrading -- plans to QA Class 4,
12 revising SP-482 to make it more user-friendly, and fully
13 evaluating options for the ISFSI security system. The first
14 two examples, work had to be reassigned."

15 Q Wait a minute. Let me ask you a couple questions
16 about that, okay? What your position is is that what you
17 are being downgraded for here could not have been done
18 because of NRC rules and regulations?

19 A Correct. I was -- as we --

20 Q As you already testified. I just want to make
21 that point. That is what your opinion is, right? Okay --
22 and now how is it that we can by looking at this job
23 performance appraisal, how is it that we can determine that
24 you received less of a merit pay raise because of this
25 evaluation here? Is there a new development?

1 A This document -- there is an attachment to this
2 that describes that but I can provide that later, but trust
3 me -- it's probably in the performance evaluation response
4 where that would be. Can we break?

5 MR. JOUKOFF: Yes. Let's go off the record at
6 12:30 for a short break.

7 [Recess.]

8 MR. JOUKOFF: We are back on the record at 12:40
9 p.m. We have been off the record. Mr. Saum has found the
10 job performance appraisal which we have already marked, but
11 he's found out the answer to my question regarding where it
12 is documented that because of his activities in 1993 which
13 led to the performance appraisal shown in Exhibit 5 he was
14 given less than normal merit pay increase.

15 BY MR. JOUKOFF:

16 Q Is that correct?

17 A Yes.

18 Q And you found a document that is Exhibit 3 at page
19 59, and let me show you that. Why don't you tell us what
20 that document there means regarding your lack of complete
21 merit pay raise.

22 A Well, a normal merit increase is two steps, and
23 because of the needs developing grading, because of my
24 resistance to change, which they say was below normal, I was
25 only given a one step increase. That was in essence docking

1 my pay 5 percent. Each step is 5 percent at that time, so I
2 docked 5 percent of my pay because I was faithfully
3 following the law and was resistant to changing procedures I
4 knew were unsafe and for bringing them to the attention to
5 the management that there were some regulatory problems and
6 I wanted to consider putting the alarm station at the Rancho
7 Seco site instead of the downtown Headquarters, but they
8 wouldn't allow that and so they considered me resistant to
9 change for that and that is just totally unfair and that
10 encapsulates some of the issues in 1993 that occurred.

11 The same issues were identified earlier before my
12 performance evaluation was made in the December 6th, 1993
13 confidential presentation to Jim Shetler and again which he
14 told me I was committing personal suicide -- professional
15 suicide.

16 Q Let me just ask you one thing about your
17 performance evaluation for 1993. That is Exhibit 5. Other
18 than --

19 A Exhibit 3 -- oh, excuse me.

20 Q Yes, Exhibit 5. Other than the one area that
21 needs development, which you just explained for us, are the
22 rest of these ratings satisfactory?

23 A The employee customer relations is also subpar,
24 needs to develop more productive working relationship with
25 others -- those are the two areas.

1 Q And how about that area you just mentioned. Did
2 you protest that area?

3 A Yes.

4 Q The -- what is it, customer relations? Is that
5 what you called it?

6 A Yes, I did.

7 Q What is that? Number 3 here on Exhibit 5, is that
8 correct? Is that Number 3?

9 A That is Number 4.

10 Q Number 4, okay --

11 A Oh -- needs to develop.

12 Q Okay, all right. Did you protest that?

13 A Yes, I did.

14 Q Okay, and what was the resolution on that?

15 A It was very interesting because the examples that
16 Jim Field told me about, examples of having poor
17 relationships, I asked Jim Shetler to investigate and I have
18 a very important document that I would like to show on that,
19 that was submitted in my defense on that. It is a letter
20 signed from the Unit Superintendent, Supervisor of Security,
21 and RP Superintendent all claiming that I worked well with
22 their staff, was dedicated to quality and I would like to
23 refer to that and it is a very important piece of evidence
24 that shows that this was false criticism, so I would like to
25 break for a minutes.

1 MR. JOUKOFF: Okay. Let's go off the record.

2 [Recess.]

3 MR. JOUKOFF: We are back on the record at 12:46
4 p.m. Mr. Saum has found the document he was referring to.
5 It is located at Exhibit 3, page 50.

6 BY MR. JOUKOFF:

7 Q Why don't you explain to us what that document is
8 and why it was written.

9 A Jim Field was criticizing me for not getting
10 cooperation from -- from other staff members, so a letter
11 was sent -- I got the Security Superintendent, the
12 Operations Superintendent, and the Radiation Protection
13 Superintendent to sign a letter that states -- that
14 compliments me and refutes the criticism that Jim Field had
15 made and for example from the Security Supervisor, Esteban
16 Nava, says, "Jim Saum and Gary Spring's effort to complete
17 construction and testing on the new PCU resulted in a
18 quality system which met our future operation needs. He has
19 worked well with me and my staff in this effort and on ISFSI
20 system."

21 It is important to note at the state Department of
22 Labor hearing that was held recently in December of 1998
23 Esteban Nava was present and he testified -- it wasn't on
24 record but he testified that -- he said Jim Saum gets along
25 well with me and my staff and I don't see why he has a

1 problem with Jim Field and Steve Redaker and Jim Field were
2 at that meeting and scowled when he said that and here he is
3 again earlier making that same statement in this memo dated
4 12-23-93. It is page 50 of Attachment 3.

5 Q Is that Exhibit 3?

6 A Exhibit 3. That's a very important document and
7 it also says that Tom Tucker said Jim is interested in
8 satisfying and follows procedures, doing a quality job,
9 works well with me; and even the Radiation Protection --
10 "works well with me and my staff in supporting plant needs."

11 This is -- I asked Jim Shetler in my response to
12 my performance evaluation to go interview these guys to see
13 what they had to say and that was very interesting what
14 happened there.

15 He went to the Unit Superintendent, Tom Tucker,
16 and Tom Tucker stood by his statement here, according to Jim
17 Shetler. When Shetler asked Esteban Nava, Esteban Nava
18 according to Jim Shetler backpedaled and said that, well,
19 according to Jim Shelter, somehow intimidated Esteban Nava
20 into making this statement he said, and I asked him about
21 whether he had followed up with Dennis Gardiner and he said
22 no, he didn't have the time.

23 Q What you are testifying to now is a conversation
24 you had with Shetler?

25 A Yes. We had several appeal meetings where we were

1 discussing my appeal and also --

2 Q This is in the '93-'94 timeframe?

3 A Yes.

4 Q '93-'94 timeframe?

5 A Yes.

6 Q Okay, so --

7 A There's many other examples. I asked him to go
8 interview several other people and there was a -- in my
9 opinion -- just a whitewash of the whole situation to defend
10 Jim Field and Steve Redaker and to ensure that their
11 positions were defended and he basically just shot down my
12 arguments here in my response to my performance evaluation.

13 Q Now let me ask you a couple of questions about
14 this is again Exhibit 3, page 50, right?

15 A Right.

16 Q Okay. How was this document created? I mean did
17 you go and ask these people to write this for you or did
18 somebody else ask them? Do you recall?

19 A I asked them.

20 Q You asked them to write it?

21 A No. I asked them to sign it.

22 Q Okay. Who actually wrote the document?

23 A I wrote it.

24 Q Okay, so you wrote this document and you asked
25 them to sign it --

- 1 A Yes.
- 2 Q -- and they signed it.
- 3 A Yes. I drafted it. They signed it.
- 4 Q Okay. Did they have any problems with doing that?
- 5 A No.
- 6 Q They didn't have any problems with doing that?
- 7 A No.
- 8 Q Now these three individuals here --
- 9 A This individual read it and he was -- Esteban
10 Nava -- and he was looking, reading it, and he hesitated and
11 I said to him very clearly, "Don't sign it if you don't
12 believe it" because you are going to make more trouble for
13 me that way, and he went forward and signed it.
- 14 Q Okay. Esteban Nava, Tom Tucker, and Dennis --
- 15 A Gardiner.
- 16 Q -- Gardiner. These are all Supervisors at the
17 plant, is that correct?
- 18 A Yes.
- 19 Q Or managers. These three individuals, the people
20 that they supervise, what percentage of the workforce do
21 they represent out at Rancho Seco?
- 22 A They are the main managers with all their staffs.
23 They are the representatives -- these three people, these
24 are three individuals out of 120 staff members.
- 25 Q Okay, but when we are talking about their staff,

1 you know --

2 A Their staff is --

3 Q Is what? 100 percent of the plant, 50 percent of
4 the plant -- them and their staff?

5 A 80-90 percent.

6 Q Okay -- 80-90 percent of their staff. Okay --
7 them and their staff represent 80 to 90 percent of the
8 employees out of Rancho Seco?

9 A Yeah.

10 Q Okay. Thank you. Now you also said that or you
11 testified earlier that despite -- not despite -- that in
12 addition to your job performance appraisal which resulted in
13 your receiving less of a merit raise than you should have,
14 okay, because of your raising your concerns in 1993, you
15 also said that you were exposed to some harassment or
16 intimidation or employment discrimination of that type.

17 Can you expound upon that?

18 A Yes. Good case in point is I wrote a PDQ on the
19 fact that a radiation -- IRSB radiation monitor wasn't being
20 surveilled. What happened -- I don't know -- are you
21 familiar with surveillance requirements?

22 Q No, I'm not.

23 A There was the tech specs -- technical
24 specifications --

25 Q No.

1 A Well, there is a requirement to -- can we break?

2 MR. JOUKOFF: Certainly. Let's go off the record
3 at 12:55.

4 [Recess.]

5 MR. JOUKOFF: We are back on the record at 1:04
6 p.m. Mr. Saum has found a document that helps him address
7 the harassment that he received. This is going to be in the
8 1993-1994 timeframe, is that correct?

9 THE INTERVIEWEE: Yes.

10 BY MR. JOUKOFF:

11 Q And what is it that you found?

12 A In Exhibit 4, page 5, it addresses a situation
13 where I wrote a DQ on the fact that DQ on the fact that --

14 Q This is a PDQ?

15 A A DQ. I wrote a PDQ which turned into the higher
16 level, Deviation from Quality.

17 Q Okay.

18 A And what happened was they added this monitor to
19 the ODCM which made it a requirement for surveillance but
20 didn't update the surveillance, didn't write a surveillance
21 procedure to get it in the surveillance schedule, and I
22 reported that as a problem because there wasn't
23 coordination.

24 The Radiation Protection Department added the
25 monitor, made a new requirement that it be surveilled, that

1 it become subject to, in essence, a tech spec or the ODCM,
2 and I knew that there was a requirement that everything that
3 was subject to surveillance should have been in the
4 surveillance program and require the surveillance procedure.

5 So I wrote the PDQ on that and it was -- I later
6 tracked it to see what the resolution was and found out that
7 they discarded, management discarded and didn't address the
8 concern right. They didn't require a surveillance procedure
9 and as I recall they just said that -- they just -- well, in
10 essence discarded the problem and said that normal
11 maintenance PM program is maintaining it.

12 So when I found that out, what the disposition to
13 the problem statement I had made, I went back to Jim Field
14 and told him about this and I said should I write another
15 PDQ to readdress my problem, and he said -- he was -- in a
16 typical thing, he'd say I did to upset people around here,
17 and that he would take of it.

18 Here I am, seeing the PDQ that wasn't properly
19 resolved and I'm saying, I asking him if I should write
20 another PDQ to get it resolved, and he says I did enough to
21 upset people around here and that he would take care of it.

22 Q Now you are reading from a document now. What
23 don't you tell us what that is?

24 A Exhibit 4, page 5.

25 Q Okay.

1 A And it is also interesting to note that in Steve
2 Redaker's response to my allegations that he totally
3 disregards this and accuses me of -- that I should have
4 wrote the PDQ.

5 Here I am, complaining that I offered to write
6 one, he is telling me not to, and Mr. Redaker, just totally
7 insensitive to the suppression I was experiencing back then,
8 and says no, I should have done it.

9 Q Now how could that proved, that you were willing
10 to write a PDQ? You are testifying that you wanted to write
11 a PDQ. Now you correct me when I go wrong here, okay --
12 Fields told you not to write one.

13 A Right.

14 Q Is that correct?

15 A Right.

16 Q Is there any witnesses to that conversation?
17 Let's say that Fields denies that that ever happened. How
18 could we prove that it happened, just as a possible scenario
19 here?

20 A The fact that I mentioned it in an allegation and
21 I brought it up as an allegation that wasn't properly
22 addressed and I filed it through and it resulted eventually,
23 this problem, in not resolving it, after my appeal it was
24 found as a violation of tech specs. They found out that
25 that monitor wasn't surveilled on time and that was written

1 up -- I don't know what the severity was but in 1994. It is
2 documented in here. Everything I say is well documented in
3 here. It's just a little hard to find it.

4 And so it was very convenient that that was the
5 case because as a result of my confidential allegations
6 Steve Redaker generated a new set of PDQs that didn't attach
7 my name to it, but we had written another procedure to
8 correct the problem around the same time that the problem
9 was identified by the NRC Inspector, and so that reduced the
10 severity of the fine because it showed that we had been
11 taking some kind of corrective action after the failed
12 surveillance was discovered by the NRC Inspector, but that
13 just gives you an example of the treatment and the
14 suppression I was getting.

15 Q Let me just ask you one more question before you
16 go on. You are talking about a radiation monitor here, is
17 that correct?

18 A Effluent radiation monitor. Measures gaseous
19 effluents.

20 Q Okay, and where was that located in the plant?

21 A In the IOSB -- it is Interim Onsite Storage
22 Building -- radwaste, low level radwaste facility.

23 Q Okay.

24 A Getting back to the more harassment -- the
25 harassment issue, in Exhibit 3 -- correction, Exhibit 4,

1 there is a very important occurrence.

2 Q Okay. This is Exhibit at page 28?

3 A 28 and 29. Jim Field threatened me with
4 termination in essence.

5 Q When?

6 A On two occasions. In the fall of 1992, my
7 previous Supervisor, Jeff Jones, took a vacation and Jim
8 Fields was Acting Supervisor and in the fall of 1992 he as
9 an Acting Supervisor called me, summoned me into his office
10 and threatened me with layoff. At this time we were in the
11 layoff mode and they could -- there was two, two individuals
12 that could have been laid off -- me and one other person
13 they were considering at this point it was split. Jim Field
14 was the Mechanical Supervisor, Jeff Jones was the Electrical
15 Supervisor, and so I was one of the potential targets of the
16 Electrical and this other guy was a potential target in
17 Mechanical, and Jim Field in Jeff Jones' absence is --
18 probably really has a desire to keep his person versus me
19 and is making this -- I took it as a threat.

20 He said it in a way that it was clear that he was
21 considering firing me and he said that --

22 Q Well, was he considering firing you --

23 A Laying off.

24 Q -- or laying you off as part of a reduction in
25 force?

1 A Laying off as a reduction in force but it was
2 totally improper for an Acting Supervisor to make that
3 statement.

4 Q What was the statement? That he was going to do
5 it?

6 A Yeah. It's in here. It could be read.

7 Anyway, on another occasion, just to see -- backup
8 power supply, remember I had mentioned that I had raised
9 that in one of the memos to Jim Fields, MNTS 93-16, and Jim
10 Fields went on a business trip in 1993 or -94, some time in
11 that area, and in his absence there was a question from the
12 Acting supervisor whether there was any other outstanding
13 regulatory issues with going forward with the ISFSI security
14 design. I think that was from a morning meeting that the
15 Acting Supervisor went to and he came down and asked me
16 that.

17 I said yeah, there's the issue on the backup power
18 supply that needs to be addressed and I said that we should
19 bring that forward to be revisited by management, because my
20 Supervisor said no but I wanted it to have a second level
21 opinion from the Plant Manager.

22 The Acting Supervisor authorized me to do that.
23 He says yeah, go set up a meeting, so I set up a meeting
24 with Steve Redaker to discuss whether he wanted a backup
25 power supply and I could bring to his attention that I

1 thought it was a regulatory requirement, and so the meeting
2 was set and Jim Field returned.

3 It was the following day and Jim Field returned
4 and found out I'd set up this meeting with the Plant Manager
5 and so when -- and the intent of this meeting and presented
6 my argument about why we needed a backup power supply and
7 Steve Redaker said no, we don't need it and so I said okay.
8 At least we got his input, and so I returned -- when
9 returning to our office area Jim Field summoned me into his
10 office and again threatened me with a VSP --

11 Q What is a VSP?

12 A Voluntary Separation Package. This is his way of
13 saying we can lay you off -- be good. You're going over my
14 head. Don't do that. And I am saying here -- I am just
15 trying to get a second level opinion. Acting Supervisor has
16 authorized me to go -- asked me to even do this, so I did it
17 and he is saying I am going over his head and threatening me
18 with a layoff.

19 Now in this appeal process that we are talking
20 about, that was later appealed.

21 Q Now which appeal process are we talking about?

22 A The performance of 1993, performance evaluation
23 appeal.

24 Jim Shetler asked Jim Field about this in one of
25 the appeal meetings and Jim Field admitted that incident.

1 He didn't admit the other one. He said he didn't recall.

2 Q Didn't what?

3 A In 1992 -- the fall of '92 incident he didn't
4 recall.

5 Q Okay.

6 A But he very quietly admitted that he had done
7 that, that second one on the power supply whenever that was.

8 Q What was the final outcome of the regulatory
9 requirements on the backup power supply?

10 A Very interesting. Just a couple months later,
11 November 1994, we got a letter back from the NRC. It's
12 Attachment -- let's see.

13 Q It's that letter there. Hold on. Let me find
14 that in my documents here. This is the letter you are
15 referring to that came from the NRC?

16 A Right.

17 MR. JOUKOFF: Let's mark that as our next exhibit.
18 It's a November 3rd, 1994 letter to Shetler on NRC,
19 Washington, D.C. Headquarters letterhead. It is signed by
20 Robert C. Pierson, Chief, Licensing Branch, NMSS.

21 We are going to mark that as Exhibit Number 6.

22 [Exhibit No. 6 was marked for
23 identification.]

24 MR. JOUKOFF: Let the record reflect we have
25 marked that document.

1 BY MR. JOUKOFF:

2 Q Okay, and so what happened in this document here?

3 A We had submitted an ISFSI security plan for NRC's
4 review and didn't -- didn't comply with the regulations that
5 I called out for, and this document disapproves, denies
6 approval of our ISFSI security plan because it didn't comply
7 with the regulation in NUREG-1497 and one of those
8 requirements was the backup power supply -- power sources.

9 It says "Backup power sources" -- this is the NRC
10 telling them specifically what is wrong with their plan.

11 Q Okay. So you are now looking at page 3 of Exhibit
12 Number 6.

13 A And in this plan, as I had properly identified
14 earlier, it requires backup power lighting supply. Let's
15 see -- NUREG-1497, Part 4.6.3 Power Sources, says that types
16 of equipment provided with independent power sources would
17 be typically include intrusion protection equipment
18 enunciating equipment lighting and any equipment used to
19 provide assessment of alarms.

20 So right in there it required the backup power
21 supply that I had identified in memo MNTS-93-16 and had
22 again appealed to the Plant Manager, who said no, and we
23 submitted our plan without it and we got a very clear denial
24 because it wasn't in compliance with this document, and
25 shortly after that in an effort to revise this management

1 told me to provide the backup power supply, so I did go
2 forward with that.

3 So you can see that I wasn't resistant to change
4 here as far as ISFSI power, considering ISFSI options. I
5 was just trying to make sure that management was aware of
6 the regulations and that it was totally out of line for my
7 Supervisor to threaten me with a voluntary layoff for trying
8 to communicate up the chain of command.

9 That is just totally wrong -- wrong for him to say
10 that I had done enough to upset people and I am trying to
11 write another PDQ again to correct the situation. Over and
12 over there's incidents of he is intimidating me into saying
13 50.59 for the QA Class 4, for all those things, he was
14 putting pressure.

15 To go forward with more examples of harassment in
16 1993 --

17 Q Okay. Let me just correct one problem I think we
18 may have here.

19 It appears to me that the copy that you have of
20 Exhibit 6 is --

21 A Is 9. Should be a 9 or an 8 --

22 Q No, I am talking about NRC Exhibit 6 as we have
23 just marked it -- these two documents. Looks like you have
24 some two-sided copying in here that we don't have so would
25 it be --

1 A I'll take a look --

2 MR. JOUKOFF: Okay. I want to give you that copy.
3 We are going to remark Exhibit 6. It's the same document.
4 However, it is complete now because there is some two-sided
5 copying in here.

6 [Pause.]

7 MR. JOUKOFF: Okay. Let the record reflect that
8 we have marked that again. We now have the entire document.

9 BY MR. JOUKOFF:

10 Q Do you have some other instances of harassment,
11 intimidation that you wanted to report?

12 A Yes.

13 MR. JOUKOFF: You want to go off the record?
14 Let's go off the record while Mr. Saum reviews some more
15 documents. It's 1:24 p.m.

16 [Recess.]

17 MR. JOUKOFF: We'll go back on the record at 1:25
18 p.m. Mr. Saum has found some additional documentation
19 regarding his harassment/intimidation concerns. He's
20 referring to Exhibit 4 at page 21.

21 THE WITNESS: It's 21 through 31. But I've
22 reviewed this, and what I've already said was sufficient to
23 document what I wanted to say about the harassment and
24 intimidation in '93. But I want to make it clear that I had
25 told management --

1 BY MR. JOUKOFF:

2 Q Who is management?

3 A Jim Shetler and Steve Redeker -- that I was in a
4 Catch-22 situation, and that the environment that I was
5 subject to put me at risk of violating plant procedures, and
6 that I was in a suppressed, intimidating environment.

7 I just want to make sure that it's on the record
8 that I had brought this to management's attention back in
9 1993, and they were insensitive to that and continued to
10 place me without any correction into the same environment,
11 and that caused me to change my whole position about how I'm
12 going to deal with reporting the problems of 1993 and '94
13 and '95. I developed a strategy for trying to not take the
14 brunt of the backlash I would get from doing what I've
15 already described during the final procedures, bringing
16 attention to regulation problems and not go forward with
17 procedural revisions that I knew to be unsafe.

18 Q Now, when you say you developed a strategy, do you
19 want to explain to us what the strategy was?

20 A Yes. That's well documented in another document.
21 I've got to find it.

22 MR. JOUKOFF: Okay. Let's go off the record while
23 we find that document. It's 1:28 p.m.

24 [Recess.]

25 MR. JOUKOFF: We are now back on the record at

1 1:35 p.m.

2 BY MR. JOUKOFF:

3 Q You weren't able to find a document regarding your
4 new approach?

5 A Correct.

6 Q However, you would like to synopsize what it is.
7 Is that correct?

8 A Correct.

9 Q Okay.

10 A After I pleaded with management to hear my case
11 that I was in a suppressed environment and I was not free to
12 go forward with writing problem reports based on my
13 supervisor's adverse reaction, and also from other
14 co-workers, and told them that I was in a Catch-22 situation
15 after they -- management threatened me if I didn't write a
16 PDQ that I'd be charged with a procedure violation. If I
17 did, I'd get the backlash.

18 So I was very discouraged when upper management
19 didn't acknowledge my concerns and kept me in the same
20 situation without any correction, and I still had to deal
21 with Jim Field and Steve Redeker somehow.

22 So when I finally realized what was happening and
23 that I wasn't going to get any relief, I instead -- and this
24 was around the end of '94 when all this stuff -- when all
25 the results came in from my appeals to Jim Shetler and Steve

1 Redeker.

2 I then decided to start communicating PDQ type
3 problems verbally to Jim Field and would ask him if he
4 thought a PDQ was appropriate. And he would direct me to
5 write PDQ's.

6 So I thought, okay, maybe this will satisfy him
7 and won't agitate him so much if I allow him to decide,
8 rather than me just writing down the PDQ and submitting it.

9 Q How was this information conveyed to you, that you
10 just mentioned?

11 A What information?

12 Q The information regarding that you're going to be
13 directed to write PDQ's or not to write PDQ's. Was that in
14 a conversation?

15 A We have weekly meetings.

16 Q Okay.

17 A I have weekly meetings with my supervisor. And I
18 would bring up problems or I would stop in. If I saw a
19 problem, I would stop in and say, "There's a problem here."

20 And I used to just write a PDQ all up and support
21 it with all the evidence and show that there was a clear
22 procedure violation. I'd cite the (indiscernible)
23 statements out of procedure. And even if they were of not
24 much significance, they were a (indiscernible) statement.

25 And I showed how the (indiscernible) statement

1 wasn't met. And that was an example of how I used to write
2 PDQ's. I had no problems with that method with my prior
3 supervisors. In fact, I got kudos for my efforts in that
4 area.

5 But that was when the plant was operational, and
6 we were trying to -- we were shut down by the NRC for lack
7 of confidence in management's ability to operate the plant
8 safely.

9 And we were in a major repair mode and totally two
10 years worth of changing the management and providing
11 administrative controls and making facility changes to
12 upgrade the plant so that we could get NRC's confidence
13 back. In that period, I wrote numerous PDQ's -- and it was
14 welcome -- on the problems.

15 In '93, when I got the new supervisors -- again,
16 as I've already described -- I got a different response. As
17 a result of the backlash and failed appeals, I communicated
18 orally to my supervisor of the problems, and let him direct
19 me to write the PDQ.

20 And I'd go ahead and write the PDQ's that he told
21 me to write. And to my disappointment, some of the PDQ's
22 were sensitive enough that it still would cause others to
23 backlash, for example, PDQ-9512. It's described in the
24 other Boal letter, the Boal letter, the one that has
25 Attachment 3, or the one that has the 3 on it.

1 MR. JOUKOFF: Okay, we haven't marked this. Do
2 you want to mark this?

3 THE WITNESS: All right.

4 MR. JOUKOFF: This is going to be our next
5 exhibit. It's an extremely thick exhibit. The first
6 document in the exhibit is an August 6, 1998 letter to
7 Special Agent Boal of the NRC from Mr. Saum. And this is
8 going to become Exhibit No. 8 -- 7.

9 Okay. Let the record reflect that we've marked
10 Exhibit No. 7. And we'll give that to you.

11 [Exhibit No. 7 was marked for
12 identification.]

13 BY MR. JOUKOFF:

14 Q Attachment No. 7 includes a report of management
15 not reporting a technical spec violation.

16 A That's not my point. We'll directly address that
17 later. The point I was trying to make is that when I wrote
18 PDQ-9512, that was an example of I told my supervisor of a
19 problem with the fact that the totalizer that measures the
20 liquid flow that is released from the site, that that
21 instrument had never been calibrated.

22 And it was a technical spec requirement, ODCM
23 requirement, and that I had found that there was inaccuracy
24 of that instrument of approximately 8 1/2 percent, and that
25 I had discovered that that instrument had never been

1 calibrated.

2 It was always assumed that if they calibrated the
3 flow rate channel, that the totalizer would be calibrated as
4 well, that it didn't require any calibration, that it was
5 linked to the flow rate device and didn't require any
6 calibration.

7 When I discovered that it was independent and it
8 did have an inaccuracy and that we weren't calibrating it, I
9 mentioned that to my supervisor, and he directed me to write
10 a PDQ.

11 It's very important to note that that total flow
12 is the parameter that is used to calculate the dose off
13 site. The flow rate is not a significant flow parameter.
14 Therefore, the parameter that needs to be calibrated so that
15 we get an accurate measurement and insured quality of
16 measurement of the dose to the public -- it is necessary to
17 calculate the totalizer, not the flow rate device.

18 Both are used, in some sense, to control liquid
19 effluence, but it's the totalizer that is the significant
20 parameter that was never calibrated prior to before. So
21 when I wrote that PDQ, I got all kinds of backlash from
22 management, particularly Dennis Gardiner.

23 Q Anybody else besides Dennis Gardiner?

24 A Yes. I got complaints from my supervisor to be
25 flexible on the issue, be flexible.

1 Q This is Jim Field?

2 A Jim Field. Now, a very important point is that
3 during -- from '95, after I started -- '95 through current,
4 I kept track at the weekly meetings of complaints received.

5 And I can show from the log of all these meetings,
6 for three years straight, when I went into this silent mode,
7 so-to-speak, of just verbally, instead of writing the PDQ's
8 myself, that the complaints from others went dramatically
9 down.

10 And every time I wrote a PDQ, that's when I would
11 get a registered complaint. There's a causal relationship
12 between complaints received from others at these weekly
13 meetings, which I had been severely -- I felt severely
14 criticized in the past and was very defensive about it, that
15 I can prove that with the review of all the complaints that
16 have been received.

17 Q Okay. Now, how can we go about proving that, if
18 we had to?

19 A It's in these documents. But what I need to do is
20 go back to my logs and make a log and show that causal
21 relationship. But it's there.

22 Q Okay. Well, we don't need to do that.

23 A All right.

24 Q If we need to do that, we can ask you about that.

25 Now, when you are talking about this instrument that you

1 mentioned, the totalizer, explain for the record what that
2 totalizer is.

3 A The totalizer measures the total volume of flow
4 instead of gallons per minute, the total gallons over a
5 period. It totalizes it up, and instead of giving the rate,
6 it gives the total volume.

7 Q Okay.

8 A That total volume is the important parameter.
9 Now, it's very --

10 Q Where is this instrument located in the plant?

11 A At the effluent discharge point at the retention
12 basin.

13 Q And where these effluents are discharged, where
14 are they discharged to?

15 A To a dry creek downstream of, now, a wine field.
16 So that water is going into the wine that you're going to be
17 drinking.

18 Q Do you have any information that the regulatory
19 dose rate in that effluent was exceeded?

20 A No. That wasn't my point.

21 Q It's an immediate point for us, if you have that
22 information.

23 A Yes, but this very discouraging point is that in
24 the previous allegation that brought up that point, the NRC
25 said that's not of concern because the totalizer isn't part

1 of the tech spec ODCM. That's false, very false.

2 It says waste water flow rate and totalizer as the
3 instrument named, and it says, "You shall calibrate this on
4 an 18-month cycle."

5 And both of those, like I said, the flow rate
6 device and the totalizer, are used to control effluence,
7 liquid effluence, and especially the totalizer, because
8 that's the primary device that is used to assess the dose to
9 the public.

10 I strongly suggest that the NRC revisit that point
11 made in Attachment Exhibit 7, Section 2. It clearly shows
12 that not only me, but a fellow engineer, had totally
13 evaluated the problem and determined that that instrument
14 was not being calibrated, that the vendor, too, concurred
15 that it needed calibration.

16 Management's approach was very inadequate and
17 typical of a way of their technique of brushing or
18 diminishing the problem or covering the problem, not fully
19 addressing the real concerns.

20 And here's an example of that, that the RP
21 Department said in their reply that the totalizer didn't
22 need calibration because it wasn't included in the equipment
23 manual.

24 They refer to Reg Guide 121 that said that the
25 equipment manuals could be used as the calibration

1 procedure. And since it didn't include -- the manual didn't
2 include a step for calibrating the totalizer -- therefore,
3 the instrument didn't need calibration. That's a very false
4 justification.

5 Again, Technical Services, two engineers totally
6 familiar with it, know otherwise. The vendor knows
7 otherwise. And here, RP supervision, that is not technical
8 in that area, is making a claim that it doesn't need to be
9 calibrated because it's not in the equipment manual -- very
10 bogus.

11 And that it was reviewed by the management
12 committee, called the Commitment Management Review Group --
13 CMRG reviews PDQ's -- and determined that based on this very
14 flimsy justification -- and they got the engineer, who said
15 it was a tech spec violation, to scratch out that it was a
16 tech spec violation, at the very end.

17 And he didn't -- I asked him about it, and he said
18 he didn't concur with it. He said he was just doing it to
19 satisfy Steve Redeker, and he's just that way, you know.
20 That's why I'm different than other co-workers, because I
21 won't sign anything that I disagree with.

22 So that really needs to be revisited because that
23 is a very real, pretty significant safety concern because,
24 although we're not releasing too much now, we had never
25 measured that in the past.

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1 And what's more significant is the technique of
2 our management group to cover up certain problems that are
3 very difficult. And it wouldn't be nice to have to report
4 that they had never calibrated an instrument that was used
5 to measure the dose in all the years of operation.

6 And I'm sure there are back-up measurement
7 techniques that actually go out and do a radiological
8 survey. But the fact is that it wasn't the proper response,
9 and they over-rid an engineer, and they used all these
10 flimsy excuses.

11 And it's very similar to what Tim Shaw told me
12 recently about the very same circumstance recently where he
13 was releasing -- was told by RP supervision that they were
14 exceeding the state's limit for tritium by over ten times.

15 And a very flimsy excuse was given, and he was
16 told that it wasn't a problem by plant management -- or by
17 his supervision. And he was brow beaten, and he told me he
18 was harassed.

19 Q By whom?

20 A By his supervisor.

21 Q Do you know who that is?

22 A Bill Wilson and Dennis Gardiner. Now, he told me
23 that he has a family and kids. Therefore, this has got to
24 be -- you know, I didn't ask him for permission. So you
25 cannot ask him, I guess. How do we handle that?

1 Q Well, we'll give him a call at home and ask him if
2 he has anything that he would like to talk to us about.
3 Let's be very clear of what he told you. He told you --
4 Now, I'm taking down the testimony you just gave me. I'm
5 also reading from the letter that you wrote on February 8,
6 1999, to Russ Wise of the NRC.

7 And you mentioned Mr. Shaw in your letter as a
8 chemistry specialist. And you say that he recently suffered
9 discrimination. Do you know how that manifested itself?

10 A Yes. When he brought up the problem to Bill
11 Wilson, they told him -- he told him that they were going to
12 continue to make the release, and they ignored him. And
13 they used some really flimsy excuse like, "Well, the state"
14 -- I forget the flimsy excuse, but it was like one of these,
15 "Well, it's not in the manual. Therefore, you don't have to
16 consider it," one of those kind of deals, very flimsy.

17 Q Okay. Well, we're talking about discrimination.
18 In our definition, that would be they demoted him, they
19 fired him, they laid him off, they put him on a different
20 shift, that they took some type of employment action against
21 him. Do you have any knowledge that that was done?

22 A They coerced him into agreeing to go forward with
23 the release, and he refused.

24 Q Okay, and --

25 A But they didn't, to my knowledge, demote him or

1 anything. You're going to have to ask him. Just the
2 harassment that he told me was the pushing and coercion and
3 disregard for his position. And somehow, it did get him
4 into some kind of conflict with his supervisors.

5 Q Okay. Now, you say that they were going to go
6 ahead and make the release anyway?

7 A Right. And because of my Department of Labor
8 complaints -- this was right around December when this
9 happened, and very high visibility. And, in fact,
10 management is severely on guard right now, as I'll show you
11 this evidence of how guarded they are in trying to establish
12 a defense against what I'm doing here.

13 Q Let me --

14 A So let me tell you what happened.

15 Q Did they make the release?

16 A No. Somehow he got it appealed up to Redeker.
17 Redeker said no. And so he did get them -- the proper thing
18 to do was if that's not important, the state limit, then get
19 the limit or the requirement changed before you exceed it.
20 So that's what they are pursuing. That's fortunate that
21 they didn't make the release.

22 Q Do you have any other knowledge other than what
23 you've told us about this?

24 A Not about that one.

25 Q I'm talking specifically about --

1 A He knew I was -- actually what was happening was I
2 was going around getting signatures because they're telling
3 me again -- like in 1993 -- that I've got serious
4 interpersonal problems with my supervisor and co-workers.
5 And we'll get into that, but like I responded in '93, and I
6 got those letters from the top managers.

7 Now I went out and started getting signatures from
8 my co-workers. And I started getting -- I got about 14
9 signatures, all in my defense in saying, no, that's not the
10 case, that I am cooperative and professional. And
11 management found out about it -- or supervision did -- and
12 ordered me to stop.

13 Q Who is supervision?

14 A Jim Field. A similar occurrence happened that's
15 very interesting. They told me I intimidated -- when I got
16 the signatures from Tom Tucker and Esteban Neva and Dennis
17 Gardiner earlier in '93, Steve Redeker said I intimidated
18 them into signing that, that I intimidated them.

19 Again, I tried to get -- some of these complaints
20 that I would receive, I would get the complainant, alleged
21 complainant, to sign a statement that that wasn't the case.

22 They found out I was doing that. They ordered me
23 up. They summoned me up. Neva said, "You shall not. I
24 order you never to get anything in writing again from any of
25 the co-workers," tying my hands behind my back, telling me

1 I'm intimidating people into signing, and then ordering me
2 never to get a signature again, which is to protect myself
3 to counter a claim that they're making that I know is false.
4 And this is their technique, to tie my hands behind my back
5 and just say, "Believe what we're telling you."

6 Q Is this again Jim Field?

7 A No, this is Steve Redeker. And in 1995, I
8 remember him doing that. I just want to put that in the
9 record that when I went out to get signatures to defend
10 certain criticisms made by supervisors and managers, that
11 they would state that I was intimidating them into signing,
12 and that's not the case. And as I'll explain later, my
13 attorney said that was a violation of my right to privacy
14 and put it on the record that I had a right to go get those
15 signatures during the break time. So I did again counter
16 their order, I guess, and this is when I met -- and Tim Shaw
17 came forward.

18 Q Okay. So that's how you received this
19 information. And any other information we would have to get
20 from Mr. Shaw. Is that correct?

21 A Yes, but I feel real awkward at this point. I
22 shouldn't have really put that in the record. I've got him
23 in the record there.

24 MR. JOUKOFF: Okay, thank you. Why don't we go
25 off the record for a short break. It's 2:01 p.m.

1 [Recess.]

2 MR. JOUKOFF: We are now back on the record. It's
3 2:08 p.m. We're continuing with Mr. Saum's interview.

4 BY MR. JOUKOFF:

5 Q Okay.

6 A So, in summary again, after I was put back into
7 the same environment and management didn't hear my pleas to
8 correct the situation where I was suppressed and couldn't
9 report problems, I changed my mode of reporting to verbally
10 -- or verbally reporting to my supervisor and letting him
11 decide whether he should direct me to write a PDQ or not. I
12 followed that method for a while in '95, throughout '95, and
13 found out that I was still getting complaints from writing
14 the PDQ's that he asked me to write. And I'd research --
15 I'd be directed to go research information that required me
16 to go into the RP Department.

17 And the supervisor would come around and see me
18 investigating, and trying to get information to support what
19 they had asked me to find in support of the problem
20 resolution.

21 And I would get backlash from the supervisor
22 telling me to get out of their area and not to talk to their
23 people. And I'd also get complaints from my supervisor, and
24 my supervisor would tell me to be more flexible.

25 And, okay, then after '95, I started asking my

1 supervisor -- that I didn't even want to write PDQ's, to
2 have somebody else start writing the PDQ's. "I'm telling
3 you there's a problem, but have somebody else write them,"
4 was my approach after '95 through the present.

5 You won't find me writing any PDQ's from '95 to
6 current, maybe one or two. If you look at the pattern, the
7 PDQ's I wrote, you'll see they sharply terminate after I
8 discovered that even after verbally notifying my supervisor
9 and having him tell me to write it, my PDQ's were still
10 offensive to other co-workers where my PDQ affected their
11 area of responsibility. I still received backlash.
12 Therefore, I started to ask my supervisor to have others
13 write the PDQ's. So for three years, from '95 through '97
14 -- two years -- that was the case. Well, sometimes I'd
15 write memos if they were significant enough.

16 And on one occasion, I thought since we were
17 dismantling the plant and pre-releasing contamination in
18 '97, I felt it was very important to bring to the attention
19 of management that there was a defect in the radiation
20 detection procedure, and if followed, would result in
21 pre-released contamination in excess of the procedural
22 limits. And that is described in Attachment 7 --

23 Q Exhibit 7.

24 A Exhibit 7 -- for the pre-release of contamination.

25 Q Now, you previously reported that to the NRC?

1 A I previously reported that to the NRC. But what I
2 want to present as far as this report on ongoing
3 discrimination is that this is what started my most -- the
4 situation where I was eventually suspended from the site and
5 caused me to go through being nearly terminated and put on a
6 six-month probation. It was this that started the problem,
7 I believe, because I reported it on 7/24/97.

8 I issued a memorandum in TX-9731 and where I
9 reported the problem with the defects in the procedure. And
10 I was told in reply that, in essence, in summary, to mind my
11 own business and go fix the radiation monitors that I was
12 responsible for. And if I didn't fix my radiation monitors,
13 they would find somebody else that could. And that's the
14 message they were giving me, "And we don't need your help."
15 And so that was the response that I got.

16 And curious enough, a couple months later, they
17 got cited for exceeding pre-release. I thought, "That's
18 interesting. I warned them and now it's happening." So I
19 didn't bring it up anymore. And then it happened again,
20 another incident. And so --

21 Q Now, you said that they were cited. They were
22 cited by the NRC?

23 A Yes. They got a violation of the tech specs.
24 It's all in here, in Exhibit 7. And I'm getting real tired
25 here. I need to summarize this all up here. So instead of

1 directing to specific documents, we can cover this in
2 summary fashion.

3 In July of '98, the NRC -- during one of their
4 normal inspections, they were investigating the second
5 incident where they had exceeded the pre-release.

6 They set up truck monitors. They released
7 contaminated material off site in their truck, and it was
8 detected at the scrap yard by one of the radiation monitors
9 at the scrap yard. That's what determined that they had
10 released contamination from the site. So it was brought
11 back and resurveyed, resurveyed the way I originally wanted
12 them to survey it, and really low backgrounds, and they
13 discovered that the contamination level was in excess of
14 limits that I had proved in here that they would exceed if
15 they followed this summer's guideline.

16 Anyway -- so at the NRC inspection in July of '98,
17 I felt like, since they were investigating that second
18 incident, I felt they should be privy to the knowledge that
19 I had regarding that, the fact that I had notified
20 management earlier on procedural defects and the problems
21 described in here, my concerns with that.

22 And I did that in confidence, and with Everett,
23 Vince Everett, and Dudley -- somebody like that from a
24 different region. I forget his name --

25 Q NRC inspector?

1 A NRC inspector.

2 Q Okay.

3 A And so they called me into a private room in the
4 GSC area with NRC's old office. That section of the
5 building is not occupied. Nobody ever goes in there. And
6 we went in there for the meetings of confidence because I
7 didn't want anybody to know.

8 And so we're meeting in there, and I'm telling
9 them this stuff. And the RP -- Radiation Protection --
10 supervisor's secretary, for a somewhat strange and unknown
11 reason, walks into this room. And I believe she saw us, and
12 walks out. Later on in the day, Richard Manheimer comments
13 to me, "You went to the NRC, didn't you?" That's all I
14 know. Maybe upper management didn't know. I don't know.

15 Q Okay.

16 A They say they didn't.

17 Q How did the issue come up that they would have to
18 say whether they did or did not know? You just said
19 management said they didn't know. How did you receive that
20 information?

21 A Oh, just recently in my Department of Labor
22 claims. And in these facilitated meetings, I think I
23 mentioned it to Mr. Redeker, and he denied it.

24 Q He denied knowledge of you meeting with Everett
25 and another NRC inspector?

1 A Yes, he denies it.

2 Q TSC?

3 A Yes.

4 Q How about anybody else, any other managers? How
5 about Field or anybody else? Do you have any idea whether
6 they knew you met with the NRC?

7 A They had no comment then, but back earlier around
8 the '97 time frame when I'm doing my investigation of the
9 problem, Bill Wilson complained to my supervisor. I got
10 that in the record. At these weekly meetings, I take a very
11 good record, notes of what's said on the record. Anyway, it
12 was complained by Bill Wilson at the time that I had gone to
13 the NRC in '97. So they suspected me of being -- that's
14 evidence that Wilson thought or suspected me of going to the
15 NRC back in '97.

16 And Jim Field voiced that complaint to me, "Did
17 you go to" -- you know, basically, "Bill Wilson tells me he
18 thinks you went to the NRC." I said, "I didn't do that."

19 Q Well, did you go to the NRC in 1997?

20 A No.

21 Q No? Okay. So your first interaction where you're
22 making allegations directly to NRC representatives occurred
23 in that July/August, 1998 time frame. Is that correct?

24 A That's my first confidential meeting with the NRC,
25 July 9, 1998.

1 Q Okay.

2 A And then also July 14, '98, I issued a memo to my
3 supervisor complaining about backlash I had received for
4 writing problem reports and the problems, the complaints I
5 got from Dennis Gardiner when I wrote that PDQ-9512, and his
6 bias of me and a number of different issues in that memo.
7 And I guess we should refer to all that, the important
8 stuff. Can we break for a second?

9 MR. JOUKOFF: Oh, yes, sure. Let's go off the
10 record. It's 2:20 p.m.

11 [Recess.]

12 MR. JOUKOFF: Okay. We're back on the record.
13 The time now is approximately 3:02 p.m. We're continuing
14 with the interview of Mr. Saum.

15 Mr. Saum is now going to tell us about the events
16 that transpired in the September, 1998 time frame, and he's
17 going to expound upon the information that's provided in
18 Exhibit 1, commencing at page 2.

19 THE WITNESS: As I said, on 7/9/98, I reported in
20 confidence to the NRC. And I had reason to believe that my
21 employer knew about it based on the fact that we were
22 meeting in a private place, and the RP secretary came in,
23 and later Richard Manheimer said, "You went to the NRC."

24 I didn't know how far that went, but that's my
25 reason to believe that they had discovered that I had gone

1 to the NRC. And besides that, back in '97, I was accused of
2 going to the NRC.

3 Then I wrote this memo on July 14 of '98 where I
4 described that my supervisor was biased against me, and
5 there was backlash for having reported problems to my
6 employer in the past.

7 On 8/25/98, I provided another memo to my
8 supervisors, discussing the concerns I had over the way to
9 express my ability to report safety concerns. Let's see.
10 Excuse me. I think I'm too tired to do this.

11 MR. JOUKOFF: Let's go off the record. It's now
12 3:04 p.m.

13 [Recess.]

14 MR. JOUKOFF: The time is approximately 3:07 p.m.
15 We're back on the record with Mr. Saum.

16 Mr. Saum and I have talked off the record. And he
17 has been up most of the night preparing his testimony today
18 and the exhibits that he has brought with him.

19 And he feels that he's too physically exhausted at
20 this point in time to consider continuing this interview
21 because he feels he has extensive more testimony that he
22 would like to provide.

23 And he feels he's too tired to do that in an
24 adequate manner, and he would like to continue the interview
25 on another day.

1 And we have tentatively set a week from today,
2 which is also a Friday, as the date that that will occur, as
3 Mr. Saum works ten-hour days at the plant and does not feel
4 confident in his ability to testify after work and be
5 focused. Have I synopsisized that correctly, Mr. Saum?

6 THE WITNESS: Yes, yes.

7 MR. JOUKOFF: So you do agree to continue with
8 this interview at the earliest convenience mutually
9 available to you and I. Is that correct?

10 THE WITNESS: Yes.

11 MR. JOUKOFF: Okay. We'll be going off the record
12 now at 3:08 p.m. and concluding the interview.

13 [Whereupon, at 3:08 p.m., the interview was
14 concluded.]

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REPORTER'S CERTIFICATE

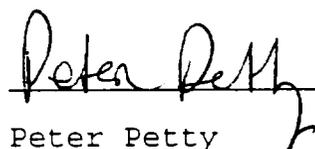
This is to certify that the attached proceedings
before the United States Nuclear Regulatory Commission in
the matter of:

NAME OF PROCEEDING: INTERVIEW OF
JAMES NELSON SAUM
(CLOSED)

CASE NUMBER:

PLACE OF PROCEEDING: Rancho Cordova, CA

were held as herein appears, and that this is the original
transcript thereof for the file of the United States Nuclear
Regulatory Commission taken by me and thereafter reduced to
typewriting by me or under the direction of the court
reporting company, and that the transcript is a true and
accurate record of the foregoing proceedings.



Peter Petty

Official Reporter

Ann Riley & Associates, Ltd.

4 - 1999 - 011

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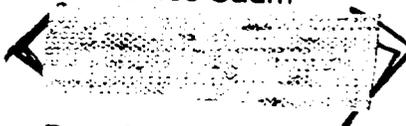
Via Certified U. S. Mail

①

SACRAMENTO MUNICIPAL UTILITY DISTRICT □ P. O. Box 15830, Sacramento CA 95852-1830, (916) 732-6160
AN ELECTRIC SYSTEM SERVING THE HEART OF CALIFORNIA

October 30, 1998
GM 98-352

Mr. James Saum



EX 6 F7C

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Dear Mr. Saum:

On October 23, 1998, you and your attorney, Mr. Talbot, appeared before me at a Skelly hearing to consider the October 9, 1998, Notice of Termination. At that meeting, I informed you I had not yet had an opportunity to thoroughly review either the October 21, 1998, Written Response to the Notice prepared by your attorney or your October 20, 1998, letter requesting reconsideration of my decision to terminate your employment at the District. At the meeting, I invited you and Mr. Talbot to make any statements either of you might wish to make. I also informed you I was extending your paid administrative leave through October 30, 1998, to permit me time to review all of the information and render a decision.

I have completed a review of the materials provided by you and your attorney, correspondence from Mr. Notareus to your attorney which was not included in your papers, internal documents generated by the District's Security and Personnel Departments, and Dr. Kirshnet's October 2, 1998, letter recommending further evaluation by a mental health professional to determine your fitness for duty. Copies of Mr. Notareus' communications and Dr. Kirshnet's letter are attached.

Based on my review and after careful consideration of all of the information provided, this letter is formal notice that, consistent with the conditions and findings contained herein, I am rescinding my prior decision to terminate your employment with the District. This rescission is conditioned on your written agreement to fulfill all of the conditions set forth in this letter.

Your attorney has alleged the decision to require a psychological evaluation is the result of safety concerns you voiced to Nuclear Regulatory Commission (NRC) representatives during a July 1998, visit to Rancho Seco. Based on my review of the facts before me, I find that the decision to place you on paid administrative leave and to require a psychological evaluation was not related to your contact with the NRC. To the contrary, the decision mandating the evaluation was based on behavioral observations

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Jan Schori, General Manager
DISTRICT HEADQUARTERS □ 6201 S Street, Sacramento CA 95817-1899

by your supervisors, complaints by co-workers regarding your behavior, and an assessment completed by the Security Department. I am advised that at the time you were placed on administrative leave, Mr. Redeker informed you of the reasons for the District's action:

- (i) The District was concerned that threats were made to other employees;
- (ii) The District was concerned about your ability to work with your supervisors and co-workers;
- (iii) The District was concerned that you had failed to prepare Potential Deviations from Quality (PDQs); and
- (iv) You had failed to participate in the Employee Assistance Program to address concerns regarding organizational relationships.

As a matter of policy, I fully endorse and encourage open communication regarding safety and health issues within the District, particularly at Rancho Seco. As I understand the NRC regulations, as an employee at a nuclear power plant, you are legally obligated to report observations and concerns regarding matters of safety to your supervisors and/or the NRC. I encourage you to continue to fulfill this obligation. Should the psychological evaluation determine you are "fit-for-duty" and you have any residual or ongoing concerns related to safety at Rancho Seco, Colin Taylor, the Director of Power Generation, will meet with you to discuss your concerns.

Your attorney has questioned whether the District's decision to require a psychological evaluation is justified. I find the decision to place you on paid administrative leave pending the outcome of a psychological evaluation is supported by the facts before me. As set forth above, the decision was based on behavioral observations by your supervisors, complaints by co-workers, and an assessment completed by the Security Department. The decision is consistent with the Access Screening Requirements in RSAP -1003 which, among other things, require supervisors to observe personnel for behavioral traits and patterns that reflect adversely on their trustworthiness or reliability.¹ The determination of aberrant behavior rests with the employee's supervisor.² If the District observes or suspects aberrant behavior, the District may suspend access until such time as a determination to reinstate or permanently deny access is made.³

You and your attorney have asserted that the District may require a clinical evaluation only if the results of the Minnesota Multiphasic Personality Index (MMPI) fall outside established norms. Based on the facts before me, I find that in determining whether a clinical interview is necessary, the District must consider all available information,

¹ RSAP-1003, sections 6.15.1 - 6.15.3.4.

² RSAP-1003, section 4.1.

³ RSAP-1003, section 6.14.7.1.

including, but not limited to, the observations of supervisors, complaints lodged by co-workers, the Security Department's assessment, and the results of the MMPI. Moreover, in reaching a recommendation on whether a clinical evaluation is necessary, the District's psychologist should consider not only the results of the MMPI but any other relevant information. This determination is consistent with the Access Screening Requirements set forth in RSAP-1003 and 10 CFR 75.56(b)(2)-(3).

In the instant case, the District's psychologist, Dr. Kirshnet, opined that the results of the MMPI were inconclusive and recommended further evaluation by a mental health professional. Under section 6.9.2.3 of the Access Screening Requirements, if the results of the MMPI are inconclusive, a clinical interview must be conducted. Finally, I find this issue to be moot because, on two occasions (your October 20, 1998, letter and during the Skelly hearing), you agreed to submit to a clinical evaluation even if the MMPI indices are within normal parameters.

My decision to rescind your termination is predicated upon your written agreement to satisfy all of the following conditions:

1. At a time and place determined by the District, you agree to submit to a clinical evaluation conducted by a psychologist designated by the District to determine whether you are "fit-for-duty." The psychological evaluation will determine whether you are stable, reliable, and sufficiently trustworthy to work at a nuclear power plant as a Senior Electrical Engineer.⁴ The evaluation will include an assessment as to whether aberrant behavior is evident, a security hazard exists, or you pose a threat to other District personnel.⁵ Upon issuance of the report by the psychologist, the results of the MMPI will be released to you. You will remain on paid administrative leave pending the outcome of the clinical evaluation.
2. Your attorney and the District's attorney will prepare a joint letter of instruction to the District's psychologist memorializing item 1 above and will jointly draft a disclosure authorizing the District's psychologist to disclose information to the District consistent with Civil Code section 56.10(c)(8)(B). The disclosure will set forth the text of 56.10(c)(8)(B) and will limit released information to (i) a determination of whether or not you are "fit-for-duty" and (ii) a description of any functional limitations which might limit your fitness to perform your job duties.
3. If the District's psychologist determines you are "fit-for-duty," you will be allowed to return to work at the Rancho Seco nuclear power plant. Your

⁴ See RSAP-1003, section 6.9.2.4.

⁵ See RSAP-1003, section 6.14.7.3.

return to work and work assignment will take into consideration any functional limitations identified and described by the District's psychologist.

- 4. If you return to work, you agree to participate in facilitated meetings with your supervisors and/or co-workers to improve organizational relationships and communication skills. In addition, you agree to attend and participate in any classes or workshops designed to improve communication skills, interpersonal skills, stress management, or anger management. The number and frequency of the facilitated meetings or classes shall be determined by the District.
- 5. If you return to work, you agree to be placed on a six month performance plan during which you must demonstrate both improved interpersonal skills and the ability to successfully communicate and work with your supervisors and co-workers. In addition, you must demonstrate both a willingness and follow through in the preparation of PDQs when appropriate. You understand that failure to successfully complete the six month performance plan may be cause for termination under section 12162 of the MUD Act.⁶

If you agree to the conditions set forth in this letter, please indicate your acceptance in writing no later than 5:00 p.m., PST, November 6, 1998. You will remain on paid administrative leave pending your decision.

Sincerely,



JAN SCHORI
GENERAL MANAGER

Attachments

- cc: Steve Redeker
- Arlen Orchard
- Timothy Talbot, Esq.
- Personnel File

⁶ Public Utilities Code section 11501 et seq.

5

TO: Jim Saum

DATE: September 2, 1998
MPC&D 98-136

FROM: Steve Redeker



SUBJECT: **RESPONSE TO MEMO MNTS 98-63 AND NUCLEAR REGULATORY
COMMISSION REPORTING REQUIREMENTS**

The purpose of this memo is to respond to your memo MNTS 98-63 and to remind you of your obligation to report violations of NRC rules or the terms of the Rancho Seco license or other matters as required by plant procedures and NRC regulations. I am sending you this memo because of the high significance of an issue you raised in your memo. You stated that during the last three years you have avoided writing PDQ's or problem statements. You characterized your actions as a "silent approach".

You are required by Rancho Seco procedures, including RSAP 1308, "Potential Deviation From Quality" to report deviations by writing PDQ's. Failure to write a PDQ is a violation of a plant procedure. Failure to follow plant procedures can constitute violation of NRC rules or the terms of the Rancho Seco license. Intentional failure to report per plant procedures would be a violation of NRC regulations, 50.5 "Deliberate Misconduct".

Failure to report in accordance with NRC rules could subject you to NRC enforcement action. Failure to report in accordance with plant procedures could subject you to disciplinary action up to and including termination.

Your letter is currently under review and the District will prepare a more detailed response.

LB

SACRAMENTO MUNICIPAL UTILITY DISTRICT

OFFICE MEMORANDUM

TO: Jim Saum

DATE: March 8, 1999
MPC&D 99-033

FROM: 
Steve Redeker

SUBJECT: **REPORTING REQUIREMENTS**

I became aware on February 24, 1999, (in a conversation with Mr. Dale Flowers, facilitator) that you believe that I may terminate your employment if you reported issues directly to the NRC and not to SMUD. Dale said that this belief is based on remarks I made during our meetings on January 13 and 14, 1999. I met with you on March 1, and assured you that there would be no termination or retaliation for reporting to the NRC and that my January remarks were not intended to imply termination or retaliation. This memo is a follow up to the January and March meetings and is intended to give your further assurance and my commitment that no adverse action will be taken, or was ever contemplated, for anyone reporting directly and only to the NRC. In addition, please note that only the General Manager has the authority to terminate employment and then only in accordance with the California Municipal Utility District Act.

This is a concluding summary of my remarks to you during our meetings on January 13 and 14, 1999, regarding the requirements and avenues to report violations or safety concerns in accordance with NRC regulations and Rancho Seco procedures. The Reporting of violations and safety concerns via the PDQ process is a cornerstone of the Rancho Seco corrective action program. It allows the District to take immediate action to assure that operations are conducted in a manner consistent with NRC regulations and our procedures so that the site activities are conducted safely. District management encourages personnel to report and strives to maintain an atmosphere in which personnel may report without fear of repercussions. Reprisal either by management or other workers, for reporting is intolerable. We recognize however that if someone feels that he can not report to the District, the individual may report only to the NRC, directly and confidentially, also without any repercussions or consequences. I emphasized that reporting first in accordance with our PDQ procedures was highly desirable and that reporting only to the NRC, and not to the District, should be carefully considered as it is not the most effective nor timely manner to assure safe operation at Rancho Seco. The NRC recognizes this and encourages individuals to raise their concerns with the licensee (the District) because the District has the primary responsibility for, and is most able to ensure safe operation of the facility.

As outlined above, it would not be in the best interests of safe nuclear facility operation to report to the NRC without a compelling need. To this end, my remarks to you were intended to encourage you to report to the District while not prohibiting, nor implying any reprisal for, reporting to the NRC without reporting to the District.

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X Thank you for sharing in the January meetings that you are reluctant to report to the District for fear of reprisal from management or co-workers. I will continue to work actively to assure that there is no reprisal, either from District management, or from co-workers, as a result of your reporting either to the District or to the NRC. To reinforce and encourage an atmosphere which is open to reporting, on January 20, 1999 I met with site supervisors, including contractors, to emphasize their responsibilities in this area as well as their responsibility to assure that co-workers do no retaliate for anyone reporting. Additionally I issued a memo to all site personnel, MPC&D 99-008 on January 20 (revised on March 1 by MPC&D 99-034) and reviewed the topic at an all hands meeting (including contractors) on March 2. I desire to maintain an atmosphere in which you feel free to report to the District and, if needed, to the NRC. In this I believe we share a common goal.

Reporting safety concerns is vital. You are reminded that the NRC maintains confidentiality for reports it receives, and does accept anonymous reports, thus you should not be reluctant to report to them and I encourage you to report to them if needed. I am aware of no instances when the NRC has not maintained confidentiality, except when responding to media inquiries after the reporting individual has previously publicly disclosed the concerns. I also encourage you to call the NRC directly and discuss their provisions to assure confidentiality. Mr. Russ Wise, Region IV NRC Allegation Coordinator (phone 817-860-8100, the Region IV main line, and ask for Mr. Wise) could answer your questions or be able to refer you to others within the NRC. You could also contact the NRC toll free as noted in the attached NRC document which provides information about their reporting provisions and confidentiality. Note that this document was attached to my January 20, 1999 memo to all Rancho Seco staff.

I arranged the March 1 meeting with you to clear up any miscommunication or misunderstandings there may have been regarding my intent not to retaliate nor recommend termination related to you, or anyone, reporting to the NRC. You declined to discuss the matter. If you will not discuss your concerns it will be very difficult to address them. I requested on March 1 that you inform me of a forum in which you would be willing to discuss the issue, such as including Dale Flowers (as facilitator) in the discussion. Additionally, you may meet with Jerry Delezenski, Superintendent Quality Assurance and Licensing, Colin Taylor, Director Power Generation, or with Dick Ferreira, AGM Energy Supply and Chief Engineer. (Note that per RSAP 101 Attachment 1, for QA issues, such as these, the QA Superintendent reports directly to the Director Power Generation and not to me). This is an important issue which requires your cooperation to be able to effectively resolve. I desire to address your concern regarding this matter and thus request that by March 11 you inform me of an appropriate meeting setting in which we may discuss it.

cc: Colin Taylor

Allegations Program

Frequently Asked Questions (FAQs)

1. Can I raise nuclear safety concerns directly to the NRC?

Yes, workers have the option of reporting nuclear safety concerns directly to the NRC *<click here <http://www.nrc.gov/NRC/PUBLIC/Allegation/br0240r1.html> for additional details>*. However, the NRC encourages employees to raise concerns to their employers because the employer has the primary responsibility for ensuring safe operations and is in the best position to address concerns directly and promptly. *<Click here <http://www.nrc.gov/NRC/PUBLIC/Allegation/br0240r1.html> for additional details.>*

2. How do I contact the NRC to report a nuclear safety concern?

You may contact any NRC employee, including a resident inspector, or call the NRC's toll-free Safety Hotline, 1-800-695-7403. *<Click here <http://www.nrc.gov/NRC/PUBLIC/Allegation/br0240r1.html> for additional details.>*

3. What kinds of issues can the NRC address?

The NRC will address all nuclear safety or regulatory concerns involving NRC regulated facilities and licensed nuclear material. *<Click here <http://www.nrc.gov/NRC/PUBLIC/Allegation/br0240r1.html> for additional details.>*

4. What kinds of issues can the NRC not address?

The NRC cannot address concerns that are outside of the NRC's regulatory purview. The following is a sample of some of the subject areas that are outside of the NRC's regulatory purview. *<Click here <http://www.nrc.gov/NRC/PUBLIC/Allegation/br0240r1.html> for additional details:>*

- utility rates
- non-radiological industrial and occupational safety issues
- pay issues (not related to raising nuclear safety issues)
- work performance issues (not related to raising nuclear safety issues)
- disposal of non-nuclear waste
- control of exempt quantities of licensed material
- x-ray machines, fluoroscopy, accelerator produced isotopes
- issues regulated by other government agencies, EEOC, DOE

5. What if my concerns are not under the jurisdiction of the NRC?

harassment, intimidation, or discrimination against you for raising NRC-related safety or regulatory concerns are against the law. <Click here <http://www.nrc.gov/NRC/PUBLIC/Allegation/br02-40r1.html> for additional details.> The NRC will investigate some discrimination complaints, and if proven, take appropriate enforcement action against the facility. However, the NRC does not have the authority to obtain a personal remedy for a person who has been discriminated against. If a personal remedy is desired (e.g., job reinstatement, back pay, payment of legal fees), the U. S. Department of Labor, Occupational Safety and Health Administration (DOL/OSHA) is the federal agency that should be contacted. If you wish to pursue a personal remedy, a discrimination complaint must be filed in writing with the appropriate DOL/OSHA regional office, within 180 days of the alleged discriminatory action. There are DOL/OSHA regional offices in Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco, and Seattle. The NRC's Allegation Coordinators can provide you with addresses and telephone numbers for these offices or you may be able to find them in your telephone book. If either the NRC or DOL investigate your discrimination complaint, your identity and the fact that you filed a complaint will be disclosed to your employer.

10. Can the NRC provide medical advice?

No, the NRC cannot provide medical advice. If you feel that you have received excessive exposure to radiation and are experiencing medical symptoms, you should consult a physician immediately. The NRC can evaluate the circumstances that may have caused the radiation exposure and where appropriate, take enforcement action against the facility involved.

11. What if I have a concern about the performance of the NRC in general or NRC employees in particular?

The NRC Office of the Inspector General (IG) conducts audits of NRC programs and operations, and investigations of alleged misconduct on the part of NRC employees and contractors. If you have concerns in this area, you may contact the IG directly at 1-800-233-3497. If you have concerns about the performance of NRC employees that you do not consider misconduct, you should contact the responsible office or regional management.

12. What if I am concerned about the environment for raising concerns at a particular NRC licensed facility?

The NRC encourages the facilities it licenses to establish a work environment in which employees feel free to raise safety concerns without fear of retaliation. <Click here <http://www.nrc.gov/NRC/PUBLIC/Allegation/br02-40r1.html> for additional details.> Problems in this area can be difficult to evaluate since they may be subtle and not overtly discriminatory. Examples may include procedures or supervisors which complicate or discourage problem reporting, or incentive policies which encourage less reporting of problems. The NRC refers to these types of situations as having a potential "chilling effect" in that they may infringe upon a worker's ability to raise safety concerns to their employer or to the NRC. The NRC will evaluate concerns regarding chilling effect on a case-by-case basis.

13. Will the NRC notify my employer of my concerns?

No, it is NRC's policy to not notify employers of the receipt of concerns. However, because

licensees are in the best position to investigate and resolve concerns, it is NRC policy to refer as many concerns as possible to the affected NRC licensed facility. In such cases, the NRC will try to inform you of the intent to refer your concerns to your employer, in advance of the referral, and give you an opportunity to indicate whether this approach to resolution is of concern to you. Names and any other personal identifying information will be excluded from the information that is referred. Historically, the NRC has referred about 15 percent of the concerns received to licensees for investigation and resolution and the other 85 percent have been reviewed by the NRC staff.

14. What if I have additional questions about the NRC allegation process, or if I want to obtain data about the allegations that are received by the NRC?

If you have questions concerning the allegation process, you can reach the NRC's Allegation Coordinators by calling the Safety Hotline, 1-800-695-7403. The NRC's Agency Allegation Advisor (AAA) oversees the integrity and implementation of the NRC allegation process. If you are dissatisfied with the allegation process or answers provided by the Allegation Coordinators, you can contact the AAA by calling 1-800-368-5642.

Data on allegations received by the NRC are posted on this web page. If you have any questions concerning the data, you should contact the AAA.

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Office Memo



To: The Rancho Seco Staff

Date: January 20, 1999

MPC&D 99-008

From: Steve Redeker

Subject: Raising Safety Concerns

I would like to take the opportunity to again emphasize the importance and requirement for everyone to report safety concerns. We cannot correct problems if we are not aware of them; thus we depend heavily on those closest to the work to identify areas where we can improve. Additionally, reporting is required by NRC regulation and SMUD procedures. I believe we have enjoyed a positive relationship between management and staff regarding the openness of raising safety issues; however, we can never let our guard down in this important area and should always strive for improvement.

Several months ago, our Quality organization began an important audit on this subject. The consultant conducting the audit will have his report out shortly. At that time I will share the results with you. Preliminary results of the audit indicate we have an open atmosphere for reporting safety concerns. I intend to keep it that way.

An open and free atmosphere for reporting depends on everyone responding to those concerns in a positive manner. Everyone includes management, supervision, affected work groups and each individual. An open atmosphere is also the law. It is a violation of NRC regulations to harass, intimidate or discriminate against someone for raising NRC-related safety or regulatory concerns. Any such behavior is unacceptable at Rancho Seco. It is understandable that all parties may not agree on a particular issue; however, we must take the concern through the system in a positive, cooperative problem-solving manner. Our corrective action program will properly resolve the issue.

At Rancho Seco, we have several means to raise safety concerns. In the industrial safety area, your supervisor and manager are your primary means to resolve your concerns. Also, you have the Rancho Seco Safety Committee. Your fellow workers represent you at the regular monthly committee meetings.

In the nuclear safety area, we have the PDQ process. Our corrective action process encourages you to report concerns. **When in doubt, write a PDQ.**

X Should you still feel that management is not addressing your concerns, you can contact the NRC. I have attached an informative article from the NRC web site

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that should answer most of your questions regarding the NRC allegation program. Please read it to understand your rights and obligations.

I encourage you to continue to be vigilant and positive regarding reporting and resolving safety issues. This vigilance will help us all to ensure a safe and healthy work environment at Rancho Seco.

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Allegations Program

Frequently Asked Questions (FAQs)

1. Can I raise nuclear safety concerns directly to the NRC?

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3. What kinds of issues can the NRC address?

The NRC will address all nuclear safety or regulatory concerns involving NRC regulated facilities and licensed nuclear material. *<Click here <http://www.nrc.gov/NRC/PUBLIC/Allegation/br0240r1.html> for additional details.>*

4. What kinds of issues can the NRC not address?

The NRC cannot address concerns that are outside of the NRC's regulatory purview. The following is a sample of some of the subject areas that are outside of the NRC's regulatory purview. *<Click here <http://www.nrc.gov/NRC/PUBLIC/Allegation/br0240r1.html> for additional details>*:

- utility rates
- non-radiological industrial and occupational safety issues
- pay issues (not related to raising nuclear safety issues)
- work performance issues (not related to raising nuclear safety issues)
- disposal of non-nuclear waste
- control of exempt quantities of licensed material
- x-ray machines, fluoroscopy, accelerator produced isotopes
- issues regulated by other government agencies, EEOC, DOE

5. What if my concerns are not under the jurisdiction of the NRC?

Concerns outside the NRC's jurisdiction will be forwarded to the appropriate Federal or State agency along with information on how to contact you. You will be notified of this referral action and provided with a point of contact at the appropriate agency.

Concerns related to the performance of an Agreement State or an Agreement State licensee must be referred by the NRC to the Agreement State for resolution since the state has regulatory jurisdiction over these matters. Agreement States are states that have been given the authority by the NRC to regulate the use of radioactive material in the state (except for commercial power operation). If you want to deal directly with Agreement State personnel, the NRC can provide you with a point of contact at the state agency or refer your concerns to the state. If you do not want your name provided to the Agreement State, the NRC will refer your concern to the Agreement State without your name, and supply you with a copy of the Agreement State's response. <Click here <http://www.nrc.gov/NRC/PUBLIC/Allegation/br0240r1.html> for additional details.>

6. If I raise a concern to the NRC, do I have to provide my name?

No, individuals raising concerns to the NRC are not required to provide their name. The NRC performs the same type of review regardless of whether you provide your name. However, we prefer to have your name, address, and telephone number so that we can contact you to obtain additional information that may be required to properly conduct a review of your concern(s). In addition, providing your name and contact information will allow the NRC to provide you with our findings on how each concern was reviewed and addressed. The NRC provides identity protection to individuals who report nuclear safety concerns and has provisions for granting confidentiality. <Click here <http://www.nrc.gov/NRC/PUBLIC/Allegation/br0240r1.html> for additional details.>

7. What if I don't want my identity protected?

It is NRC policy to protect the identities of individuals who report nuclear safety concerns. If resolution of a concern does not require disclosure of an individual's identity, his or her identity will not normally be disclosed. However, if you publically disclose you submitted concerns to the NRC, e.g., discuss your concerns with a news reporter, the NRC may disclose your identity and the concerns you submitted in responding to requests for information concerning NRC's actions to resolve your concerns. <Click here <http://www.nrc.gov/NRC/PUBLIC/Allegation/br0240r1.html> for additional details.>

8. How specific should I be in the concern(s) that I raise to the NRC?

You should provide as much specific information as possible for each concern you raise. <Click here <http://www.nrc.gov/NRC/PUBLIC/Allegation/br0240r1.html> for additional details.> The more specific the information, the better the NRC will be able to focus its review effort. Concerns should not be too general or broad-based and they should be raised as soon after the event or occurrence as possible. Remember, the older an issue is, the more difficult it becomes to retrieve related documentation, or for people familiar with the issue to remember specific circumstances.

9. What if I am being harassed, intimidated, or discriminated against for raising a safety concern?

If you are an employee, contractor, or subcontractor of a facility licensed by the NRC, acts of

licensees are in the best position to investigate and resolve concerns, it is NRC policy to refer as many concerns as possible to the affected NRC licensed facility. In such cases, the NRC will try to inform you of the intent to refer your concerns to your employer, in advance of the referral, and give you an opportunity to indicate whether this approach to resolution is of concern to you. Names and any other personal identifying information will be excluded from the information that is referred. Historically, the NRC has referred about 15 percent of the concerns received to licensees for investigation and resolution and the other 85 percent have been reviewed by the NRC staff.

14. What if I have additional questions about the NRC allegation process, or if I want to obtain data about the allegations that are received by the NRC?

If you have questions concerning the allegation process, you can reach the NRC's Allegation Coordinators by calling the Safety Hotline, 1-800-695-7403. The NRC's Agency Allegation Advisor (AAA) oversees the integrity and implementation of the NRC allegation process. If you are dissatisfied with the allegation process or answers provided by the Allegation Coordinators, you can contact the AAA by calling 1-800-368-5642.

Data on allegations received by the NRC are posted on this web page. If you have any questions concerning the data, you should contact the AAA.

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SACRAMENTO MUNICIPAL UTILITY DISTRICT

OFFICE MEMORANDUM

TO: Rancho Seco Staff

DATE: March 1, 1999
MPC&D 99-034

FROM: 
Steve Redeker

SUBJECT: RAISING SAFETY CONCERNS

Attached is a revision to my January 20, 1999 memo regarding Raising Safety Concerns. The revision clarifies your rights and avenues for reporting nuclear issues to SMUD and the NRC.

My previous memo could be incorrectly interpreted to mean that you must first report issues to SMUD, and only then to the NRC. As explained in the attachment to the original memo, you may report directly and only to the NRC without reprisal or consequences from SMUD.

The site safety survey conducted by an outside consultant late last year is in final preparation and I expect the results and recommendations to be issued within a week or two. When issued, the results will be shared with you.

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SACRAMENTO MUNICIPAL UTILITY DISTRICT

OFFICE MEMORANDUM

TO: The Rancho Seco Staff

DATE: March 1, 1999
MPC&D 99-008
Revision 1



FROM: Steve Redeker

SUBJECT: RAISING SAFETY CONCERNS

I would like to take the opportunity to again emphasize the importance and requirement for everyone to report safety concerns. We cannot correct problems if we are not aware of them; thus we depend heavily on those closest to the work to identify areas where we can improve. Additionally, reporting is required by NRC regulation and SMUD procedures. I believe we have enjoyed a positive relationship between management and staff regarding the openness of raising safety issues; however, we can never let our guard down in this important area and should always strive for improvement.

An open and free atmosphere for reporting depends on everyone responding to those concerns in a positive manner. Everyone includes the management, supervision, affected work groups and each individual. An open atmosphere is also the law. It is a violation of NRC regulations to harass, intimidate or discriminate against someone for raising NRC-related safety or regulatory concerns via any means, including directly or only to the NRC. Any such behavior is unacceptable at Rancho Seco. It is understandable that all parties may not agree on a particular issue; however, we must take the concern through the system in a positive, cooperative problem-solving manner. Our corrective action program will properly resolve the issue.

At Rancho Seco, we have several means to raise safety concerns. In the industrial safety area, your supervisor and manager are your primary means to resolve your concerns. Also, you have the Rancho Seco Safety Committee. Your fellow workers represent you at the regular monthly committee meetings.

In the nuclear safety area, we have the PDQ process. I encourage you to report concerns. When in doubt, write a PDQ. If you fear reprisal for writing a PCQ, then report it to Quality Assurance or to Supervision. You may report anywhere in the chain up to the General Manager; however, you are encouraged to report at lower levels. The important thing is to report the issue so it can be resolved. You may contact the NRC directly and not report to the District, for example if you feel that management is not addressing your concerns or if you fear reprisal. I have attached an informative article from the NRC web site that should answer most of your questions regarding the NRC allegation program. Please read it to understand your rights and obligations.

I encourage you to continue to be vigilant and positive regarding reporting and resolving safety issues. This vigilance will help us all to ensure a safe and healthy work environment at Rancho Seco.

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**SACRAMENTO MUNICIPAL UTILITY DISTRICT
INTEROFFICE MEMORANDUM**

⑦

TO: Jim Field

DATE: 8/17/98

FROM: Jim Saum *JS*

MNTS: 98-066

SUBJECT: EWT TRUE UP

1.0 CCTS 52145; Sheriff's Radio Mod.

On 3/5/97, at our weekly status meeting, I informed you of a problem with construction staff making design changes without FPRs or DCNs. Examples given were DCP 96-002 (Sheriff Radio Mod) whereby installation was not per the DCNs and DCP 94-002 (PICS Mod) whereby cables were changed without an FPR (e.g., DCN E-518 sh2). You said you'd have D. Jones write a PDQ.

On 3/11/97, at our weekly status meeting, I again asked what to do about the Sheriff Radio Mod. You replied that you had not confronted D. Jones yet to write a PDQ.

On 3/31/97, at our weekly status meeting, I again asked about the status of the Sheriff Radio Mod problem of design changes with out FPR's. You replied no progress in writing PDQ.

On 5/20/97, at our weekly status meeting , I again asked about status of Sheriff Radio problem and if a PDQ had been written. You replied no progress in writing PDQ.

On 7/30/97, at our weekly status meeting , I again asked about status of Sheriff Radio/PICS problem and if a PDQ had been written. You replied that you are still working with D. Jones on writing PDQ.

On 8/18/97, at our weekly status meeting, I stated that this CTS item was now overdue. The Sheriffs Radio Mod is pending resolution of design changes without FPRs .No direction was given.

On 9/18/97, I had to write a CTS extension for this item.

As communicated above, I can not close DCP 96-002 or CTS item because of this problem. Please advise.

2.0 Log # 27241, 27236, 27235, 27234, 27178, BNNLs for SP450D, E.F and SP.530 . Bob Fraser has these procedures checked out for PICS. I discussed this with Bob and he suggested I transfer them to him.

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Request these items be reassigned to Bob Fraser.

Attached please find a mark up of my recent EWT with evidence that items have been completed. Please have my EWT updated accordingly. If you need clarification or have questions please notify me in writing to avoid any possibility of a miscommunication. I do not wish to be falsely criticized for poor communications, for not completing my tasks or otherwise. Thank you.

with attachments

cc: RIC

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DATE: 1/12/94

TO: Jim Shetler

FROM: Jim Saum

SUBJECT: RESPONSE TO MY PERFORMANCE EVALUATION

This is an appeal to my last performance evaluation. As demonstrated by your excellent leadership as Deputy AGM Nuclear, I have gained a respect for your judgement, opened mindedness, and fairness.

I sincerely believe my past evaluation to have been inaccurate and unfair. I have over ten years of successful service to the District as demonstrated by my past performance evaluations. I have never recieved a negative evaluation before now. This is my first evaluation from my current supervisor, Jim Field. I believe this negative evaluation is a result of poor supervision, bias, and a mutual personality conflict.

Each person should be held accountable for their actions and I will do so in this itemized response. I take pride in my work and accomplishments. I put the District's rate payers and the public's health and safety foremost in my mind and actions.

IN RESPONSE I WILL PROVE THE FOLLOWING:

- 1) Jim Field did not follow the INSTRUCTIONS FOR THE RATER at the top of the evaluation form. This evaluation was based on heresay complaints and is a result of a personality conflict. Jim Field has demonstrated a bias towards me since our initial encounter. He has refused to be specific, as I requested throughout the year. Specificity is required by the evaluation process and in fairness.
- 2) In my response, each of his negative criticisms will be refuted by documented evidence and testimony to be invalid and unsubstantiated.

Estabon Nava, Tom Tucker, Dennis Gardiner, and Richard Mannheimer's testimony is that I am supportive, work well with others, and that I'm rightfully "inflexible". If necessary I can obtain many others to attest to this including Maintenance personnel.

I admit I am inflexible to proceed with something I know to be a procedural violation, is adverse to safety, or will result in regulatory non-compliance. I believe my past performance clearly demonstrates this. However, I believe I

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SAUM

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should be commended not punished for such actions. I believe such efforts will eventually be seen as contribution to Rancho Seco not a hinderance.

Please refer to the attached performance evaluation (attachment 2)

1.0 QUALITY

Jim Field acknowledges my efforts to be accurate and my ability to research and follow procedures.

Response:

I believe my efforts in this area warrant the next higher rating of "Work is consistently high quality, with few errors, and exceeds standards."

2.0 PRODUCTIVITY

Jim Field states that my "inflexibility impedes my productivity".

I am very inflexible about non-adherence to procedures or putting schedule ahead of quality. I take pride in my work and will not intentionally sign or produce anything that I know has adverse implications especially now their is criminal liability consequences per 10 CFR 50.5. Jim Field has continually intimidated me into issuing and signing for work I know to be technically incorrect or is a procedure violation.

3.0 LEARNING ABILITY

Jim Field states, " Jim has strong opinions on how work that he is involved in should be done. He is resistant to other acceptable approaches. Examples in which this inflexibility has caused problems are downgrading abandoned plant systems to QA Class 4, revising SP 482 to make it more user friendly and fully evaluating options for an ISFSI Security System. In the first two examples, the work had to be re-assigned to another engineer in order to complete work in support of other site groups."

RESPONSE:

3.1 Inflexible with regard to going forward with 50.59 Determinations for Global QA Class 4 changes.

Was I inflexible to not process a 50.59 when a PDQ which outlined the problems and solutions described in my Memo to Jim Field on the Asset Recovery Program were later deemed necessary by the

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CMRG.?

Was it proper for Jim Field to demand that I proceed with a 50.59 when necessary administrative controls were not yet in place?

Richard Mannheimer of Licensing disagrees as clearly stated in his memo dated 12/28/93 (attachment 3).

Jim Field states in ITEM 1 that I do accurate research. However, when presented with the results of such research which may impede schedule, he chose to ignore the recommendations made to correct the situation. I was all too willing to implement the recommendations made in my memo to resolve these programmatic problems. I suggest the work would have been completed a lot sooner if I had been allowed to do so.

3.2 Inflexible with regard to revising SP 482

Was I inflexible to not be willing to revise SP 482 per Jim Field's and the CMRG's direction when I knew and can prove that it is technically incorrect?

This incorrect direction was based on misinformation given by the Maintenance Department staff who Jim Field relied on more than his own staff senior engineer.

On 10/20/93, PDQ 93-067 was written by Chuck Linguist and Harold Humphrey of the Maintenance Department regarding Plant Liquid Effluent Flow Recorder FR-95108 and the associated calibration procedure SP-482.

I realized upon reading the PDQ that it had been written with a misunderstanding of SP 482 in that it was erroneously stated that "adjusting FR-95108 on SP 482 would cause it to fail SP 524 on the next quarterly run". This fact was later proved in the disposition of DQ 93-067 (attachment 4).

On 10/25/93, I called a meeting with Tom Robison and Chuck Linguist to discuss this PDQ. I attempted to communicate that the adjustment would not result in SP 524 failing on the next quarterly run but Chuck and Tom refused to even listen. I, however, listened to his problem with the measuring techniques and as result agreed to buy an electronic counter to assist them in future measurements. I also listened to his recommended revision to SP 482 which I realized would result in an unbounded condition. I pointed out that calibrating to the actual flow determined by means of the flow traverse was necessary since the flume was in a critical submerged condition. Chuck gave me a copy of his mark up of SP 482 (attachment 5).

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Proof that Chuck Linquist's proposed change to SP 482 and SP 524 was technically incorrect:

Upon review of Chuck's mark up, I confirmed his procedure revision recommendations were technically incorrect in that he suggested calibrating to the theoretical level vs indicated flow relationship instead of the actual to indicated flow relationship. This method would not correct the unconservative error introduced by a condition of the flume called critical submergence. The theoretical relationship between level of water in the flume and the indicated flow does not include the affect of critical submergence. Therefore, it is necessary to determine the actual flow in the flume by the ASTM velocity area method (i.e., a flow traverse of the flume using a NBS traceable flow meter). Calibration to actual flow corrects for the error introduced by submergence. Maintenance did not realize this fact. They falsely assumed that it was not submerged since they were supposed to have been verifying this per a PM requirement. The PM required to verify a standing wave characteristic which is indicative of a non submerged condition. However, this standing wave characteristic has never been observed, even after the rework to alleviate the submerged condition back in 1988. The flume has always been submerged. **How then has it been passing this PM for these last years?**

Chuck Linquist's markup of SP 482 and SP 524 which he stated in his PDQ as being required to correct the described problem in DQ 93-0067 was technically incorrect and had the potential to underestimate the dose received to the public again. Chuck's position became accepted by Harold Humphrey, Tom Robison, and Jim Field. Harold Humphrey and Jim Field later convinced Steve Redeker and the CMRG to make these changes inspite of my adamant efforts to convince them otherwise. They claimed it would make the procedures more "user friendly".

I admit I was inflexible in allowing this change which I knew to be technically incorrect and had potential adverse Nuclear Safety consequences.

On 10/27/93, I advised Jim Field that the proposed disposition by maintenance as directed by the CMRG and himself would have resulted in an unbounded condition resulting in instrument inaccuracies in excess of those reported in the Semi-annual reports. After repeated efforts to convince him I became frustrated and said I was obliged to satisfy his direction and prepared the disposition (attachment 17). After completing the disposition incorporating his comments and getting his acceptance of the disposition, I asked him if he would sign the disposition since I technically disagreed with it. He became outraged and said, " What do I have to do to make you sign this" in a very

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intimidating manner. At this point I was in a catch 22 situation where if I signed I would be technically wrong with regulatory non-compliance consequences and if I didn't my supervisor would claim I was not following directions. To solve this dilemma I added a note to the disposition which said this disposition is per the CMRG's direction and then signed. This disposition, by the way, was not approved as discussed below.

The CMRG and Jim Field should not have dictated a disposition based on a casual technical discussion at a CMRG meeting whose purpose is to decide simply whether or not the issue is a PDQ or DQ . This circumvents the DQ process which normally would allow a careful independent technical evaluation of the problem. It precluded proper communication and technical review.

Again, I admit I was inflexible in allowing this change which would have made this procedure more user friendly but which I knew to be technically incorrect and had potential adverse Nuclear Safety consequences.

On 11/1/93, Jim Field went on a business trip leaving Ron Lawrence in charge. Early that morning Ron had asked me if I was ready to present my disposition to the CMRG at 10:00 . I told him I had a prepared disposition as directed but disagreed with it. Ron then allowed me to present my disposition. I had Bob Fraser co-sign fearing reprisals from Jim Field. This DQ 93-0067 disposition was readily accepted by the CMRG (Note: Ron Lawrence made the motion to accept).

For the next 2 weeks I diligently pursued implementing the disposition which included designing, building and calibrating an electronic counter and revising SP 482 to allow usage of this test equipment.

On 11/15/93, SP 482 was ready to be re-performed per the DQ disposition. Jim Field and Jeff Roberts had approved SP.482 which I had recently revised (attachment 6). Then, surprisingly, Jim Field told me to hold the procedure for further revision. I wrote down his instructions for the procedure change (Attachment 7). I communicated my technical objections to the proposal to Jim Field to no avail. It was apparent that Jim Field could not understand these technical arguments due to his lack of knowledge in the I&C area. For example, he erroneously described his proposed change as a one point calibration. I incorporated his comments and submitted his proposed procedure change for review (attachment 8). I then implored him into allowing me to present his draft procedure to maintenance since I knew the proposed change was not good. He agreed to allow me to meet with maintenance. This was the first time I was able and allowed to communicate with maintenance directly about SP.482 problems.

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On 11/17/93, I met with T. Robison, C. Linguist, and D. Wiles to discuss the proposed change. The group agreed unanimously that Jim Field's proposed change was a bad idea.

Also on 11/17/93, to my puzzlement, D. Wiles informed me that Ron Lawrence had been involved in the PM a few days earlier to verify that a standing wave condition existed at the flume. I thought it was appropriate that I should have been involved in this effort.

On 11/18/93, Jim Field informed me he had secretly directed Ron Lawrence to revise SP 482 . He said he was concerned I would not have completed the task. He also admitted for the first time that my disposition made weeks earlier was correct.

I was assigned to review Ron Lawrence's revision to SP 482. I objectively reviewed it for technical correctness and found it to be a valid means of calibrating the instrument. In fact, I found it to be an improvement to the procedure since it resulted in better instrument accuracy and told Ron and Jim Field this. However, it was nothing like the proposed revision Chuck Linguist or Jim Field had proposed or discussed. It did not change the way the fluctuating level measurement was made that Jim Field said he was concerned with.

I was not inflexible in approving another suggested way of revising the procedure when I found the proposed revision to be technically correct. Jim Field did not properly communicate this to me. Instead, he secretly (i.e., intentionally without my knowledge) had Ron Lawrence prepare the procedure. If Jim Field would have given me the written comments Ron Lawrence had given to him on his proposal and allowed me to evaluate this outline I would have revised the procedure that way.

It must be taken into account what assumptions I was operating on as follows:

- 1) Maintenance's and subsequently Jim Fields proposed procedure changes were technically incorrect as proven above.
- 2) The DQ disposition I prepared was technically correct and was approved by the CMRG.
- 3) For two weeks I was diligently pursuing the implementation of the DQ disposition. The revision I made to SP 482 was fully approved and ready to be performed.
- 4) There was no communication to me of a valid alternate way of calibrating the instrument as proven above.

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3.3 Inflexible in Regard to Evaluating Options for an ISFSI Security System

Around May 5, 1993 Jim Field directed me to arrange for a meeting with Telecommunications, OMS and Headquarters Security to get their support for the ISFSI Security System Project. He had instructed me to design (not study) a system which significantly differed from the direction given by Steve Redeker described in Memo NSN 92-04. This is evident by memo Jim Field to Eric Haemer dated May 5, 1993 (attachment 9).

Jim Field thought it was unnecessary to follow the original design plan to use the Rancho Seco Control Room Alarm Station during the interim when fuel was planned to be transferred to the ISFSI from the Spent Fuel Pool. After the fuel was moved to the ISFSI it was planned to use the Headquarter's Security Central Alarm Station. He instead directed me to design a system which had the Headquarter's Security Central Alarm Station as the first and only alarm station. I advised him of the original plan to use the Control Room CAS and asked if he had the Security Departments approval (i.e., Steve Redeker and Estaban Nava). He said he did, so I proceeded with his direction which thereby required the immediate support from the downtown groups. Upon notifying Estaban Nava of the meeting arrangements for the next day the basic design was discussed and to my dismay Estaban had told me he disagreed with the direction to not use the Control Room CAS and instead use the Headquarter's CAS. I then notified Jim Field of this extremely embarrassing situation, since I planned the whole meeting on the basis that the design would use the Headquarter's Security CAS and thus would immediately require downtown's support. Jim Field, met with Steve Redeker and Estaban Nava and then told me to change my design back to the original plan of using the Control Room. This experience left me with a sense of mistrust of his judgement.

I have since discovered that the cause of this misdirection was a miscommunication between Jim Field and Steve Redeker in that Steve Redeker only gave Jim Field permission to study the option of establishing the Headquarters CAS instead of the Main Control Room Alarm Station.

However, Jim Field did direct me to study the option of using a wireless vs. hardwired data communication link between the ISFSI and the onsite Communications Building. I complied with his request at this meeting by requesting the Telecommunications Group provide a cost benefit analysis. However, I did advise him that Paul Walker of the Telecommunications Department had been contacted earlier after Wayne Hawley suggested a wireless link be provided. On 4/22/93, Paul Walker told me he estimated the cost for a wireless link to be between \$50,000 to \$100,000. He

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concluded that a hardwired link was cost effective. In addition, I spent several days verifying this by contacting various suppliers of microwave links. Additionally, I had downtown estimators estimate the cost of a underground raceway vs. overland raceway. They were not able to do the overland raceway estimate. I still need to evaluate this.

I, however, recommended that the raceway include a power line for an emergency lighting power supply since it would not cost much to provide since the raceway would go to the Communication Building anyway.

EX. 3 SE

I was not inflexible in evaluating various options for the ISFSI. I feel it was very important to consider all reasonable options. I have collected a couple of boxes of vendor literature on all sorts of security equipment in this effort.

It however is evident that Jim Field refuses to take the advice of his ISFSI security design engineer and that of Paul Walker on this issue and was only convinced upon hearing it directly from John Etchamendy (Telecommunications Group Supervisor) at the referenced meeting.

4.0 EMPLOYEE/CUSTOMER RELATIONS

Jim Field states, " I get frequent complaints from others who need to work with Jim. These difficulties seem to stem from his abrupt manner, his lack of respect for the technical opinions of journey level craftsmen, refusal to consider options proposed by others and a tendency to continue to argue his position in a repetitive fashion until others with opinions are worn down and cave in.

I have discussed with Jim the need to better his rapport with others many time throughout the year. Jim has been unable or unwilling to accept that this is a problem area for him. I enlisted a peer supervisor, Dave Brock, who, in my opinion, has an ability to clearly state people's strengths and weaknesses, in hopes that input from another supervisor would make a more convincing and unbiased argument. After 2 or 3 meetings with Jim, Dave was also unable to persuade Jim that his style alienated other site employees.

When I have presented him with specific instances of complaints, Jim immediately has gone to those individuals that I name and confronted them. This has further alienated those involved and has damaged my own relationships with them.

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In reviewing Jim's personnel file several months ago, I found that previous evaluations did not reflect this problem. I contacted two former supervisor and described the problem as I saw it. They both confirmed having the same problem with Jim performance. They both also stated they had verbally counseled Jim, but did not document it on his performance evaluation.

Improvement is necessary in the manner in which Jim deals with change and in Jim's Interactions with co-workers. Continuation of the negative behavior described above will result in "Unacceptable" Performance Evaluations in the future."

RESPONSE

Please refer to Memo from Undersigned to Jim Field Dated 12/23/93 (attachment 11). The supervisors from the Security, Operations, and Radiation Protection Departments have all attested that I have worked well with them and their staff in attaining Plant goals.

This Memo is contrary to the biased findings of Jim Field stated in my evaluation.

It is evident that Jim Field is personally biased against me and is abusing his supervisory position to get retribution for my reluctance to comply with his incorrect directions as discussed in item 3 above. Jim Field's personal bias was made very clear upon my initial introduction to Jim Field in the fall of 1992. At this time Jim Field was acting as supervisor for Jeff Jones who was on vacation but working as a consulting engineer. Upon this occasion, Jim Field made similar criticisms and threatened my job by offering me with a VSP.

I have accounted for, with documented evidence, my inflexibility in Item 3 above. This inflexibility had nothing to do with my respect for the opinions of others. It resulted from my objective review of a written proposal to a procedure and PDQ which I found and later proved by analysis to be incorrect.

On the matter of Jim Field receiving complaints; I have asked him repeatedly for specific instances so that I could account for what I may have done incorrectly and thereby also improve my performance. I also asked the same of Dave Brock. Dave Brock nor Jim Field could give me specifics. This is an unfair practice since I can not account to the complaints.

There is one exception, however, which he even refers to in my evaluation. I will gladly account for this complaint as follows. On the first occasion I asked Jim Field to be specific about a

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complaint, he replied that he had received a complaint from Barney Mc Cauley of OMS. Upon investigation, it was found that the complaint was not directed at me but rather towards Jim Field. Since this embarrassing finding Jim Field has refused to be specific. It was not me confronting Barney that led to Jim Fields "damaged relationship" with them. It was rather Jim Fields poor supervisory skills whereby he perceived OMS as the "clients who were not meeting the security system project schedule" that led to this poor relationship with OMS. It is my opinion that OMS made every reasonable effort to accommodate the Rancho Seco Security Project. Later, I attempted to repair this relationship by preparing Memo from Jim Field to Carol Malugani dated 7/8/93 (attachment 12). However, Jim Field still believes that OMS did not provide their best efforts to comply with our needs as evidence in his "1993 Accomplishments for Tech Services" document (attachment 13). Herein he states that the Security System Project was "Not-so-good... Failure to control outside support groups led to a protracted schedule".

In response to Jim Field contacting two former supervisors of mine who Jim Field claims had a similar evaluation of me but did not document this on my evaluation: This shows an inordinate attempt on Jim Fields behalf to try to document and substantiate his claims in this area. Perhaps it shows Jim Fields sincere desire to help me improve in this area well beyond the efforts made by past supervisors. Or perhaps it is something else? In any case it is unfair to go back and try to establish what should have been on my past evaluations by interviewing my past supervisors. I have accounted to those supervisors as I am attempting to account to Jim Fields. Let my past evaluations stand as they have been reviewed and approved.

NOTE: THE INSTRUCTION FOR RATER STATED AT THE TOP OF THE EVALUATION FORM STATES : EVALUATE THE EMPLOYEE ON YOUR OBSERVATION OF PERFORMANCE NOT HERESAY, POTENTIAL, OR PERSONALITY.

THIS INSTRUCTION WAS NOT FOLLOWED IN THAT THIS EVALUATION IS BASED ON HERESAY AND PERSONALITY CONFLICTS.

5 RELIABILITY

It is inappropriate for Jim Field to comment on something I was not responsible for i.e., for OMS schedule in support of the security project. I simply asked Gary Sprung for schedule updates in response to Jim Field's inquiries on Gary's progress.

SUMMARY:

- 1) Jim Field did not follow the INSTRUCTIONS FOR THE RATER at the top of the evaluation form. This evaluation is based on heresay complaints and is a result of a personality conflict. Jim Field has demonstrated a bias towards me since our initial encounter. He has refused to be specific, as I requested throughout the year. Specificity is required by the evaluation process.
- 2) In my response, each of his negative criticisms has been proven by documented evidence and testimony to be invalid and unsubstantiated.

Estabon Nava, Tom Tucker, Dennis Gardiner, and Richard Mannheimer's testimony that I am supportive, work well with others, and that I'm rightfully "inflexible". If necessary I can obtain many others to attest to this including Maintenance personnel.

I admit I am inflexible to proceed with something I know to be a procedural violation, is adverse to safety, or will result in regulatory non-compliance. I believe my past performance clearly demonstrates this. However, I believe I should be commended not punished for such actions. I believe such efforts will eventually be seen as contribution to Rancho Seco not a hinderance.

ATTACHMENTS

- 1) Performance Evaluation
- 2) Rich Mannheimer's Memo on Global QA 4
- 3) DQ 93-067 Dispo. Mine
- 4) Chuck Linguist's mark up of SP 524 and SP 482
- 5) My rev to SP 482
- 6) Jim Fields instruction on how to revise SP 482
- 7) Jim Field's Mark up of his SP 482 rev.
- 8) Meeting Notice with OMC Telecom on ISFSI
- 9) Memo on ISFSI Regulatory Requirements
- 10) Letter of Appreciation from E Nava, Dennis Gardiner, T Tucker
- 11) Letter of Commendation
- 12) Accomplishments for Tech. Services for 94
- 13) Dictated Dispo. of DQ 93-067 (FR-95108)
- 14) Jim Field's Mark Up of DQ 93-067
- 15) Jim Sketler's Appeal Finding DABm 94-11
dated 4/20/94

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2

EVALUATION PERIOD

FROM
1/1/93

TO
12/31/93

EMPLOYEE'S PERFORMANCE EVALUATION FORM

Employee Name Jim Saum		Social Security No. 68 70	Position I.D. No. 870325-008	Employee No. 8452
Position Title Senior Electrical Engineer	Area 608	Name of Department Technical Services	Supervisor's Position I.D. No. 870325-003	
REASON FOR REPORT [] Probationary [X] Annual [] Merit Review [] Special. Explain _____				
TIME IN POSITION: [] 0-1 Years [] 1-2 Years [X] More Than 2 year			CHECK ONE: [X] Exempt [] Non-Exempt	

INSTRUCTIONS FOR RATER - Please complete this form in ink or have it typed. Evaluate the employee on your observation of performance not heredity, potential, or personality. Rate the employee's performance for the entire review period, not just recent work. Remember the specific job requirements when considering each factor. In each section, check the ONE statement that most nearly describes the employee's performance. Use the "Comments" section to explain your rating, supporting the specific examples. If a different wording in any category will better meet your needs, you may substitute your own phrases as necessary or delete or add individual words. Do not let your evaluation of one factor influence your evaluation in any other factor. To arrive at overall rating, consider the relative importance of each category to this job. After obtaining your supervisor's approval, review your complete evaluation with the employee. Discuss the employee's best performance areas, those in which you can assist the employee to improve, and any goals and objectives to be met in the next reporting period.

1. QUALITY

- Work is usually error-free and meets the established standard for the job.
- Work is consistently high quality, with few errors, and exceeds standards.
- Work contains more errors than can be normally expected; work needs frequent checking. (Explain below)

Comments Jim strives to produce accurate work. He is exemplary in researching applicable procedures when given unfamiliar work assignments.

2. PRODUCTIVITY

- Maintains an unusually high output of work; always accomplishes objectives on time and seeks out new work on own initiative.
- Needs improvement in amount or timeliness of work produced; is below standards. (Explain below)
- Output of work meets the established standard for the job.

Comments At times, Jim's inflexibility impedes his productivity.

3. LEARNING ABILITY

- Learns new work slowly and needs a great deal of instruction; is resistant to change. (Explain below)
- Learns rapidly; remembers instruction easily, and adapts to change quickly.
- May occasionally need instructions repeated but meets established standards in learning new work; usually adapts to change

Comments Jim has strong opinions on how work that he is involved in should be done. He is resistant to other acceptable approaches. Examples in which this inflexibility has caused problems are downgrading abandoned plant systems to QA Class 4, Revising SP 482 to make it more user friendly and fully evaluating options for an ISFSI Security System. In the first two examples, the work had to be re-assigned to another engineer in order to complete work in support of other site groups.

EMPLOYEE/CUSTOMER RELATIONS

- Readily earns the cooperation of others and is exceptionally skillful in influencing the actions and decisions of others.
- Usually gets the necessary cooperation from others to get the job done.
- Needs to develop a more positive/productive working relationship with others. (Explain below)

Comments I get frequent complaints from others who need to work with Jim. These difficulties seem to stem from his abrupt manner, his lack of respect for the technical opinions of journey level craftsmen, refusal to consider options proposed by others and a tendency to continue to argue his position in a repetitive fashion until others with opinions are worn down and cave-in.

I have discussed with Jim the need to better his rapport with others many times throughout the year. Jim has been unable or unwilling to accept that this is a problem area for him. I enlisted a peer supervisor, Dave Brock, who, in my opinion, has an ability to clearly state people's strengths and weaknesses, in hopes that input from another supervisor would make a more convincing and unbiased argument. After 2 or 3 meetings with Jim, Dave was also unable to persuade Jim that his style alienated other site employees.

When I have presented him with specific instances of complaints, Jim immediately has gone to those individuals that I name and confronted them. This has further alienated those involved and has damaged my own relationship with them.

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In reviewing Jim's personnel file several months ago, I found that previous performance evaluations did not reflect this problem. I contacted two former supervisors and described the problem as I saw it. They both confirmed having the same problem with Jim's performance. They both also stated they had verbally counseled Jim, but did not document it on his performance evaluation.

Improvement is necessary in the manner in which Jim deals with change and in Jim's interactions with co-workers. Continuation of the negative behavior described above will result in "Unacceptable" Performance Evaluations in the future.

5. **RELIABILITY**

- Is absent occasionally with valid explanation; follows through on assignments with some guidance required.
- Is frequently late or absent; health may be interfering ability to perform on the job; follow through is inconsistent. (Explain below)
- Can always be relied upon to be at work on time; rarely absent; consistently follows through on assignments independently.

Comments: Jim's time off has not impacted meeting commitment dates. The PC based Security System was not completed on time due to poor interface and control of outside support groups, however, even direct intervention by myself and our department manager late in the project did not improve the schedule.

6. **SAFETY**

- Is aware of safety procedures and follows them; may need occasional supervision.
- Consistently demonstrates safety awareness; no preventable safety violations.
- Does not consistently demonstrate safe work habits; needs close supervision. (Explain below)

Comments: No unsafe acts noted during year.

7. **SUPERVISORY**

(If this position is not a supervisory position, check here, and proceed to item 8 .)

a. **LEADERSHIP SKILLS**

- Needs more development in leadership skills and controlling work. (Explain below)
- Normally guides others successfully in achieving results; subordinates usually follow employee's leadership willingly.
- Gives clear direction that is enthusiastically followed; obtains consistently effective results through others.

Comments: _____

b. **PERSONNEL MANAGEMENT**

- Provides effective, timely performance appraisals & personnel documents; applies policy consistently to employees; handles employee problems in a satisfactory manner.
- Exceptionally skilled in performance management; problems are resolved quickly and effectively; encourages subordinates' development; and applies policy consistently.
- Personnel documents are incomplete or late, needs improvement in following policies and handling employee problems. (Explain below)

Comments: _____

c. **AFFIRMATIVE ACTION**

Describe accomplishments in District Affirmative Action Programs.

PROBATIONARY REVIEW (If this is not for a probationary employee, check here and proceed to item 9 .)

6 MONTH PROBATION	<input type="checkbox"/> 3rd Month	<input type="checkbox"/> Satisfactory Process	<input type="checkbox"/> Unsatisfactory Progress (explain below)	<input type="checkbox"/> Other (explain below)
	<input type="checkbox"/> 5th Month	<input type="checkbox"/> Recommended Permanent Status	<input type="checkbox"/> Rejection (explain below)	
12 MONTH PROBATION	<input type="checkbox"/> 5th Month	<input type="checkbox"/> Satisfactory Process	<input type="checkbox"/> Unsatisfactory Progress (explain below)	<input type="checkbox"/> Other (explain below)
	<input type="checkbox"/> 11th Month	<input type="checkbox"/> Recommended Permanent Status	<input type="checkbox"/> Rejection (explain below)	

Comments: _____

Describe strengths demonstrated by the employee. Use of Procedures.

Describe areas in which the employee needs improvements, additional training or development. Improvement required in interpersonal skills. Jim needs to be open to others opinions and alternative means of reaching the same goal. He would benefit from training on working well with others and training on alternative energy technologies.

State goal(s) and objective(s) and target completion dates to be accomplished during the next reporting (evaluation) period. Complete consolidated Plant Process Computers Project by November 30, 1994.

Jim is to attend the following SMUD in-house training: Becoming a More Effective Individual Contributor (4/7/94 or 6/21/94) Frontline Customer Service (2/16/94, 4/14/94, or 6/9/94), Getting to Yes (3/13/94 or 6/14/94), Solving Problems and Making Decisions (3/22/94 or 5/3/94)

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12. If the employee is a supervisor, check here and proceed to Item No. 13 []

Has the employee demonstrated the capability and the potential to become a supervisor in this work unit?

[] Yes [X] Not at this time [] Insufficient time to evaluate

13. OTHER COMMENTS Will prepare a follow-up evaluation in six months in order to assess progress.

OVERALL RATING: (check one) [] Outstanding [] Proficient [X] Needs Development [] Unacceptable [] No Rating (exempt, less than 5 months)

Have reviewed the Performance Evaluation Employee Signature	Date	Originating Supervisor	Date	Approved Second Level Supervisor	Date
<i>[Signature]</i>	12/22/93	<i>[Signature]</i>	12/22/93	<i>[Signature]</i>	12/22/93

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3

DATE: 12/28/93

TO: Jim Saum

FROM: Richard Mannheimer *Richard Mannheimer*

SUBJECT: PDQ 93-033 Asset Recovery Program Deficiencies

It is my opinion that Jim Saum was correct to insist that appropriate administrative controls be put in place before processing the 50.59 Determinations for Global QA Class 4 changes. These administrative controls became the basis for the 50.59s. Jim Field should not have pushed Jim Saum to go forward with the 50.59s without these controls in place. Especially, since Jim Saum communicated these programmatic concerns in a memo months before the PDQ was written. It is my opinion that Jim Saum attempted to put quality ahead of schedule. Due to a difference of opinion within Tech Services, Licensing and then the CMRG was enlisted to resolve the Global QA Class 4 program problems.

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(4) 5

POTENTIAL DEVIATION FROM QUALITY FORM

PAGE 1 OF 1

PROBLEM IDENTIFICATION
ORIGINATOR

1. DATE OF OCCURRENCE: 10/19/93 TIME OF OCCURRENCE: 1430 ^{AM} _{PM} PDD# 93-0067
 2. DATE OF IDENTIFICATION: 10/20/93 TIME OF IDENTIFICATION: 1000 ^{AM} _{PM} REV# _____
 3. TIME SS NOTIFIED: 1145 ^{AM} _{PM} 4. DEADLINE ASSIGNED BY SS: 1600 ^{AM} _{PM}

5. SS NAME: Al Frazier
 6. SYSTEM: CDS 7. EQUIPMENT ID: FR-95108
 8. EQUIPMENT NAME: Site Wastewater Flow Recorder 9. QUALITY CLASS: 3

10. PROBLEM DESCRIPTION:
 Flow measured by velocity meter per SP.482 does not meet tolerance's vs FR-95108.
 Adjusting FR-95108 on SP.482 would cause it to fail SP.524 on the next quarterly run.
 SP.482 and SP.524 need to be revised.

11. ASSOCIATED DCP, WR OR OTHER DOCUMENTS: SP.482 SP.524
 12. AFFECTED DRAWINGS: _____ 13. P.O./CONTRACT: _____

14. ORIGINATOR NAME: C Linguist EXT: 4293 MAILSTOP: 253
 ORIGINATOR SIGNATURE: C Linguist DEPT: I&C DATE: 10/20/93

15. EQUIPMENT OPERATES IN PRESENT CONFIGURATION (FOR CONFIGURATION DISCREPANCIES): YES NO
 SUPERVISOR NAME: Harold Humphrey EXT: 4979 MAILSTOP: 253
 SUPERVISOR SIGNATURE: Harold Humphrey DATE: 10/20/93

OPERATIONS REVIEW

16. POTENTIALLY REPORTABLE CONDITION: YES NO PURSUANT TO: _____
 17. TECH SPEC VIOLATION: YES NO OPERABLE: YES NO CLEAR TAG REQ'D YES NO
 JUSTIFY IF NO LER REQUIRED: _____

18. SS NAME: 17 OF 66
 SS SIGNATURE: _____ DATE: _____ TIME: _____

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DEVIATION FROM QUALITY FORM

PAGE OF

22. DISPOSITION:

ACCEPT-AS-IS REJECT REPAIR REWORK REPLACE

INTERIM ACCEPT-AS-IS

NOT A NONCONFORMANCE

NON-HARDWARE

23. ASME CODE: Y N

24. EQ ITEM: Y N

DOCUMENT CHANGE

POO #
REV #

25. PROBLEM ANALYSIS AND RESOLUTION: (PROVIDE CAUSE, EXTENT, REMEDIAL AND PREVENTIVE ACTIONS UNDER SEPARATE HEADINGS)

see cont. sheet

PROBLEM DISPOSITION AND APPROVAL
ASSIGNED DEPARTMENT

26. DISPOSITION BY:

NAME:

Jim Gavin

EXT:

4987

DEPT:

TS

SIGNATURE:

[Signature]

[Signature]

DATE:

11/1/93

FOR ACCEPT-AS-IS OR REPAIR ONLY (NOT REQUIRED FOR NON-HARDWARE)

28. DESIGN OR DRAWING: Y N

29. RELATED DCPs OR TRANS. NO.

30. CALC No.:

31. TEST No.:

32. EQ COORD:

33. TS APPROVAL:

NAME/SIGNATURE

DATE

37. ANI/ANI REVIEW:

DATE:

38. COMMENTS:

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40. TEND CODE:

PT: P01

CONTINUATION SHEET
DQ 93-0067

25. PROBLEM ANALYSIS AND RESOLUTION:

CAUSE: The problem that the " flow measured by velocity meter per SP.482 does not meet tolerances vs. FR-95108" is do to the fact that is that SP 482 step 6.16.6 was failed to be performed. The SP was terminated by Maintenance do to a misunderstanding of the procedure. It is erroneously stated that "adjusting FR-95108 on SP 482 would cause it to fail SP 524 on the next quarterly run".(See the following analysis).

EXTENT: The calibration method is unique to this application.

REMEDIAL ACTION:

Re-perform SP.482 making the adjustments necessary to calibrate the system.

Analysis:

From Data Sheet 8 of the failed SP 482, Actual flow was measured to be 4012 gpm, indicated flow was 3000 gpm, tolerance is 21% .

The adjustment necessary to bring flow into spec is as follows:

$$(4012 - X)/4012 = .21$$

$$X=4012-.21(4012)= 3169 \text{ gpm}$$

This adjustment is achievable and will not result in the failure of the next performance of SP 524 since it is required to meet the specifications of SP 524 before exiting SP482.

Evidence of this is documented by SP 482 run on 2/9/90 where the "AS LEFT" indicated flow value was 3400 gpm(See Attached). This would have passed the last SP 482 run. The next SP. 524 calibration check performed on 5/9/90 also passed.

PREVENTATIVE ACTION:

Prior to terminating a procedure consult with engineering for an explanation of the procedure.

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EXHIBIT

571 pattern 2/9/50

8/8
10-21

Change OK
checked
by me

Flow Indicator FI-95108
Location: 17500GM
Date: 1/20/50
By: [illegible]

(continued from page 141)

TIME	AS LEFT	AS LEFT	AS LEFT	INITIALS
0	0	0	0	MN
10	1000.0	1000.0	1000.0	MN
20	2000.0	2000.0	2000.0	MN
30	3050.0	3050.0	3050.0	MN
40	4200.0	4200.0	4200.0	MN
50	4540.0	4540.0	4540.0	MN
60	4800.0	4800.0	4800.0	MN
70	5100.0	5100.0	5100.0	MN
80	5400.0	5400.0	5400.0	MN
90	5700.0	5700.0	5700.0	MN
100	6000.0	6000.0	6000.0	MN
110	6300.0	6300.0	6300.0	MN
120	6600.0	6600.0	6600.0	MN
130	6900.0	6900.0	6900.0	MN
140	7200.0	7200.0	7200.0	MN
150	7500.0	7500.0	7500.0	MN
160	7800.0	7800.0	7800.0	MN
170	8100.0	8100.0	8100.0	MN
180	8400.0	8400.0	8400.0	MN
190	8700.0	8700.0	8700.0	MN
200	9000.0	9000.0	9000.0	MN

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5

EFFECTIVE DATE
08-29-89
Rev. 3
WP6037S
D-5184S

SP.524

QUARTERLY CHANNEL TEST OF WASTE
WATER FLOW RATE TOTALIZER

1.0 PURPOSE

- 1.1 To perform and document the results of a quarterly channel test of the waste water flow rate totalizer. Instruments to be checked or monitored are: FR-95108 UJT-95100 Flow Recorder; FI-95108 UJY-95100 Flow Indicator.
- 1.2 To satisfy the requirements of Technical Specifications Section 4.19, Radioactive Liquid Effluent Instrumentation; Table 4.19-1, Item 2b, Waste Water Flow.

2.0 LIMITS AND PRECAUTIONS

- 2.1 Do not perform this test if a retention basin release is in progress.

3.0 PREREQUISITES

NOTE: No specific plant condition is required.

- 3.1 Instrument/equipment data has been recorded on Data Sheet 1.
- 3.2 Communication between the Control Room, Waste Water Panel H2WW and Flow Recorder FR-95108 has been established.
- 3.3 The Shift Supervisor and Control Room Operator have been informed of the changes in indications that will occur during the performance of this procedure.

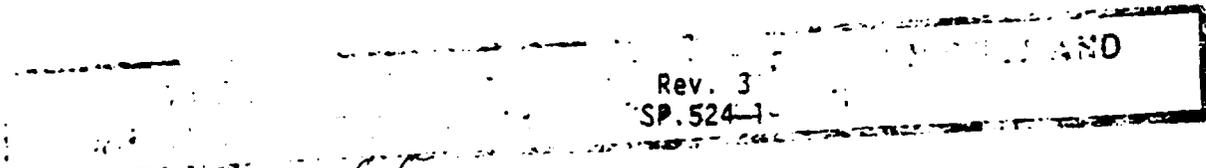
Flow Recorder	FR-95108	Retention Basin
Flow Indicator	FI-95108	H4WW Panel

- 3.4 Prerequisite Verification has been documented on Data Sheet 1.
- 3.5 Authorization to perform this procedure has been documented on Data Sheet 1.

4.0 SPECIAL TOOLS/EQUIPMENT

- 4.1 Scale, 72 inch, readable to 1/16 inch.

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CHANNEL TEST DATA

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FLOW %	(1) DIMENSION (INCHES)	MERCURY SWITCH CLOSED TIME SECONDS		RECORDER FR-95108 PEN POSITION GPM		RECORDER OUTPUT VOLTAGE VDC		INDICATOR FI-95108 GPM		INITIAL
		REQUIRED	AS FOUND	REQUIRED	AS FOUND	REQUIRED	AS FOUND	REQUIRED	AS FOUND	
0	0.00	0.00		0.0		1.000		0.0		
10	6 1/8	5.33		3100.0		1.360		3100.0		
50	16 15/16	26.67		15500.0		2.800		15500.0		
90	24 1/2	48.00		27900.0		4.240		27900.0		
100	26 3/16	53.33		31000.0		4.600		>30000.0		
90	24 1/2	48.00		27900.0		4.240		27900.0		
50	16 15/16	26.67		15500.0		2.800		15500.0		
10	6 1/8	5.33		3100.0		1.360		3100.0		
0	0.00	0.00		0.0		1.000		0.0		
TOLERANCE		N/A	±0.5 seconds	N/A	±620 GPM	N/A	±0.072 VDC	N/A	±600 GPM	
STEP		N/A	6.3.4	N/A	6.3.4	N/A	6.3.4	N/A	6.3.4	

(1) Dimension above top of stilling well (cover removed) assumes top of float is 42 5/16 inches below top of stilling well.

DATA SHEET 3

COMPLETION AND ACCEPTANCE

Step

- 3- 6.4.1 Surveillance documentation has been reviewed for completeness.
- 6.4.2 Surveillance participants have been identified.

Performer(s)

Printed Name _____ Sig. _____ Init. _____

Independent Verifier(s):

Printed Name _____ Sig. _____ Init. _____

Printed Name _____ Sig. _____ Init. _____

- 3-- 6.4.3 All Acceptance Criteria of Section 5 have been satisfied.

Signature _____ / _____
Date

If Acceptance Criteria have not been satisfied, immediately inform the Shift Supervisor and refer to LCO 3.15 and Table 3.15-1, Item 2b.

- 3-- 6.4.4 The Shift Supervisor has been notified of the completion of this test.

Initials

SHIFT SUPERVISOR SIGNATURE Date

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END

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PROCEDURE (Continued)

INITIAL

5→

NOTE:

Ensure the Operator signs as a surveillance participant on Data Sheet.

- 6.16 .2 Have Operations perform the following steps:
- 6.16 .2.1 Permission has been obtained from the Control Room to stop cooling blowdown, divert to preselected retention basin, and adjust the dilution water flow rate.
- 6.16 .2.2 CLOSE MCW-018, CLG TOWER BLOWDOWN ISOL.
- 6.16 .2.3 VERIFY CLOSED MCW-017, W CLG TOWER DRN TO DIL SUMP.
- 6.16 .2.4 PLACE HS-95101, HAND SWITCH FOR AUTO DILUTION VLV, in the CLOSE POSITION (H2WW).
- 6.16 .2.5 DIVERT to the IN SERVICE Retention Basin by PLACING the following applicable switch in the "OPEN TO FLOW" position and N/A the other:
 - 6.16 .2.5.1 HS-95201, HAND SWITCH FOR FV-95291 NORTH BASIN (H2WW).
 - 6.16 .2.5.2 HS-95301, HAND SWITCH FOR FV-95103 SOUTH BASIN (H2WW).
- 6.16 .2.6 PLACE HS-95103, HAND SWITCH FOR FV-95193 BYPASS, in the "CLOSED TO FLOW" position (H2WW).
- 6.16 .2.7 Throttle PCW-053, Dilution Flow Vlv, to the flow rate value on the respective Data Sheet.
- 6.16 .3 WAIT 10 to 15 minutes, THEN RECORD the Manual Dilution Flow Rate indicated on FR-95108 and the START TIME on the respective Data Sheet.
- 6.16 .4 Take velocity measurement, by wading across the flume, with the current meter and wading rod placed at the distances from the initial point stated on the respective Data Sheet.

NOTE:

The 8.5 ft. velocity measurement will not be made. Rather, it will be estimated by multiplying .9 times the 8.0 ft. measurement. This accounts for velocity reduction due to resistance of the walls.

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PROCEDURE (Continued)

INITIALS

5→

NOTE:

Stand at a distance to either side of the wading rod so as not to disturb flow at the current meter location.

~~6.16~~ 4.1

Place the current meter at an observation depth of 60% of the distance from the water surface to the bottom for each measurement. For example, if the water surface was 1 ft., the current meter will be placed .6 ft. down from the surface. The wading rod has an adjustment for this purpose.

~~6.16~~ 4.2

With the headset on, simultaneously start the stop watch and count the number of current meter revolutions (one count per rev.) for a time period of 40 to 70 seconds, then stop the stop watch.

~~6.16~~ 4.3

On the respective Data Sheet, record the depth (surface to bottom as indicated on wading rod), number of revolutions of the current meter, and measurement time. After completing the final measurement (8.0 ft.), record the flow rate indicated on FR-95108 and FINISH TIME.

~~6.16~~ 5

Complete the respective Data Sheet entries after the individual measurements are made.

~~6.16~~ 5.1

Record the velocities as determined from the current meter's rating table from most recent current meter calibration.

NOTE:

The 8.5 ft. velocity measurement will not be made. Rather, it will be estimated by multiplying .9 times the 8.0 ft. measurement. This accounts for velocity reduction due to resistance of the walls.

~~6.16~~ 5.2

Calculate the Areas by multiplying the Width by the Depth and Record on the respective Data Sheet. The 8.5 ft. measurement's area is the same as the 8.0 ft.

~~6.16~~ 5.3

Calculate the Discharge rates by multiplying the Velocity by the Area and Record on the respective Data Sheet.

~~6.16~~ 5.4

Calculate the Total Discharge rate by summing the individual discharge values.

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PROCEDURE (Continued)

INITIALS

5→ ~~6.16~~¹ .5.5 Convert the Actual Total Discharge Rate to the unit of gpm by multiplying by 448.8.

~~6.16~~¹ .5.6 Calculate the average indicated FR-95108 flow rates by summing the start and finish indicated values and dividing by 2.

~~6.16~~¹ .5.7 Calculate the % difference by subtracting the average indicated rate from the Actual Total Discharge Rate, then divide by the Actual Total Discharge Rate, then multiply by 100. Record whether this value is less than the specified value.

~~6.16~~¹ .6 If the % difference is NOT within tolerance, then ~~calibrate, optimize FR-95108 by: (Otherwise, GO TO Step 6.16.7 and mark 16.6.6.1 through 16.6.6.5 N/A.)~~ *Per SP. 524*

~~6.16~~¹ .6.1 ~~Perform Step 6.9.2.~~ *Calibrate per SP. 524*

~~6.16~~¹ .6.2 ~~Perform Steps 6.11 through 6.11.7.~~

~~6.16~~¹ .6.3 ~~Perform Step 6.12.~~

~~6.16~~¹ .6.4 ~~Perform Step 6.13.~~

~~6.16~~¹ .6.5 Record indicated FR-95108 flow rate. Recalculate the % difference using this value. Verify the recalculated % difference is less than the SPECIFIED VALUE. If UNSAT, reperform Steps 6.16.6, otherwise proceed to Step 6.16.7.

~~6.16~~¹ .7 Reperform Steps ~~6.16~~¹.2.7 through ~~6.16~~¹.6.4 for the remaining Data Sheets (i.e., Dilution Flow Rates).

6.2 ~~6.16~~² Have Operations perform the following steps:

~~6.16~~² .8.1 PLACE HS-95103, HAND SWITCH FOR FV-95103 BYPASS, in the "OPEN TO FLOW" position (H2HW).

~~6.16~~² .8.2 VERIFY FV-95103, WST WTR TO HADSELVILLE CREEK, is in the "OPEN TO FLOW" position (H2HW).

~~6.16~~² .8.3 PLACE the IN SERVICE Basin Flow Valve Control Switch, HS-95201 (NORTH) or HS-95301 (SOUTH), in the "AUTO CONTROL" position AND VERIFY the following:

~~6.16~~² .8.3.1 FV-95201, WST WTR TO N RET BASIN indicates "CLOSED TO FLOW" (H2HW).

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PROCEDURE (Continued)

- | | | INITIAL | |
|----|--------------------------|--|-------|
| 5→ | 6.16 ² .8.3.2 | FV-95301, WST WTR TO S RET BASIN Indicates "CLOSED TO FLOW" (H2WW). | _____ |
| | 6.16 ² .8.4 | PLACE HS-95101, HAND SWITCH FOR AUTO DILUTION VLV. in the AUTO position (H2WW). | _____ |
| | 6.16 ² .8.5 | CONTACT the Control Room for permission to RESTORE Cooling Tower Blowdown. | _____ |
| | 6.16 ² .8.6 | OPEN MCW-018, CLG TOWER BLOWDOWN ISOL. | _____ |
| | 6.16 ² .8.7 | RETURN MCW-017, W CLG DRN TO DIL SUMP, to the position it was initially. | _____ |
| | 6.16 ² .8.8 | THROTTLE PCW-053 to the desired DILUTION FLOW RATE (minimum is 8500 gpm) as indicated on FR-95108. | _____ |
| | 6.16 ² .9 | Mark the FR-95108 chart with the time the recorder testing was completed. | _____ |
| | 6.17 ³ | Completion and Acceptance | _____ |
| | 6.17 ³ .1 | Review Data Sheets 1 through 11 for completeness and document the review on Data Sheet 12. | _____ |
| | 6.17 ³ .2 | Ensure all surveillance participants have signed Data Sheet 12. | _____ |
| | 6.17 ³ .3 | Verify based on satisfactory completion of Section 5 Acceptance Criteria have been met. Document on Data Sheet 12. | _____ |
| | 6.17 ³ .4 | Notify Shift Supervisor of test completion. Document on Data Sheet 12. | _____ |

7.0 REFERENCES

- 7.1 Technical Specifications Section 3.15, Table 3.15-1, Item 2b and Section 4.19, Table 4.19-1, Item 2a.
- 7.2 P & ID M-563, Waste Water Disposal System.
- 7.3 M19.32-2, BIF Instruction Manual, Flo-Watch Meter, Product Series 305.
- 7.4 N21.01-116, Bailey Instruction Manual, Signaflex Edgewise Indicator, Type ES.
- 7.5 M19.44-IM01, CMC Maintenance Manual, Analog Data Transmission System.

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REFERENCES (Continued)

- 7.6 SP.200.14, Process Instrumentation Calibration Surveillance. Section covering the Plant Waste Water Flow Indicator/Recorder is voided by this procedure.
- 7.7 SP.524, Quarterly Channel Test of Waste Water Flow Rate Totalizer
- 5→ 7.8 ASTM D3858, Open Channel Flow Measurement of Water by Velocity-Area Method
- + 7.9 CCTS 50367

- 8.0 ENCLOSURES
- 8.1 Flow Recorder FR-95108 Loop Diagram

280F66

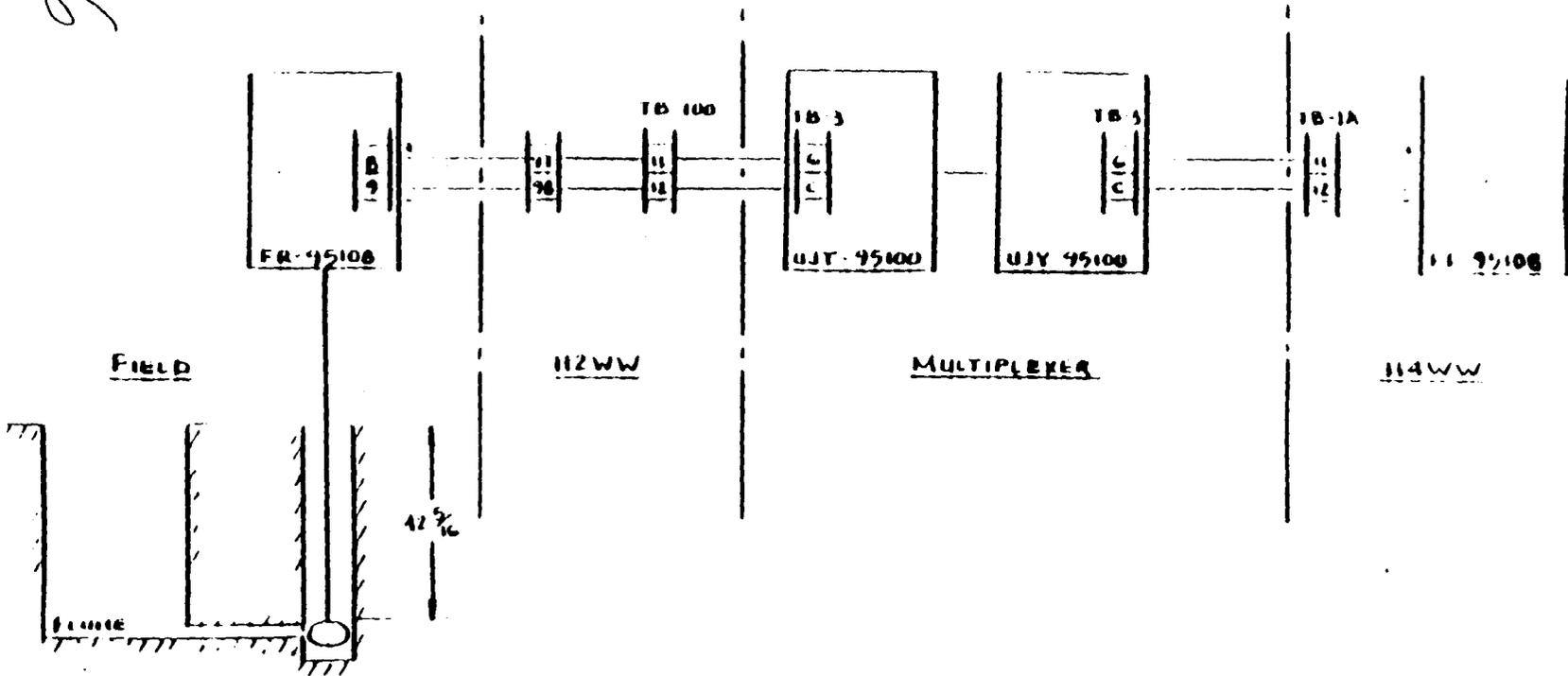
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ENCLOSURE 8.1

FLOW RECORDER FR-95108 LOOP DIAGRAM



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EXHIBIT 9
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DATA SHEET 2

LIFTED/LANDED LEADS

Step	Equip.	Cable	Wire	TB or Device	Term Pt.	Status	Performer or Verifier Initials/Date
6.1	H2WW	1I2C951E	97BK	--	97	LIFTED	(P)
6.1	H2WW	1I2C951E	98WH	--	98	LIFTED	(P)
6.5.1	H4WW	1I2H951B	6	TB1A	11	LIFTED	(P)
6.5.1	H4WW	1I2H951B	6C	TB1A	12	LIFTED	(P)
6.5.4.2	H4WW	1I2H951B	6	TB1A	11	LANDED	(P)
6.5.4.2	H4WW	1I2H951B	6C	TB1A	12	LANDED	(P)
6.8.1	H2WW	1I2C951E	97BK	--	97	LANDED	(P)
6.8.1	H2WW	1I2C951E	98WH	--	98	LANDED	(P)

Delete / ~~Remove this sheet~~
 Move this sheet to SP. 524

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DATA SHEET 3

INSTRUMENT CALIBRATION - AS FOUND/AS LEFT

FLOW INDICATOR FI-95108
INDICATION (GPM)

INPUT (VDC)	REQUIRED	AS FOUND	AS LEFT	INITIALS
1.000	0.0			
1.871	7500.0			
2.742	15000.0			
3.613	22500.0			
4.484	30000.0			
3.613	22500.0			
2.742	15000.0			
1.871	7500.0			
1.000	0.0			
TOLERANCE		± 600 GPM	± 600 GPM	
STEP		5.2 6.5	6/5/5 OR 6/7***	

*** ACCEPTANCE CRITERIA

*Delete / Remove
Move this sheet to
~~SP 524~~ 6.5*

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DATA SHEET #6

MULTIPLEXER CALIBRATION - AS FOUND/AS LEFT

INPUT (VDC)	ANALOG CONVERTER OUTPUT (VDC)			MULTIPLEXER UJY-95100 OUTPUT (VDC)		INITIALS
	AS FOUND	AS LEFT	REQUIRED	AS FOUND	AS LEFT	
1.000			0.000			
1.900			2.500			
2.800			5.000			
3.700			7.500			
4.600			10.000			
3.700			7.500			
2.800			5.000			
1.900			2.500			
1.000			0.000			
TOLERANCE	= 0.025VDC	= 0.025VDC		= 0.025VDC	= 0.025VDC	
STEP	6.4.2	6.4.4		6.4.2	6.4.4	

Delete
Move to SP. 524 6.4

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DATA SHEET 5

FLOW INDICATOR CALIBRATION - AS FOUND/AS LEFT

FLOW INDICATOR FI-95108
INDICATION (GPM)

INPUT (VDC)	REQUIRED	AS FOUND	AS LEFT	INITIALS
0.000	0.0			
2.419	7500.0			
4.839	15000.0			
7.258	22500.0			
9.677	30000.0			
7.258	22500.0			
4.839	15000.0			
2.419	7500.0			
0.000	0.0			
TOLERANCE		±300GPM	±300GPM	
STEP		6.5.2	6.5.4	

Delete
Move to SP.524 6.5

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DATA SHEET 6

FLOW RECORDER CALIBRATION - AS FOUND

FLOW %	DIMENSION (INCHES)*	MERCURY SWITCH CLOSED TIME (SECONDS)		RECORDER FR-95108 PEN POSITION (GPM)		RECORDER OUTPUT VOLTAGE (VDC)		INITIALS
		REQUIRED	AS FOUND	REQUIRED	AS FOUND	REQUIRED	AS FOUND	
0	0.00	0.00		0.0		1.000		
10	6-1/8	5.33		3100.0		1.360		
50	16-15/16	26.67		15500.0		2.800		
90	24-1/2	48.00		27900.0		4.240		
100	26-3/16	53.33		31000.0		4.600		
90	24-1/2	48.00		27900.0		4.240		
50	16-15/16	26.67		15500.0		2.800		
10	6-1/8	5.33		3100.0		1.360		
0	0.00	0.00		0.0		1.000		
TOLERANCE		± 0.5 SECS		± 620 GPM		± 0.072 VDC		
STEP		6.9.4		6.9.4		6.9.4		

Delete / Remove

*Dimension above top of Stilling Well (cover removed).

NOTE: The recorder output voltage must be read with mercury switch open. It may be necessary to wait for 2-3 cam cycles before final output is reached.

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EXHIBIT 9

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DATA SHEET ~~2~~ 4

FLOW RECORDER CALIBRATION - AS LEFT

FLOW %	DIMENSION(1) (INCHES)*	MERCURY SWITCH CLOSED TIME (SECONDS)		RECORDER FR-95108 PEN POSITION (GPM)		RECORDER OUTPUT VOLTAGE (VDC)		INITIALS
		REQUIRED	AS LEFT	REQUIRED	AS LEFT	REQUIRED	AS LEFT	
0	0.00	0.00		0.0		1.000		
10	6-1/8	5.33		3100.0		1.360		
50	16-15/16	26.67		15500.0		2.800		
90	24-1/2	48.00		27900.0		4.240		
100	26-3/16	53.33		31000.0		4.600		
90	24-1/2	48.00		27900.0		4.240		
50	16-15/16	26.67		15500.0		2.800		
10	6-1/8	5.33		3100.0		1.360		
0	0.00	0.00		0.0		1.000		

TOLERANCE	= 0.5 SECS	= 620 GPM	= 0.072 VDC
STEP	6.12 or 6.14	6.12 or 6.14	6.12 or 6.14

*Dimension above top of Stilling Well (cover removed).

Step 6.15.1 50% Flow Dimension = 16-15/16

Delete - Move to SP. 524

Flow Indicator FI-95108
Indication: _____ GPM
(Req'd: 15,200 to 15,800 gpm)

NOTE: The recorder output voltage must be read with mercury switch open. It may be necessary to wait for 2-3 cam cycles before final output is reached.

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EXHIBIT 9

DATA SHEET A 2

6.16.2.7 SET DILUTION FLOW RATE AT 3000 ± 500 GPM.

6.16.3 START TIME _____ IND. FLOW RATE (FR-95108) _____

NOTE: OBSERVATION DEPTH IS 60% DOWN FROM SURFACE.

6.16.4

Dist. from Initial Point (ft)	Width (ft)	Depth (ft)	Revolutions	Time (sec)	Velocity (ft/sec)	Area (ft ²)	Discharge (cfs)
1.5	.5						
2.0	.5						
2.5	.5						
3.0	.5						
3.5	.5						
4.0	.5						
4.5	.5						
5.0	.5						
5.5	.5						
6.0	.5						
6.5	.5						
7.0	.5						
7.5	.5						
8.0	.5						
8.5	--	--	--	--			

* See 6.16.5.1 6.16.5.4 TOTAL DISCHARGE RATE _____ (CFS)

** See 6.16.5.2

6.16.4.3 FINISH TIME _____ IND. FLOW RATE (FR-95108) _____

6.16.5.5 ACTUAL TOTAL DISCHARGE RATE = _____ x 448.8 = _____ (GPM)

6.16.5.6 AVE. IND. FLOW RATE = (_____ + _____) + 2 = _____ (GPM)

6.16.5.7 % DIFFERENCE = $\frac{(\text{Act.} - \text{Ind.})}{\text{Act.}} \times 100 = \text{_____}$

Is this value less than ± 21.0%? YES or NO (Circle)

6.16.6.5 IND. FLOW RATE (FR-95108) _____

EXHIBIT 9

OPTIMIZED % DIFFERENCE = (_____ - _____) PAGE 160 OF 506 PAG

$\frac{\text{Act.} - \text{Ind.}}{\text{Act.}} \times 100 = \text{_____}$

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Is this value less than ± 21%?

YES or NO (Circle)

DATA SHEET ~~10~~ 4

6.16.2.7 SET DILUTION FLOW RATE AT 9000 = 500 GPM.

6.16.3 START TIME _____ IND. FLOW RATE (FR-95108) _____

NOTE: OBSERVATION DEPTH IS 60% DOWN FROM SURFACE.

6.16.4

Dist. from Initial Point (ft)	Width (ft)	Depth (ft)	Revolutions	Time (sec)	Velocity (ft/sec)	Area (ft ²)	Discharge (cfs)
1.5	.5						
2.0	.5						
2.5	.5						
3.0	.5						
3.5	.5						
4.0	.5						
4.5	.5						
5.0	.5						
5.5	.5						
6.0	.5						
6.5	.5						
7.0	.5						
7.5	.5						
8.0	.5						
8.5	--	--	--	--			

* See 6.16.5.1
 ** See 6.16.5.2
 6.16.5.4 TOTAL DISCHARGE RATE _____ (CFS)

6.16.4.3 FINISH TIME _____ IND. FLOW RATE (FR-95108) _____
 6.16.5.5 ACTUAL TOTAL DISCHARGE RATE = _____ x 448.8 = _____ (GPM)
 6.16.5.6 AVE. IND. FLOW RATE = (_____ + _____) + 2 = _____ (GPM)
 6.16.5.7 % DIFFERENCE = $\frac{(\text{Act.} - \text{Ind.})}{\text{Act.}} \times 100\% =$ _____

Is this value less than = 10.0%? YES or NO (Circle)

6.16.6.5 IND. FLOW RATE (FR-95108) _____ EXHIBIT 9
 OPTIMIZED % DIFFERENCE = $\frac{(\text{Act.} - \text{Ind.})}{\text{Act.}} \times 100\% =$ _____ PAGE 162 OF 506 PA.

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Is this value less than = 10.0%? YES or NO (Circle)

DATA SHEET 15

6.16.2.7 SET DILUTION FLOW RATE AT 12000 = 500 GPM.

6.16.3 START TIME _____ IND. FLOW RATE (FR-95108) _____

NOTE: OBSERVATION DEPTH IS 60% DOWN FROM SURFACE.

Dist. from Initial Point (ft)	Width (ft)	Depth (ft)	Rev-olutions	Time (sec)	* Velocity (ft/sec)	** Area (ft ²)	Dis-charge (cfs)
1.5	.5						
2.0	.5						
2.5	.5						
3.0	.5						
3.5	.5						
4.0	.5						
4.5	.5						
5.0	.5						
5.5	.5						
6.0	.5						
6.5	.5						
7.0	.5						
7.5	.5						
8.0	.5						
8.5	--	--	--	--			

* See 6.16.5.1

6.16.5.4 TOTAL DISCHARGE RATE _____ (CFS)

** See 6.16.5.2

6.16.4.3 FINISH TIME _____ IND. FLOW RATE (FR-95108) _____

6.16.5.5 ACTUAL TOTAL DISCHARGE RATE = _____ x 448.8 = _____ (GPM)

6.16.5.6 AVE. IND. FLOW RATE = (_____ + _____) ÷ 2 = _____ (GPM)

6.16.5.7 % DIFFERENCE = $\frac{(\text{Act.} - \text{Ind.})}{\text{Act.}} \times 100\% = \text{_____}$

Is this value less than = 8.0%? YES or NO (Circle)

6.16.6.5 IND. FLOW RATE (FR-95108) _____

EXHIBIT 9

OPTIMIZED % DIFFERENCE = $\frac{(\text{Act.} - \text{Ind.})}{\text{Act.}} \times 100\% = \text{_____}$ PAGE 163 OF 506 PAG

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Is this value less than = 8.0%? YES or NO (Circle)

DATA SHEET ~~12~~ 6

COMPLETION AND ACCEPTANCE

6.17.1 Surveillance documentation has been reviewed for completeness.

Initials

6.17.2 Surveillance participants have been identified

Performer(s):

Printed Name _____ Sig. _____ Init. _____

Independent Verifier(s):

Printed Name _____ Sig. _____ Init. _____

Printed Name _____ Sig. _____ Init. _____

6.17.3 All Acceptance Criteria of Section 5 have been satisfied.

Signature

Date

If Acceptance Criteria have not been satisfied immediately inform the Shift Supervisor and refer to LCO 3.15 and Table 3.15-1, 2b.

6.17.4 The Shift Supervisor has been notified of the completion of this test.

Initials

Shift Supervisor

Date

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EXHIBIT 9

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END

DATA SHEET 8

6.16.2.7 SET DILUTION FLOW RATE AT 3000 = 500 GPM.

6.16.3 START TIME _____ IND. FLOW RATE (FR-95108) _____

NOTE: OBSERVATION DEPTH IS 60% DOWN FROM SURFACE.

Dist. from Initial Point (ft)	Width (ft)	Depth (ft)	Revolutions	Time (sec)	* Velocity (ft/sec)	** Area (ft ²)	Discharge (cfs)
1.5	.5						
2.0	.5						
2.5	.5						
3.0	.5						
3.5	.5						
4.0	.5						
4.5	.5						
5.0	.5						
5.5	.5						
6.0	.5						
6.5	.5						
7.0	.5						
7.5	.5						
8.0	.5						
8.5	--	--	--	--			

* See 6.16.5.1

6.16.5.4 TOTAL DISCHARGE RATE _____ (CFS)

** See 6.16.5.2

6.16.4.3 FINISH TIME _____ IND. FLOW RATE (FR-95108) _____

6.16.5.5 ACTUAL TOTAL DISCHARGE RATE = _____ x 448.8 = _____ (GPM)

6.16.5.6 AVE. IND. FLOW RATE = (_____ + _____) + 2 = _____ (GPM)

6.16.5.7 % DIFFERENCE = $\frac{(\text{Act.} - \text{Ind.})}{\text{Act.}} \times 100\% = \text{_____}$

Is this value less than = 21.0%? YES or NO (Circle)

6.16.6.5 IND. FLOW RATE (FR-95108) _____

EXHIBIT 9

OPTIMIZED % DIFFERENCE = $\frac{(\text{Act.} - \text{Ind.})}{\text{Act.}} \times 100\% = \text{_____}$ PAGE 165 OF 506 PAGE

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Is this value less than = 21%? YES or NO (Circle)

DATA SHEET 10

6.16.2.7 SET DILUTION FLOW RATE AT 9000 = 500 GPM.

6.16.3 START TIME _____ IND. FLOW RATE (FR-95108) _____

NOTE: OBSERVATION DEPTH IS 60% DOWN FROM SURFACE.

6.16.4

Dist. from Initial Point (ft)	Width (ft)	Depth (ft)	Revolutions	Time (sec)	* Velocity (ft/sec)	** Area (ft ²)	Discharge (cfs)
1.5	.5						
2.0	.5						
2.5	.5						
3.0	.5						
3.5	.5						
4.0	.5						
4.5	.5						
5.0	.5						
5.5	.5						
6.0	.5						
6.5	.5						
7.0	.5						
7.5	.5						
8.0	.5						
8.5	--	--	--	--			

* See 6.16.5.1 6.16.5.4 TOTAL DISCHARGE RATE _____ (CFS)

** See 6.16.5.2

6.16.4.3 FINISH TIME _____ IND. FLOW RATE (FR-95108) _____

6.16.5.5 ACTUAL TOTAL DISCHARGE RATE = _____ x 448.8 = _____ (GPM)

6.16.5.6 AVE. IND. FLOW RATE = (_____ + _____) + 2 = _____ (GPM)

6.16.5.7 % DIFFERENCE = $\frac{(\text{Act.} - \text{Ind.})}{\text{Act.}} \times 100\% = \underline{\hspace{2cm}}$

Is this value less than = 10.0%? YES or NO (Circle)

6.16:6.5 IND. FLOW RATE (FR-95108) _____

EXHIBIT 9

OPTIMIZED % DIFFERENCE = $\frac{(\text{Act.} - \text{Ind.})}{\text{Act.}} \times 100\% = \underline{\hspace{2cm}}$ PAGE 167 OF 506 PAGES

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Is this value less than = 10.0%? YES or NO (Circle)

mE

SACRAMENTO MUNICIPAL UTILITY DISTRICT

OFFICE MEMORANDUM

TO: Eric Haemer and Al Ortega

DATE: May 5, 1993
MTNS 93-019

FROM: Jim Field/Jim Saum *JS*

SUBJECT: REQUEST FOR SUPPORT; MEETING NOTICE

The Technical Services Department has been assigned a project to design a Security System for the new Independent Spent Fuel Storage Installation (ISFSI) at the Rancho Seco site. This Security System will require a data communications link between the ISFSI and the Headquarters Security Central Alarm Station (CAS). In addition, provisions will have to be made at the CAS including the possible application of a PC based security computer system with OMS or contractor developed software. Therefore, it is necessary to obtain assistance from the Telecommunications Group, OMS and Headquarters Security in this effort.

It is desired to have a meeting in order to discuss this further.

John Etchamendy, Barney Mc Cauley and Gary Stansfield of your staff have been contacted for meeting arrangements.

The Meeting Agenda will include:

- 1) Description of the preliminary system design.
- 2) District plans for future upgrades of the Microwave Link and CAS.
- 3) Project requirements, interfaces and assignments.
- 4) Schedule.
- 5) Walkdown of the Headquarters CAS.

LOCATION: EMC Second Floor Conference Room

DATE: May 11, 1993

TIME: 10:00 to 12:00

ATTENDEES:

J. Etchemendy MS/35	G. Stansfield MS/48F
J. Field MS/231	B. McCauley MS/59A
P. Walker MS/19	G. Sprung MS/59A
N. Conde MS/35	E. Nava MS/210
T. Santiago MS/69	J. Saum MS/231

cc: Attendees
E. Fritz MS/35

RIC (1F.005) MS/222
C. Malugani MS/59A

EXHIBIT 9

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SACRAMENTO MUNICIPAL UTILITY DISTRICT

OFFICE MEMORANDUM

TO: Jim Field

DATE: April 26, 1993
MNTS 93.016

FROM: Jim Saum

SUBJECT: REGULATORY REQUIREMENTS FOR THE ISFSI SECURITY SYSTEM

This memo is written with the basic assumption that the proper establishment of the regulatory requirements for the ISFSI project prior to the detailed design phase is the most cost effective approach to this project's successful completion. The scope of this memo will only address the regulations pertaining to the ISFSI Physical Protection System excluding administrative requirements.

The ISFSI Physical Protection System is subject to 10CFR72 Subpart H (Physical Protection). Per section 72.180 the ISFSI security system is subject to the applicable requirements of part 73. The applicable requirements of part 73 pertaining to ISFSIs are contained in section 73.50 (Requirements for physical protection of licensed activities).

Rather than enumerating all the requirements contained in section 73.50, only the non-conformances of the present ISFSI design with this section will be discussed:

1) Section 73.50 (d)(1) states, " All alarms shall annunciate in a continuously manned central alarm station located within the protected area and in at least one other continuously manned station, not necessarily within the protected area, such that a single act cannot remove the capability of calling for assistance or responding to an alarm. All alarms shall be self checking and tamper indicating. The annunciation of an alarm at the on site CAS shall indicate the type of alarm and location. All intrusion alarms, alarm systems, and line supervisory systems shall at minimum meet the performance and reliability levels indicated by GSA Interim Federal Specification W-A-00450B (GSA-FSS)."

Currently, the CAS is planned to be offsite at headquarters in a non-protected area. Also there is no plan for a SAS. The communications building and other buildings and equipment in the microwave system link from Rancho Seco to the headquarters link are also required to be located in a protected area. These non-conformances may be resolved by seeking an exemption from the NRC.

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~~SAFEGUARDS INFORMATICS~~

Jim Field

- 2 -

April 26, 1993
MNTS 93.016

Proceeding without an approved ISFSI Security Plan, however, puts SMUD at an unnecessary risk since there is ample time to seek prior NRC approval before the ISFSI is actually required.

The Federal Specification W-A-00450B, which specifies the reliability and performance requirements, is not available within SMUD. I have recently ordered a copy from GSA, Wash. D.C. However, IEEE std. 692-1986 (Standard Criteria for Security Systems at Nuclear Power Stations) references this document and specifies reliability criteria. In summary, this standard states that the minimum security system power supply shall consist of a UPS for the alarm system, CCTVs, and communication system. An emergency power supply shall be provided for Security Lighting. In addition, NUREG/CR-1327 (Security Lighting for Nuclear Fixed Sites) requires a 60 second maximum restrike time for protected area lighting and an emergency power supply. Furthermore RG 5.44 states that the total perimeter alarm system should not average more than one false or nuisance alarm per segment per day with CCTV surveillance. This requirement is also currently in the LTDC Security Plan.

EX-3

This power supply does not meet the Security Lighting requirements cited above. The alarm communications link with the headquarters necessitates a hardwired tie between the ISFSI and the Microwave building. The amount of data and the data rate and reliability criteria requires a sophisticated microwave link such as the one in the Microwave building. Paul Walker of the Telecommunications Group was contacted on 4/22/93 and he states that it would cost between \$50,000 and \$100,000 to provide such a link between the ISFSI and the Microwave building. He concurs that a hardwired link is necessary and cost effective. This will require a direct burial conduit raceway between the ISFSI and the Microwave Building. This same raceway can be utilized to meet the emergency power supply required for the Security Lighting System. The Microwave building has a reliable normal power supply. The 12kv line can be utilized as an alternate supply. Automatic switching between supplies is easily achievable. Also it may be possible to utilize the Microwave Buildings Diesel generator for full compliance with the NRC requirements.

A road along the railway is currently in the ISFSI design. A trench along this road would not be difficult to facilitate for this purpose.

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~~SAFEGUARDS INFORMATICS~~

EXHIBIT 9

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Jim Field

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April 26, 1993
MNTS 93.016

2) Section 73.50 (b)(2) states, " The licensee shall locate material access areas only within protected areas such that access to the material access area requires passage through at least two physical barriers."

Per section 73.2, a material access area means any location which contains special nuclear material, within a vault or a building, the roof, walls, and floor of which each constitute a physical barrier.

Currently, only the perimeter fence is being taken credit for as a physical barrier. This non-conformance is easily resolvable by taking credit for the NUHOM Horizontal Storage Modules as the second physical barrier.

In addition to the above recommendations, the design bases for the radiological sabotage and theft threat should be established prior to the detailed design phase since it is fundamental to the design criteria for the physical protection system. Moreover, the ISFSI Physical Security Plan should be ratified by the NRC prior to this phase for the reasons discussed above. These measures were wisely taken prior to construction of the LTDC security system. Sandia National Laboratory prepared a postulated bomb threat analysis which should be redone for the ISFSI as a basis for the ISFSI PSP Safety Analysis.

Per your instruction, only RIC will be receive a copy.

cc: RIC (1F.005)

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EXHIBIT 9
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DATE: 12/23/93

TO: Jim Field

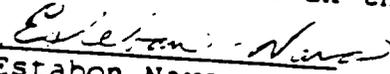
FROM: The Undersigned

SUBJECT: LETTER OF APPRECIATION

We have appreciated Jim Saum's efforts to meet our departmental goals in the last year.

SECURITY:

Jim and Gary Sprung's efforts to complete the construction and testing of the new PC based Security System has resulted in a quality system which will meet our future operational needs. As Test Director, Jim took great efforts and provided leadership of the test team in order to minimize the down time and compensatory actions during start up testing. The delay in the project schedule was understandably a result of trying to develop new and complex software. Jim personally takes interest in and will try to satisfy the "clients" best interests. He has worked well with me and my staff in this effort and on the ISFSI System.


Estabon Nava

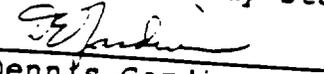
OPERATIONS:

Jim has always been responsive to the Operations Department's needs. His latest effort to raise the Effluent Radiation Monitor Setpoints is an example that is appreciated. Other efforts include resolving a problem with the PLC RHUT sample pump logic, making a design change to the Annunciator System to the Control Room Operators' satisfaction and the RDM SAFSTOR Modification. Jim is interested in satisfying our goals, following procedures, doing a quality job and works well with me.


Tom Tucker

RADIATION PROTECTION:

Jim has been very responsive to the needs of the RP Department. His latest effort to resolve a nuisance alarm problem with the Personnel Contamination Monitors is an example that is appreciated. He puts quality ahead of schedule. He works well with me and my staff in supporting plant needs.


Dennis Gardiner

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LG 93080.70

SACRAMENTO MUNICIPAL UTILITY DISTRICT

OFFICE MEMORANDUM

TO: Carol Malugani

DATE July 8, 1993
MNTS 93-044

FROM: Jim Field/Jim Saum 

SUBJECT: A LETTER OF COMMENDATION AND THANKS

We are pleased to announce that the Rancho Seco Security System Upgrade Project that our departments have been working together on has come to its successful conclusion. We would like to thank you and your staff for the support and effort which made this possible. In particular, we would like to commend Gary Sprung for his enormous contribution in developing the complex software for the Security Computer System. Gary has generously offered his cooperation and talents in satisfying the needs of the project. The District is fortunate to have his service. It has been a pleasure working with you and we look forward to working with you on future projects.

- cc. Eric Haemer MS/59
- Steve Redeker MS/255
- Barney McCauley MS/59A
- Gary Sprung MS/59A
- /RIC (1F.005) MS/222

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1993
ACCOMPLISHMENTS
FOR
TECH SERVICES

Loaned a supervisor to the Electrical Division for the entire year.

Issued the Decommissioning Fire Protection Plan, justifying the elimination of the fire brigade and reducing many other labor intensive commitments.

Prepared SAFSTOR Reports for all plant systems. These documents lay-out the detailed plans for the storage conditions for all 85 of the plant systems. We trained the organization on this information. We chaired meetings to develop punchlists to implement the Reports for both Custodial and Hardened Safstor.

Reduced the number of active Surveillances by one-third to approximately 90.

Prepared design changes that allowed the removal of all remaining PCB contaminated transformers from site.

Coordinated the sale and removal of the spare main transformer and two MSR extraction steam coils.

Developed and implemented a procedure to neutralize and solidify radioactively contaminated sodium hydroxide from the Containment Building Spray System. (Not-so-good...Radwaste System piping was damaged because it was not adequately flushed. Also procedures on testing protocol were violated.)

Brought in a contractor to remove all freon from abandoned HVAC units.

Developed a paper on the options for disposal of Nitrate Borax from several closed cooling water systems. This paper precipitated an informed management decision on the course of action.

Completed the design for the ISFSI.

Completed soil investigation for the selected ISFSI site.

Through a contractor, repaired the rail spur in preparation for receipt of the fuel storage system and sale of the ABB turbine conversion.

Completed the construction and testing of the PC based security system. (Not-so-good...Failure to control outside support groups led to a protracted schedule.)

Working with SMUDs environmental staff, oversaw the removal of 6 underground diesel oil storage tanks.

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Resolved structural problems with the Spent Fuel Building resulting from cask drop analyses.

Directed drop testing of a 1/4 scale spent fuel cask.

Corrected the plant Master Equipment List to properly reflect the abandonment of thousands of components. This reclassification made equipment available for resale and justified voiding PM tasks and corrective maintenance Work Requests.

Tested the efficiency of radwaste HEPA filters.

Coordinated _____ site blood drives.

Achieved 100% participation in the Combined Charities Fund Drive.

Developed a bid specification for a well at the Power Pines Camp Ground. Evaluated bids.

Issued design drawings for the electrical distribution and fire detection systems for a new warehouse at McClellan Air Force Base.

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EXHIBIT 9
PAGE 175 OF 596 PAGE(S)

(17)

POTENTIAL DEVIATION FROM QUALITY FORM

PAGE 1 OF 1

1. DATE OF OCCURRENCE: 10/19/93 TIME OF OCCURRENCE: 1430 AM PM PDD# 93-0067
 2. DATE OF IDENTIFICATION: 10/20/93 TIME OF IDENTIFICATION: 1000 AM PM REV# _____
 3. TIME SS NOTIFIED: 1145 AM PM 4. DEADLINE ASSIGNED BY SS: 1600 AM PM

5. SS NAME: Al Fr...
 6. SYSTEM: CDS 7. EQUIPMENT ID: FR-95108
 8. EQUIPMENT NAME: Site Wastewater Flow Recorder 9. QUALITY CLASS: 3

10. PROBLEM DESCRIPTION:
 Flow measured by velocity meter per SP.482 does not meet tolerance's vs FR-95108.
 Adjusting FR-95108 on SP.482 would cause it to fail SP.524 on the next quarterly run.
 SP.482 and SP.524 need to be revised.

11. ASSOCIATED DCP, WR OR OTHER DOCUMENTS: SP.482 SP.524
 12. AFFECTED DRAWINGS: _____ 13. P.O./CONTRACT: _____

14. ORIGINATOR NAME: C Linguit EXT: 4293 MAILSTOP: 253
 ORIGINATOR SIGNATURE: C Linguit DEPT: I&C DATE: 10/20/93

15. EQUIPMENT OPERATES IN PRESENT CONFIGURATION (FOR CONFIGURATION DISCREPANCIES): Y N
 SUPERVISOR NAME: Harold Humphrey EXT: 4979 MAILSTOP: 253
 SUPERVISOR SIGNATURE: Harold Humphrey DATE: 10/20/93

16. POTENTIALLY REPORTABLE CONDITION: Y N PURSUANT TO: _____
 17. TECH SPEC VIOLATION: Y N OPERABLE: Y N NA CLEAR TAG REQ: Y N
 JUSTIFY IF NO LER REQUIRED: _____

18. SS NAME: 34 OF 66
 SS SIGNATURE: _____ DATE: _____ TIME: _____

PROBLEM IDENTIFICATION ORIGINATOR

OPERATIONS REVIEW

EXHIBIT 1
PAGE 176 OF 50 PAGES

CONTINUATION SHEET
DQ 93-0067

25. PROBLEM ANALYSIS AND RESOLUTION:

NOTE: The following disposition is per the CMRG's direction:

CAUSE: The velocity area method for determining actual flow is suspect. The audible count rates from the current meter were excessive for a human to count (i.e., 256 counts per minute. max reading)

EXTENT: This calibration method is unique to this application.

REMEDIAL ACTION:

Revise SP. 524 to allow performance of the level (i.e., float) to indicated flow calibration separately from the full system calibration required by SP 482. Continue to perform the channel check on SP.524. This will facilitate maintenance activities.

Purchase an electronic counter and revise SP 482 to allow the use of an electronic counter to measure current meter RPM. Call for SP 482 to be run every 18 months or whenever the flow to float measurement has changed.

Re-perform the revised SP 524.

Evaluate the error associated with the revised calibration strategy and the proposed Appendix I dilution flow rate of 6100 gpm.

Evaluate bridging the flume to facilitate flow traverses.

PREVENTATIVE ACTION:

Purchase improved test equipment per Remedial Action.

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CONTINUATION SHEET
PDQ _____

25. PROBLEM ANALYSIS AND RESOLUTION:

CAUSE: The velocity area method for determining actual flow is suspect. The audible count rates from the current meter were excessive for a human to count (i.e., 256 counts per minute. max reading)

EXTENT: This calibration method is unique to this application.

REMEDIAL ACTION:

Revise SP. 524 to perform the level (i.e., float) to indicated flow calibration separately from the full system calibration required by SP 482. This will facilitate maintenance activities.

allow g.c. of
Continue to perform the annual check on SP. 482.
Revise SP 482 to allow the use of an electronic counter to measure current meter RPM. Call for SP 482 to be run every 18 months or when the flow to float level maintenance has changed.

Re-perform the revised procedures. SP ~~482~~ 524.

Evaluate the error associated with the revised calibration strategy and the proposed flow rate of 6100 gpm.

PREVENTATIVE ACTION:

Same as Remedial.

Evaluate budgeting the funds. Use to facilitate flow transverse

purchase the electronic counter.

25. PROBLEM ANALYSIS AND RESOLUTION:

CAUSE: The velocity area method for determining actual flow is suspect. The audible count rates from the current meter were excessive for a human to count (i.e., 256 counts per minute. max reading)

EXTENT: This calibration method is unique to this application.

REMEDIAL ACTION:

Revise SP. 524 to allow performance of the level (i.e., float) to indicated flow calibration separately from the full system calibration required by SP 482. Continue to perform the channel check on SP. ~~482~~ ⁵⁰⁴. This will facilitate maintenance activities.

Purchase an electronic counter and revise SP 482 to allow the use of an electronic counter to measure current meter RPM. Call for SP 482 to be run every 18 months or whenever the flow to float measurement has changed.

Re-perform the revised SP 524.

Evaluate the error associated with the revised calibration strategy and the proposed Appendix I dilution flow rate of 6100 gpm.

Evaluate bridging the flume to facilitate flow traverses.

PREVENTATIVE ACTION:

~~Same as Remedial.~~

Purchase improved test equipment as Remedial Action

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~~CONFIDENTIAL~~

SACRAMENTO MUNICIPAL UTILITY DISTRICT
OFFICE MEMORANDUM

TO: Jim Saum

DATE: April 20, 1994
DAGM 94-011

FROM: Jim Shetler



SUBJECT: Appeal of 1993 Performance Evaluation

In response to your appeal of your 1993 Performance Evaluation and my review of the situation, I have decided to take the following actions:

- 1) The subject evaluation has been revised and the rating changed to Proficient. The issues of the need to improve communications and interpersonal skills have been retained as areas for improvement. (See attached).
- 2) The merit increase has not been changed and remains at a one step increase. However, I am requiring that a mid-year assessment on performance be performed, and if sufficient progress is demonstrated, an additional one step increase will be considered at that time.
- 3) With respect to allegations of intimidation and harassment by Jim Field, I have not found any evidence that Mr. Field has intentionally tried to harass you. As we have discussed during our meetings the level and quality of communications between the two of you require improvement on both your parts. It is my assessment that the problems between the two of you stem mainly from this issue of communications and that improvements by both of you in this area should go a long way to solve these problems.

cc. J. Field
R. Larson
S. Redeker

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EXHIBIT 9
PAGE 181 OF 506 PAGE(S)

EMPLOYEE'S PERFORMANCE EVALUATION FORM

EVALUATION PERIOD	
FROM	TO
1/1/93	12/31/93

EMPLOYEE NAME <u>Jim Saum</u>	SOCIAL SECURITY NO. <u>[REDACTED]</u>	POSITION I.D. NO. <u>870325-008</u>	EMPLOYEE NO. <u>8452</u>
POSITION TITLE <u>Senior Electrical Engineer</u>	AREA <u>608</u>	NAME OF DEPARTMENT <u>Technical Services</u>	SUPERVISOR'S POSITION I.D. NO. <u>870325-003</u>
REASON FOR REPORT <input type="checkbox"/> Probationary <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Merit Review <input type="checkbox"/> Special, Explain _____			
TIME IN POSITION: <input type="checkbox"/> 0-1 Years <input type="checkbox"/> 1-2 Years <input checked="" type="checkbox"/> More Than 2 Years		CHECK ONE: <input type="checkbox"/> Exempt <input type="checkbox"/> Non-Exempt	

INSTRUCTIONS FOR RATER - Please complete this form in ink or have it typed. Evaluate the employee on your observation of performance not heresa potential, or personality. Rate the employee's performance for the entire review period, not just recent work. Remember the specific job requirements whi considering each factor. In each section, check the *ONE* statement that most nearly describes the employee's performance. Use the "Comments" section explain your rating, supporting with specific examples. If a different wording in any category will better meet your needs, you may substitute your own phras as necessary or delete or add individual words. Do not let your evaluation of one factor influence your evaluation in any other factor. To arrive at overall rating consider the relative importance of each category to this job. After obtaining your supervisor's approval, review your complete evaluation with the employee. Discuss the employee's best performance areas, those in which you can assist the employee to improve, and any goals and objectives to be met in the ne reporting period.

1. QUALITY

- Work is usually error-free and meets the established standard for the job.
- Work is consistently high quality, with few errors, and exceeds standards.
- Work contains more errors than can be normally expected; work needs frequent checking. (Explain below)

Comments Jim strives to produce accurate work. He is exemplary in researching applicable procedures when given unfamiliar work assignments.

2. PRODUCTIVITY

- Maintains an unusually high output of work; always accomplishes objectives on time and seeks out new work on own initiative.
- Needs improvement in amount or timeliness of work produced: ~~below standards~~ (Explain below)
- Output of work meets the established standard for the job.

Comments (See attached continuation sheet.)

3. LEARNING ABILITY

- Learns new work slowly and needs a great deal of instruction; is resistant to change. (Explain below)
- Learns rapidly; remembers instruction easily, and adapts to change quickly.
- May occasionally need instructions repeated but meets established standards in learning new work: ~~is resistant to change~~ is resistant to change.

Comments (See attached continuation sheet.)

4. EMPLOYEE/CUSTOMER RELATIONS

- Readily earns the cooperation of others and is exceptionally skillful in influencing the actions and decisions of others.
- Usually gets the necessary cooperation from others to get the job done.
- Needs to develop a more positive/productive working relationship with others. (Explain below)

Comments (See attached continuation sheet.)

5. RELIABILITY

- Is absent occasionally with valid explanation; follows through on assignments with some guidance required.
- Is frequently late or absent; health may be interfering with ability to perform on the job; follow through is inconsistent. (Explain below)
- Can always be relied upon to be at work on time; rarely absent; consistently follows through on assignments independently.

Comments Jim's time off has not impacted meeting commitment dates.

6. SAFETY

- Is aware of safety procedures and follows them; may need occasional supervision.
- Consistently demonstrates safety awareness; no ~~personality~~ safety violations.
- Does not consistently demonstrate safe work habits; needs close supervision. (Explain below)

Comments No unsafe acts noted during the year.

EXHIBIT 9

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Continuation Sheet
Employee's Performance Evaluation Form
Jim Saum, 8452

2. **Productivity:** At times, Jim's perceived inflexibility and ability to communicate impede his productivity. Examples in which this has caused confusion between Jim and myself are downgrading abandoned plant systems to QA Class 4, Revising SP 482 to make it more user friendly and fully evaluating options for an ISFSI Security System. In the first two examples, I felt the need to reassign the work to another engineer in order to achieve completion in a timely manner to support other site groups.
3. **Learning Ability:** Jim is resistant to change. As noted in No. 4 below, Jim expresses very strong opinions on how work should be done. He is resistant to any change that may be offered by others which is counter to his "best" technical solution even when it could be an acceptable alternative approach.
4. **Employee/Customer Relations:** I have received complaints from some groups who need to work with Jim. Jim has an abrupt manner and strong opinions on how work that he is involved in should be done. He tends to "lock-on" to a particular solution and over argue his position. This tendency gives some of his co-workers the impression that he does not value their input, or that he is unwilling to consider other alternatives. I have discussed with Jim the need to better his rapport with others many times through the year, but improvement has not been observed. Improvement is necessary in the manner in which Jim deals with other ideas and in Jim's interactions with co-workers.
11. **Goals and Objectives continued:** Jim is to attend the following SMUD in-house training: Becoming a More Effective Individual Contributor, Frontline Customer Service, Getting to Yes, Solving Problems and Making Decisions.
13. **Other Comments continued:** this context means several things, among them it means recognizing and drawing on the intelligence and experience of technicians in the design process. It means learning that his perceived "best" technically correct design or solution may not solve the whole problem (which includes technical, political, legal/regulatory and financial issues) and that there may be other technically correct solutions which do. It means listening to others and being willing to change from his original plan or design when all factors are considered; not to "lock on" to an idea to the exclusion of others. It means assuring that his supervisor is kept abreast of project status and helping coordinate projects, even taking the initiative on those not specifically assigned to him, so the whole work group can meet schedules.

The need for development in these areas is considered significant enough that a mid year evaluation will be performed. The intent of this evaluation is to determine if sufficient progress has been made to warrant retaining a proficient rating or if there should be an additional one step pay increase if there is significant improvement.

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EXHIBIT 9
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7. SUPERVISORY

If this position is not a supervisory position, check here, and proceed to item 8 [x]

a. LEADERSHIP SKILLS

- [] Needs more development in leadership skills and in directing and controlling work. (Explain below)
[] Normally guides others successfully in achieving results; subordinates usually follow employee's leadership willingly.
[] Gives clear direction that is enthusiastically followed; obtains consistently effective results through others.

Comments

b. PERSONNEL MANAGEMENT

- [] Provides effective, timely performance appraisals & personnel documents; applies policy consistently to employees; handles employee problems in a satisfactory manner.
[] Exceptionally skilled in performance management; problems are resolved quickly and effectively; encourages subordinates' development; and applies policy consistently.
[] Personnel documents are incomplete or late; needs improvement in following policies and handling employee problems. (Explain below)

Comments

c. AFFIRMATIVE ACTION

Describe accomplishments in District Affirmative Action Programs.

8. PROBATIONARY REVIEW

(If this review is not for a probationary employee, check here and proceed to item 9 [])

- 6 MONTH PROBATION [] 3rd Month [] Satisfactory Progress [] Unsatisfactory Progress (explain below)
[] 5th Month [] Recommend Permanent Status [] Rejection (explain below) [] Other (explain below)
12 MONTH PROBATION [] 5th Month [] Satisfactory Progress [] Unsatisfactory Progress (explain below)
[] 11th Month [] Recommend Permanent Status [] Rejection (explain below) [] Other (explain below)

Comments

9. Describe strengths demonstrated by the employee. Use of procedures. Technical knowledge.

10. Describe areas in which the employee needs improvement, additional training or development. Improvement required in interpersonal skills. Jim needs to be open to others opinions and alternative means of reaching the same goal. He would benefit from training on working well with others and training on alternative energy technologies. He also needs to improve his communication skills. He needs to learn how to listen.

11. State goal(s) and objective(s) and target completion dates to be accomplished during the next reporting (evaluation) period. Process Computers Project by November 30, 1994. Jim is to attend the following SMUD in-house training: Becoming a More Effective Individual Contributor (4/7/94 or 6/21/94) Frontline Customer Service (2/16/94, 4/14/94 or 6/9/94), Getting to Yes (3/15/94 or 6/14/94) Solving Problems and Making Decisions (3/22/94 or 5/5/94)

EXHIBIT 9

12. If the employee is a supervisor, check here and proceed to Item No. 13 []

Has the employee demonstrated the capability and the potential to become a supervisor in this work unit?

- [] Yes [x] Not at this time [] Insufficient time to evaluate

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13. OTHER COMMENTS Jim is proficient in his technical knowledge and understanding of the procedural requirements of his job. However, his interpersonal skills need development as described above. The issue of his relationship with some of his co-workers has reached the point where it is affecting his ability to be perceived as a contributor. In addition,

OVERALL RATING: (CHECK ONE) [] OUTSTANDING [] PROFICIENT [x] NEEDS DEVELOPMENT [] UNACCEPTABLE [] NO RATING (EXEMPT, LESS THAN 3 MONTHS)

EMPLOYEE SIGNATURE DATE ORIGINATING SUPERVISOR DATE APPROVED SECOND LEVEL SUPERVISOR DATE

Continuation Sheet
Employee's Performance Evaluation Form
Jim Saum, 8452

2. **Productivity:** At times, Jim's perceived inflexibility and ability to communicate impede his productivity. Examples in which this has caused confusion between Jim and myself are downgrading abandoned plant systems to QA Class 4, Revising SP 482 to make it more user friendly and fully evaluating options for an ISFSI Security System. In the first two examples, I felt the need to reassign the work to another engineer in order to achieve completion in a timely manner to support other site groups.
3. **Learning Ability:** Jim is resistant to change. As noted in No. 4 below, Jim expresses very strong opinions on how work should be done. He is resistant to any change that may be offered by others which is counter to his "best" technical solution even when it could be an acceptable alternative approach.
4. **Employee/Customer Relations:** I have received complaints from some groups who need to work with Jim. Jim has an abrupt manner and strong opinions on how work that he is involved in should be done. He tends to "lock-on" to a particular solution and over argue his position. This tendency gives some of his co-workers the impression that he does not value their input, or that he is unwilling to consider other alternatives. I have discussed with Jim the need to better his rapport with others many times through the year, but improvement has not been observed. Improvement is necessary in the manner in which Jim deals with other ideas and in Jim's interactions with co-workers.
11. **Goals and Objectives continued:** Jim is to attend the following SMUD in-house training: Becoming a More Effective Individual Contributor, Frontline Customer Service, Getting to Yes, Solving Problems and Making Decisions.
13. **Other Comments continued:** this context means several things, among them it means recognizing and drawing on the intelligence and experience of technicians in the design process. It means learning that his perceived "best" technically correct design or solution may not solve the whole problem (which includes technical, political, legal/regulatory and financial issues) and that there may be other technically correct solutions which do. It means listening to others and being willing to change from his original plan or design when all factors are considered; not to "lock on" to an idea to the exclusion of others. It means assuring that his supervisor is kept abreast of project status and helping coordinate projects, even taking the initiative on those not specifically assigned to him, so the whole work group can meet schedules.

The need for development in these areas is considered significant enough that a mid year evaluation will be performed. The intent of this evaluation is to determine if sufficient progress has been made to warrant retaining a proficient rating or if there should be an additional one step pay increase if there is significant improvement.

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EXHIBIT 9
PAGE 185 OF 506 PAGE(S)

EVALUATION PERIOD	
FROM	TO
1/1/93	12/31/93

EMPLOYEE'S PERFORMANCE EVALUATION FORM

EMPLOYEE NAME Jim Saum	SOCIAL SECURITY NO. XXXXXXXXXX EX XXXXXX	POSITION I.D. NO. 870325-008	EMPLOYEE NO. 8452
POSITION TITLE Senior Electrical Engineer	AREA 608	NAME OF DEPARTMENT Technical Services	SUPERVISOR'S POSITION I.D. NO. 870325-003
REASON FOR REPORT <input type="checkbox"/> Probationary <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Merit Review <input type="checkbox"/> Special, Explain _____			
TIME IN POSITION: <input type="checkbox"/> 0-1 Years <input type="checkbox"/> 1-2 Years <input checked="" type="checkbox"/> More Than 2 Years CHECK ONE: <input type="checkbox"/> Exempt <input type="checkbox"/> Non-Exempt			

INSTRUCTIONS FOR RATER - Please complete this form in ink or have it typed. Evaluate the employee on your observation of performance not heresay, potential, or personality. Rate the employee's performance for the entire review period, not just recent work. Remember the specific job requirements when considering each factor. In each section, check the **ONE** statement that most nearly describes the employee's performance. Use the "Comments" section to explain your rating, supporting with specific examples. If a different wording in any category will better meet your needs, you may substitute your own phrases as necessary or delete or add individual words. Do not let your evaluation of one factor influence your evaluation in any other factor. To arrive at overall rating, consider the relative importance of each category to this job. After obtaining your supervisor's approval, review your complete evaluation with the employee. Discuss the employee's best performance areas, those in which you can assist the employee to improve, and any goals and objectives to be met in the next reporting period.

1. QUALITY

- Work is usually error-free and meets the established standard for the job.
- Work is consistently high quality, with few errors, and exceeds standards.
- Work contains more errors than can be normally expected; work needs frequent checking. (Explain below)

Comments Jim strives to produce accurate work. He is exemplary in researching applicable procedures when given unfamiliar work assignments.

2. PRODUCTIVITY

- Maintains an unusually high output of work; always accomplishes objectives on time and seeks out new work on own initiative.
- Needs improvement in amount or timeliness of work produced: ~~XXXXXX~~ (Explain below)
- Output of work meets the established standard for the job.

Comments (See attached continuation sheet.)

3. LEARNING ABILITY

- Learns new work slowly and needs a great deal of instruction; is resistant to change (Explain below)
- Learns rapidly; remembers instruction easily, and adapts to change quickly.
- May occasionally need instructions repeated but meets established standards in learning new work: ~~is resistant to change~~ is resistant to change

Comments (See attached continuation sheet.)

4. EMPLOYEE/CUSTOMER RELATIONS

- Readily earns the cooperation of others and is exceptionally skillful in influencing the actions and decisions of others.
- Usually gets the necessary cooperation from others to get the job done.
- Needs to develop a more positive/productive working relationship with others. (Explain below)

Comments (See attached continuation sheet.)

EXHIBIT 9
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5. RELIABILITY

- Is absent occasionally with valid explanation; follows through on assignments with some guidance required.
- Is frequently late or absent; health may be interfering with ability to perform on the job; follow through is inconsistent. (Explain below)
- Can always be relied upon to be at work on time; rarely absent; consistently follows through on assignments independently.

Comments Jim's time off has not impacted meeting commitment dates.

6. SAFETY

- Is aware of safety procedures and follows them; may need occasional supervision.
- Consistently demonstrates safety awareness; no ~~preventable~~ safety violations.
- Does not consistently demonstrate safe work habits; needs close supervision. (Explain below)

Comments No unsafe acts noted during the year.

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7. SUPERVISORY

If this position is not a supervisory position, check here, and proceed to item 8 [x]

a. LEADERSHIP SKILLS

- [] Needs more development in leadership skills and in directing and controlling work. (Explain below)
[] Normally guides others successfully in achieving results; subordinates usually follow employee's leadership willingly.
[] Gives clear direction that is enthusiastically followed; obtains consistently effective results through others.

Comments

b. PERSONNEL MANAGEMENT

- [] Provides effective, timely performance appraisals & personnel documents; applies policy consistently to employees; handles employee problems in a satisfactory manner.
[] Exceptionally skilled in performance management; problems are resolved quickly and effectively; encourages subordinates' development; and applies policy consistently.
[] Personnel documents are incomplete or late; needs improvement in following policies and handling employee problems. (Explain below)

Comments

c. AFFIRMATIVE ACTION

Describe accomplishments in District Affirmative Action Programs.

8. PROBATIONARY REVIEW (If this review is not for a probationary employee, check here and proceed to item 9 [])

- 6 MONTH PROBATION [] 3rd Month [] Satisfactory Progress [] Unsatisfactory Progress (explain below)
[] 5th Month [] Recommend Permanent Status [] Rejection (explain below) [] Other (explain below)
12 MONTH PROBATION [] 5th Month [] Satisfactory Progress [] Unsatisfactory Progress (explain below)
[] 11th Month [] Recommend Permanent Status [] Rejection (explain below) [] Other (explain below)

Comments

9. Describe strengths demonstrated by the employee. Use of procedures. Technical knowledge.

10. Describe areas in which the employee needs improvement, additional training or development. Improvement required in interpersonal skills. Jim needs to be open to others opinions and alternative means of reaching the same goal. He would benefit from training on working well with others and training on alternative energy technologies. He also needs to improve his communication skills. He needs to learn how to listen.

11. State goal(s) and objective(s) and target completion dates to be accomplished during the next reporting (evaluation) period. Process Computers Project by November 30, 1994. Jim is to attend the following SMUD in-house training: Becoming a More Effective Individual Contributor (4/7/94 or 6/21/94) Frontline Customer Service (2/16/94, 4/14/94 or 6/9/94), Getting to Yes (3/15/94 or 6/14/94) Solving Problems and Making Decisions (3/22/94 or 5/5/94)

EXHIBIT 9

12. If the employee is a supervisor, check here and proceed to Item No. 13 []

Has the employee demonstrated the capability and the potential to become a supervisor in this work unit?

- [] Yes [x] Not at this time [] Insufficient time to evaluate

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13. OTHER COMMENTS Jim is proficient in his technical knowledge and understanding of the procedural requirements of his job. However, his interpersonal skills need development as described above. The issue of his relationship with some of his co-workers has reached the point where it is affecting his ability to be perceived as a contributor. In addition,

OVERALL RATING: (CHECK ONE) [] OUTSTANDING [] PROFICIENT [x] NEEDS DEVELOPMENT [] UNACCEPTABLE [] NO RATING (EXEMPT, LESS THAN 3 MONTHS)

EMPLOYEE SIGNATURE DATE ORIGINATING SUPERVISOR DATE APPROVED SECOND LEVEL SUPERVISOR DATE

Continuation Sheet
Employee's Performance Evaluation Form
Jim Saum, 8452

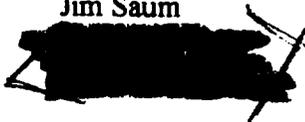
2. **Productivity:** Jim has difficulty re-prioritizing when working in a multi-task environment and this difficulty impedes his productivity. He needs to develop a capability to shift readily from one task to another. At times, Jim's inflexibility and ability to communicate impede his productivity. Examples in which this has caused problems are downgrading abandoned plant systems to QA Class 4, Revising SP 482 to make it more user friendly and fully evaluating options for an ISFSI Security System. In the first two examples, the work had to be reassigned to another engineer in order to complete work in support of other site groups.
3. **Learning Ability:** Jim is resistant to change. As noted in No. 4 below, Jim expresses very strong opinions on how work should be done. He is resistant to any change that may be offered by others, even when it could be an acceptable alternative approach.
4. **Employee/Customer Relations:** I get frequent complaints from some groups who need to work with Jim. Jim has an abrupt manner and strong opinions on how work that he is involved in should be done. He tends to "lock-on" to a particular solution and over argue his position. This tendency gives some of his co-workers the impression that he does not value their input, or that he is unwilling to consider other alternatives. I have discussed with the Jim the need to better his rapport with others many times through the year, but improvement has not been observed. At his urging, I have presented him with specific instances of complaints; but, rather than seeking help in improving his customer relations skills, Jim has immediately gone to those individuals that I named and confronted them. This has further alienated those involved. Improvement is necessary in the manner in which Jim deals with other ideas and in Jim's interactions with co-workers.
13. **Other Comments continued:** it has become apparent that the communications and understanding of the issues between Jim and I, as his supervisor, require improvement on both of our parts. Therefore, I intend to initiate a team building/communications improvement program between us in addition to the suggested improvements identified above. I will prepare a follow-up evaluation in six months in order to assess progress.

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EXHIBIT 9
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~~CONFIDENTIAL~~

Jim Saum



EX 62
7C

4

8/6/98

Dennis Boal
(817) 860-8110

Dear Mr. Boal

**SUBJECT: RESPONSE TO PLANT MANGER'S INVESTIGATION RESULTS
DATED 8/3/94**

On December 6, 1993, I presented evidence of possible wrong doing and deliberate misconduct at Rancho Seco to then Deputy Operations Assistant General Manager, James Shetler. (attached). Jim Shetler concluded this meeting by stating that I was committing professional suicide. He subsequently assigned the Plant Manager, Steve Redeker, to investigate the evidence. Steve Redeker documented his investigation results in his memo to me dated 8/3/94. (attached). This memo is to present you with this documentation and to respond to the investigation results.

Please let me review your preliminary findings so that I may provide any necessary information that will ensure an accurate disposition before finalization

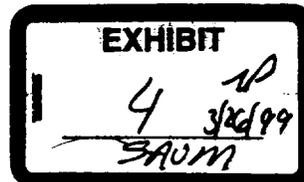
1.0 Falsification of Plant Records

1.1 QA Class 4 (50.59)

The evidence presented does show that Jim Field (my supervisor) signed a statement that he had ensured that a completed 50.59 determination was attached. And after having it brought to his attention that the change had been made without this completed 50. he then completed the 50.59 after the fact without writing a PDQ (Potential Deviation from Quality or NCR) that he had made an error in his authorization of the change. Rancho Seco Administrative Procedure RSAP-1308, "Potential Deviation from Quality", requires a PDQ for procedural violations (attached).

I agree with Steve Redeker's conclusion that Jim Field's initial failure to follow procedure by ensuring that a completed 50.59 was attached was an oversight. However, I disagree with his conclusion that Jim Field did not deliberately not write a PDQ an hence cover up his error I had told Jim Field of his procedural violation and the procedural requirements to have ensured a completed 50.59 on 10/25/93. I agree with Steve Redeker's conclusion that " a conservative call would have been to write a PDQ. I also agree that it was not a direct falsification of records. Rather it was a deliberate attempt to not report an erroneous authorization and procedure violation. Steve Redeker should have asked me about my

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conversation with Jim Field in his investigation rather than simply taking Jim Field's explanation. Steve Redeker has a conflict of interest in this investigation by trying to keep the plant record clean of misconduct by his staff and by his relationship with Jim Field. Again, the cover up was by not reporting the procedural violation rather than Steve Redeker's focus of the 50.59 having been completed after the change was made.

1.2 I&C Technician States that he "Fudged" Calibration Data

I agree with Steve Redeker's investigation **confirming my allegation that the I&C tech. did admit making the statement of "having fudged calibration data" and the statement that "this time I'm not going to lie".**

Steve Redeker has a history of selectively evaluating evidence and drawing from them conclusions that are desirable to his ends. A prime example of this is the way he handled the disposition of DQ 95-12 (Deviation of Quality) as I will be present and described in a separate document.

In conclusion 2, he takes the I&C technicians explanation that the "lying" statement was made in regards to saying the calibration was a "good one" and to the adequacy of the procedure. This explanation is not credible since there was no procedural requirement or otherwise for the I&C tech. to have ever attested to having made a "good one". Rather, the procedure only requires that one state the Acceptance Criteria has been met.

I agree with conclusion 3 that the TAS and ICS did not respond properly to the implications of falsification of records. However, I do not believe Steve Redeker took appropriate actions to prevent this from happening again. Instead, Steve Redeker has created an intolerable working environment for me whereby I am not free to bring discovered problems forth because I am concerned about Steve Redeker and Jim Field taking personnel actions against me. This has continued to present date.

Also the investigation did not address items 1.2.5, 1.2.6, and 1.2.8 whereby the supervisor makes statements that condone the changing data to make them within specifications. Also it did not address the statements made by Jim Field that by me bringing forth this allegation it would worsen my relationships. I do not believe that it is acceptable for a supervisor not to report a statement made of falsification of records or discourage his staff from doing so for the concern of worsening relations.

Also, the referenced procedure revision did not solve the fluctuating data problem which is the stated why the ICT may have made the statement of fudging data. There was an extensive QA investigation to review flowmeter charts and completed surveillance procedures to see if there was evidence of falsification of calibration data. However, this review would not likely show evidence of falsification since it involves only the ICT entering a flow data point which is known to be in tolerance rather than recording the actual observed data point. Possibly erasures or crossing out of data may indicate this but this would likely not be conclusive. I do however agree that this review was called for.

The bottom line however, is that the ICT admitted making the statement of fudging plant data.

2.0 Poor Supervision.

2.1 Does not follow procedures

2.1.1 Annunciator System Fire

Steve Redeker investigation condones Jim Fields and the Maintenance Manager's decision not to report a fire in the Plant Annunciator System. Per RSAP-1308, (Potential Deviation from Quality) step 2.2 states, Initiate a PDQ for the following conditions: 1) unplanned ... conditions. 2) Degradation, damage, failure, malfunction or loss of plant equipment which is unexpected or not a result of normal wear. Clearly a burnt PCB in the cabinet is evidence of a fire and clearly meets these procedural criteria for reporting. A work request is only allowed per step 2.3 for degradation which is expected or is normal wear. I knew the procedure and wrote PDQ 93-041 immediately upon my discovery. The same evidence of fire was known to Jim Field and the maintenance manger before my discovery. Contrary to the Plant manager's statement that it was not Jim Field's responsibility to report the fire, I believe it is everyone's responsibility to report a discovered problem. The PDQ was later declared a DQ. According to Steve Redeker's logic, I should also have not written this PDQ because it was not my responsibility either. This is evidence of the Plant Manager's and Jim Field's lip service to procedural compliance.

2.1.2 Intimidation by supervisor to process an unlawful 50.59 for the Asset Recovery Program.

During the year of 1993 I was tasked by my supervisor to complete a 50.59 for QA Class 4 reclassifications. Please refer, to my memo to my supervisor attached to PDQ 93-33 which describes those problems. My supervisor wanted me to approve a 50.59 which in essence would allow major structural changes to radioactive components which at the time required an approved dismantlement plan. For example he wanted me to approve a 50.59 for in essence, the removal of the reactor vessel, Reactor Coolant Piping and Steam Generators. At this time the plant management was considering the smelting of the reactor coolant piping and the sale of the entire secondary system for Asset Recovery. In conversations with Steve Redeker about the smelting of the reactor coolant piping he told me that the NRC was allowing other plants to remove such component as Steam Generators under the 50.59 process without dismantlement plans. I knew the removal of such components was against regulations without an approved dismantlement plan.

In Steve Redeker's investigation, he admits that there was a potential for violation of NRC regulations. That there was no realistic expectation that major structural changes to radioactive components would result from asset recovery.

It should be noted that since that time the First Circuit Court of Appeals Court has agreed with my position I held and expressed at that time. On July 20, 1995 , the First Circuit Court of Appeals, struck down the NRCs approval of Yankee Atomic Energy Co. Component Removal Project because it did not have the required approved dismantling plan. (attached are excerpts from NUREQ 1145 and the Nuclear News 12/95) Also, as a result of court rulings the NRC changed 10 CFR 50.82 in August of 1996 and its decommissioning regulations.

I am very careful in my work and take licensing facility change 50.59 safety reviews seriously. I rely on the "written as described description "when making licensing basis document reviews and when interpreting the Code of Federal Regulations. Notwithstanding what management regards as "realistic expectations". Whether there was a realistic expectation to remove the Reactor Vessel or not I knew it was against the law to approve the change when there was nothing written in procedure to stop it. The 50.59 was the final procedural hold point at that time.

In Steve Redeker's conclusions, he does not appreciate the seriousness of the position I had been placed in. It was concluded that I had been "inflexible and resistant to change" because of my position on this and other matters in my performance evaluation. It is not a matter of a communications problem between my supervisor and myself. My memo clearly stated my concerns and PDQ 93-33 was also clear. If I did what my supervisor had original asked, I would have signed a 50.59 which would have justified changing the QA class of the Reactor Vessel and other highly radioactive components which would have made them available for removal with a mere Work Request and no other 50.59 or design modification. I had a valid concern not to sign and it was wrong to be accused of being inflexible and resistant to change as stated on my 1993 Performance Evaluation

With a proposal to smelt down the primary piping to recover the metals it was not that far fetched that the primary piping would have been removed by Asset Recovery Program without the required approved dismantlement plan . I eventually agreed with the DQ 93-33 disposition that with procedural restrictions that would check if the material being recovered constituted a "major structural change" I agreed to sign the 50.59s for these changes. However, I still think that this administrative control is weak and does not ensure quality. I pleaded with Steve Redeker that by making the decision that I was inflexible by not following my supervisors direction to complete the 50.59 , that he was putting me in the intolerable position of being charged with being inflexible and signing for something that I knew to be unlawful. This would have the affect of silencing me from presenting future safety concerns.

I pleaded with plant management upon appeal of my 1993 Performance Evaluation and again several times since that criticizing me for not signing for things in my professional duties that I know to be against regulations or that are technically incorrect would have the affect of silencing me and creating an intolerable working environment. I was also not given a merit increase for this. Management did not agree with me and let these statements stand in my 1993 Performance evaluation. I

have since realized that it is in my best interest no to write PDQs when I identify problems if I suspect they will offend my supervisor or cause a complaint to be made against me. This continues to date

2.1.3 No Surveillance Procedures in place for the IOSB Effluent Radiation Monitor; DQ 92-063

Steve Redeker's response to this problem typifies his general attitude of disregard for the intimidating and suppressive position that I was placed in regards to bringing forth safety, procedural, and regulatory problems. It is appalling that Steve Redeker accuses me of not having written a PDQ when I had already written the original PDQ 92-063 on this very same issue. He fails to mention that I had asked my supervisor whether I should write another PDQ and was told by my supervisor, "I did enough to upset people around here, and that he would take care of it". I am certain of this. He fails to see the suppressive, mistrusting and harassing working environment I have been subjected to I followed procedure by bring this problem to the attention of my supervisor. Steve Redeker fails to accept the facts I state are true. My supervisor said this to me just as the I&C tech said that he had been fudging data. The I&C tech surprisingly even admitted that he said it as concluded in Steve Redeker's investigation. Why does Steve Redeker repeatedly take the supervisor's vague account over my clear account.? Steve Redeker repeatedly concludes the supervisor (TAS) should have done a more thorough and objective review of the situation that would have resulted in a PDQ rather than concluding that the TAS had deliberately or even negligently avoided writing a PDQ when required by procedure. Instead he puts blame on me for not having written a second PDQ. Steve Redeker's conclusion that the TAS did not write a PDQ because he did not want to degrade an already strained relationship between me and the shops does not make any sense for the parties at fault in the erroneous DQ 92-063 disposition person who made the disposition and the CMRG. Thus they were the parties to most likely be offended by a second PDQ not the I&C shop..

This is another very good example of Steve Redeker's negative bias towards me and his favorable bias to protect Jim Field. It is concluded that Jim Field and I did discuss the issue. I believe it is common place in an organization for managers and supervisors to protect the power structure and integrity at the sake of the subordinates. I am absolutely certain that I brought the procedure RSAP -0501 in for Jim Field's review. I read step 6.4.10 and Jim Field acknowledged the problem .I remember the way I felt after being told that " I did enough to upset people around here". I think anyone would remember if this was told to them. Why does Steve Redeker repeatedly take the supervisor's account over mine when the collective evidence indicates otherwise.?

DQ 92-0063 should have been assigned to Tech. Services for Disposition. The Radiation Protection Department is responsible for the ODCM , however, Tech. Services is the responsible department for the Surveillance Program. I fully expected when writing PDQ 92-0062 that I would be assigned to make the disposition since I was the Radiation

Monitoring System Engineer. The assignment of Radiation Protection Department to resolve technical issues rather than Tech. Services has resulted in several NRC violations and problems. Examples are when I brought to management's attention the deficiencies in RP. Survey procedures that could result in the free release of contamination and eventually did (NRC Violations resulted as will be discussed in a separate document), DQ 92-0063 disposition by RP resulted in an NRC violation as described below, and the DQ 95-12 disposition by Tech Services was overruled by an RP disposition to avoid having to report a Tech Spec violation to the NRC. (This problem will be addressed in another document)

It is important to note that **Rancho Seco received a Violation from the NRC** for not having performed the required surveillance on the IOSB effluent radiation monitor during 12/15/92 through 9/9/93 as described in NRC Inspection Report 50-312/94-01. It should be noted that the DQ 93-87 that was reference in this IR was prompted my confidential allegation presented on 12/6/93 to upper management.

The conclusion, based on the collective facts and evidence in this matter is that the supervisor either negligently or deliberately did not write a second PDQ as required by RSAP-1308.. My action to report this mitigated the severity of the NRC violation and if management would have properly have assigned the problem to me in the first place the violation may have been avoided. It should have also been concluded that the statement made by the supervisor that I should not write a second PDQ because "I've done enough to upset people around here" is evidence of a suppressive environment created by my supervisor and now by reinforced by management's conclusion. I believe I should have been praised for having brought this and other matters to management's attention several times instead of being told that I am the problem, inflexible, resistant to change and not a team player.

The harassing and suppressive working environment should have been eliminated instead of being reinforced. My situation is a case of blaming the messenger.

2.1.4 PDQ 93-0021; CCTS Procedure Violations

The problem description of PDQ 93-0021 clearly provided evidence certain procedural steps (shall statements; i.e., requirements) had been violated. The CMRG disposed of the PDQ as a PDQ requiring a procedural change and dismissed the clear evidence that the procedure had been violated. Per RSAP -1308, procedural violations are criteria warranting a DQ. The CMRG erred in its judgment that no procedural steps had been violated. This is an example management's lip service to procedural compliance. Although these violations are insignificant in consequence they do demonstrate that staff does not follow procedures as written and that management condones the practice. The CMRG action to declare it as a PDQ and requiring a procedure revision would have been proper only if procedural deficiencies had been discovered prior to someone having not followed and performed steps in error. This was the case and is an example of the CMRG's

deliberate or neglectful mishandling of a PDQ. Granted, as stated in the problem description, the suggested preventative action was to revise the procedure to the way the CMRG actually conducted business. It is not reasonable that the CMRG Coordinator did not properly review the CTS for clarity as required by step 6.2.2.1. It is not reasonable that there was a "procedural inconsistency" that nullifies this requirement. Granted there may have been a procedural inconsistency with 6.7.4 and 6.2.3 but if one followed the procedure step by step, as management should train its staff, one would have identified this inconsistency and revised the problem before the procedure was violated. Step 6.2.3 is a "shall" statement which is defined as in the CFRs as a requirement vis a vis the "may" statement in step 6.7.4. The CMRG did state on its disposition that "The CMRG discussed the importance of clear PDQ problem description at the CMRG meeting This is to address problem item #2" If the CMRG claims that they dismissed problem #2 since it was an unclear problem statement then they should have gone back to the originators for clarification. I was an originator and they did not contact me for clarification. Besides the problem statement was clear and well written. Note that in RSAP 0206 Rev 4, which was required by the CMRG to resolve this PDQ, Step 6.2.2.1 was changed from having the CTS Coordinator from having the responsibility from the having to review the package for clarity to authorizing commitments without CMRG approval.

The extent of the CMRG intentional or neglectful disposition of valid problems will again be discussed in its handling of DQ 95-0012 as will be described in a separate document . The CARGO chairman and Plant Manager, Steve Redeker, uses his position as Plant Manager to politically influence the judgment of the other CMRG members.

Thus the bases of Steve Redeker's conclusion that the allegation is unsubstantiated is erroneous and shows Steve Redeker's bias to protect the TAS and deny wrongdoing by his senior staff, in Steve Redeker's own lip service to procedural compliance and of his manipulation of the CMRG. The PDQ problem description clearly shows that "shall" statements had been violated. Jim Field had refused to sign the PDQ, again, without the "more thorough and objective review by the TAS" that Steve Redeker has concluded in the several other items above.

3.0 ISFSI Design Control

Steve Redeker concludes that my opinion of the TAS's supervisory competence stems a great deal from the lack of communications between the TA(me) and the TAS (Jim Field). This is contrary to the evidence. I have communicated my positions and have documented them clearly in numerous memos and PDQ problem descriptions and dispositions. A clear example of this is my memo (MNTS 93-16)to Jim Field dated, April 26,1993, "Regulatory Requirements for the ISFSI Security System" which is attached to the 12/6/93 "allegation letter". As the assigned security system design engineer, I thought it vital to establish the regulatory design criteria for the ISFSI prior to designing the system. The regulations pertaining to ISFSI at this time were uncertain. I expressed my concerns about these in this memo. As an experienced design engineer I knew the importance and financial consequences of proceeding with design and construction without regulatory

feedback. This memo was based on an extensive review of the regulations that existed at that time. Steve Redeker, who was in charge of Security at this time, had not shared the NUMARK draft of NUREG-1497 with me and I had no knowledge of this proposal for ISFSI regulations at the time I wrote this memo.

Jim Field disagreed with my position described in this memo and refused to allow me distribute it to management. He did, however, allow it to go to record storage. This concerns described in this memo have proven to be valid over time. On 5/12/1998, Jim Field tasked me with reviewing the impact of the new rule 10 CFR 73.51 which required a continuously manned central alarm station within the protected area and in at least one other continuously manned station. NUREQ 1497, which was published after this memo also required backup power for the ISFSI lighting system which was another concern of mine. **I was later threatened with termination by my supervisor for bringing this valid concern to management.** My memo MNTS 93-16, described these requirements, and were ignored at the time by Jim Field and later Steve Redeker. It is not a matter of poor communications but a disagreement on issues that is the cause of conflict. **I am only resistant to direction when I know it is against regulations or procedure. The record proves that.**

I was only trying to comply with regulations. It is my position to achieve regulatory compliance without exceptions. I take pride in my designs and try to achieve a reliable, maintainable, cost effect system that meets all regulatory and end user requirements. My intentions were only to do an excellent job and avoid having to waste the District's rate payers money, by having to rework the system after possible NRC rejection of the ISFSI Security Plan.

ENCLOSURES

- 1) Letter from S. Redeker to J. Saum, dated 8/8/94, "Investigation Results"
- 2) Jim Saum's Allegations Presentation to Jim Shetler on 12/6/93
- 3) Letter from SMUD to NRC, date 3/7/93, DAGM/NUC 93-84
- 4) NRC Generic Letter 93-03
- 5) Memo from J. Shetler to Plant Staff, D/AGM NUC 91-120
- 6) Auth. for Global Project Class Designation on FWS, signed by Jim Field, w/ 50.59
- 7) PDQ 93-067 w/ SP.482
- 8) PDQ 93-041
- 9) PDQ 93-33, w/ Memo From Jim Saum to Jim Field, dated 1/2/93. Concerns about QA Class 4 changes!!!
- 10) PDQ 93-063 w/ attached CAP-002
- 11) PDQ 93-021, w/ RSAP -0260
- 12) Memo MNTS 93-19
- 13) Memo MNTS 93-016, memo from J Saum to Jim Field, dated 4/16/93, Requirements for the ISFSI Security System
- 14) PDQ 93-067 w/ Jim Fields markup of PDQ
- 15) Memo from Jim Saum to Jim Field, dated 6/12/93, Complaints.

~~CONFIDENTIAL~~

SACRAMENTO MUNICIPAL UTILITY DISTRICT
INTEROFFICE MEMORANDUM

TO: Jim Saum

8/8/94

FROM: Steve Redeker

Steve Redeker

SUBJECT: INVESTIGATION RESULTS

This is to inform you of the results of my investigation of several issues presented in your memo to J. Shetler on December 6, 1993. The attached report summarizes the investigation and findings for each issue. Some of the issues were supported by the evidence obtained in the investigation while others were not. Appropriate corrective action has been taken and is summarized in the report. I have reviewed these findings with Mr. Shetler.

Enclosure

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INVESTIGATION RESULTS OF 12/6/93 ALLEGATION LETTER

Introduction

An allegation letter was received by J. Shetler (JRS) and discussed with The Allegor, (TA) on December 6, 1993. Each allegation is summarized below, numbered as in the allegation letter, (the letter), and the significant aspects and the results of the investigation are presented. Issues related to harassment by TA's Supervisor (TAS) (variously referred to in the letter as "harassment, bias, intimidation, fear of reprisal, or threats") were investigated as part of JRS's review of TA's appeal of his December 1993 Performance Evaluation. JRS concluded that there was no intention by TAS to harass TA and that problems between TAS and TA stemmed mainly from lack of good communication; thus alleged harassment issues are not evaluated in this documentation.

This investigation was conducted by the Plant Manager unless otherwise noted.

Overall Conclusion/Action

1. The evidence does not support a finding of deliberate misconduct as alleged.
2. PDQ classifications were not always adequately researched and not consistently conservative by TAS and the ex-Maintenance Manager.
3. There was inadequate concern by the ICT and reaction by ICS and TAS to potential deliberate misconduct associated with the plant effluent flow calibration.
4. There existed a poor working relationship and communication between the allegor and his supervisor and was the root of several of the allegations.
5. There is not a generic site issue of emphasizing schedule over procedure compliance.
6. Appropriate management actions have been taken to resolve areas of concern (item 2, 3,4). These have included reviews of written requirements, discipline as appropriate, reinforcement of management (Plant Manager) standards and philosophy, supervisory training and implementation of measures designed to improve TA/TAS/Shop working relationships.

Assessment of Allegation Letter Specifics

1.0 Falsification of Plant Records

1.1 Global QA Class 4 50.59

Allegation: PDQ should have been written by TAS for TAS not having a complete 50.59 attached to package before Global QA Class 4 change entered on FWS as required by RSAP.0306. TAS tried to cover up or resolve it by completing it after the fact.

Investigation

1. QA performed a Surveillance 94-S001 and confirmed for FWS, as alleged, that the second level review signature by the PRC Secretary was dated 10/25/93 which was after the 10/17/93 TAS authorization and after the QA Class 4 Change.
2. Approximately 9 other System MEL changes including about 5 Global QA Class 4 changes were reviewed in the surveillance and found to be without similar discrepancy.
3. RSAP.0306 requires the supervisor to ensure a completed 50.59 is attached to the Authorization Sheet.
4. A 50.59 Sheet was attached to the Authorization and was filled out except for the final second level review signature on page 3 when TAS signed the Authorization on 10/17/93.
5. TAS acknowledges and recalls the event; however, he does not recall the exact timing of signature dates, QA Class 4 actual entry etc. He felt that the Supervisor/Signature check was a final check of the package for completeness as prepared by a subordinate engineer and was not, in his opinion, intended to be a detailed check that all data/paperwork was correct or valid. That is, it was not an engineering second check like done on a calculation. TAS does not always check that all signatures on the 50.59 are in place when signing the QA Class 4 Authorization.
6. TAS said that he thought the MEL Change had been made the day TA notified him. He later found that the MEL change had been made some days earlier and had he known that, he would have written a PDQ.
7. TAS stated that he should have done a more thorough investigation before deciding that a PDQ was not needed.

8. By procedure, TAS could have signed the 50.59 second level review himself; however, he followed normal practice and had the PRC Secretary do the review and sign.

Conclusion

There was no falsification of plant records. The 10/17/93 Authorization Signature without the final 50.59 signature appears to be an oversight by TAS. There was a 50.59 attached, with review through the Qualified Reviewer completed. The Second Level Reviewer dated the document with the date the review was performed: 10/25/93. The date was not falsified or backdated. TAS took immediate action to obtain the needed review when he became aware of the omission.

There appears to be no deliberate misconduct. As noted above, the QA Class 4 authorization with an incomplete 50.59 was an apparent oversight. Additionally, the TAS's corrective action once the error was noted was acceptable and timely: The second level 50.59 review was obtained and dated accordingly. TAS admits that he should have done a more thorough investigation before deciding that a PDQ was not needed.

The allegation of a coverup is not supported. TAS could have personally signed the 50.59 after the fact, thus limiting knowledge of the late signature; however, he chose to involve a third party, the PRC Secretary, thus indicating the intent to follow normal practice. The need for a PDQ is a judgement call and requires thorough investigation. TAS made an error by not investigating further. A conservative call would have been to write a PDQ.

1.2 Effluent Flow Calibration

Allegation

Data has been "fudged" in performance of SP.482 in-stream flow measurements by an I&C Technician (ICT), and the ICT had previously lied relative to SP.482. I&C Supervisor (ICS) and TAS should take the matter of "fudging" of data much more seriously. TA also states that TAS, ICS need to take "threats" more seriously; however, as described in the letter, the threat is not a threat to perform negligently or a threat to a person but a "threat" not to lie in the future, thus the "threat" is investigated in the context of previous alleged lies.

Investigation

1. QA performed an in-depth analysis (NQA 94-0005) of chart recorder values to data sheet information from the SP.482 performances which required collection of in-stream flow traverse data. This is the only data that could be independently verified. It was concluded that "the information recorded on the SP Data Sheets correlates with the chart data such that all Data Sheet Step 6.16.5.7 determinations are correct". Based on this review, a finding of "fudged" data could not be supported. Available circular chart data, compared to recorded SP data are consistent within the limit of accuracy and behavior of the instruments. One data point was marginal but was acceptable and that SP was not performed by the technician alleged to have fudged data or lied.
2. TA stated that he did not know what aspect of the calibration ICT was referring to when he stated "This time I'm not going to lie". TA did not question ICT further. TA stated that he felt the ICT did not mean it, that he was probably upset, and that the ICT is a person of integrity. TA said that ICT also stated that he (ICT) was not proud of some of the data he had taken, related to the calibration. However, the ICT did not elaborate or explain to TA what he meant.
3. ICT was interviewed and made numerous remarks relative to the effluent flow calibration method, procedures and instrumentation:
 1. Data is not always written down directly on the data sheet. Sometimes several repeat readings are taken of a parameter and then the reading that best represents the item is selected for recording on the SP. This occurs particularly when the item difficult to read or the indication is varying, such as flume level. This was one way the ICT used to select the best average value when the procedure did not provide space or specify a method to obtain an average.
 2. Relative to the lying statement, ICT stated that he did not mean it in terms of incorrect data but it does relate to the adequacy of the calibration procedure. The FR/FE is not in calibration as good as it could be even if the procedure passes. "You are not getting the best possible indication using the procedures as they are written."
 3. The fudging data statement relates to the same issue of procedure adequacy, not to putting down data that wasn't there.
 4. The ICT said he wrote DQ 93-067 out of frustration with the procedures (SP.482, SP.524) and that he felt they would not produce a good calibration.

6. TAS had a vague recollection of the conversation with TA regarding fudging. TAS stated that he did not remember specifics since it was some time ago. TAS remarked that, in general, he would not pursue a rumor but would fix the situation to eliminate the force potentially driving a person to want to fudge data.
7. The ICT stated he had used the work "fudging" related to SP.482 but stated he always read data that was there (i.e., actual observed indications) and that his statements related to the difficulty reading flume level or FR data which fluctuated significantly. He could not describe exactly what was meant by fudging, but stated that in retrospect, it was a poor choice of words to describe his actions.

Conclusion

1. The allegation of false data (fudging) relative to the effluent flow calibrations is not supported. To the extent possible, the data recorded by ICT is confirmed to be consistent with flow data. The ICT did use the term "fudging" but could not describe exactly what he meant by fudging. Based on his statements, it could mean "the process used to obtain a representative single value for a fluctuating value of flume level or chart recording". It could also mean that data was recorded which did not represent the actual parameter; however, ICT's statements do not support this meaning and based on the QA Surveillance of available flow data, the recorded values appear to be valid.
2. The allegation that the ICT said that he would no longer lie is substantiated. He did make the statement. However, the lying statement was relative to the ICT's belief that the procedures were not as good as they could be and that he would not lie by saying the calibration was "a good one" even if the procedure meets the acceptance criteria. The evidence does not support an implication that the ICT was falsifying data.
3. The ICS and TAS did not respond with appropriate abhorrence to any implication of lying or manipulating (fudging) information.

2.0 Poor Supervision

The issues presented in this introductory paragraph are either harassment issues which were evaluated in the TA performance evaluation appeal or are general statements explained with examples below. The issues are investigated through review of the specifics which follow.

2.1 Does Not Follow Plant Procedures

2.1.1 ANS Fire

Allegation

TAS should have written PDQ for ANS Fire. Not doing so is a violation of PDQ Procedure.

Investigation

1. As outlined in the allegation, the Maintenance Manager had made a decision to investigate the burnt/overheated ANS cards under a work request rather than a PDQ.
2. The initial investigation of equipment problems is the responsibility of the Maintenance area (Maintenance Manager) to determine if PDQ reporting criteria are met.
3. TAS involvement was secondary at most and it was not his responsibility as Technical Services Supervisor to make the PDQ decision. Additionally, TAS did not have as in-depth knowledge of the details of the event as did the responsible decision maker, the Maintenance Manager.

Conclusion

The allegation is not supported.

2.1.2 Asset Recovery/QA Class 4

Allegation

TAS intimidated TA relative to processing a QA Global Class 4 Change. No specific TAS procedure violations are alleged even though this is listed in the letter's procedure violation section. The harassment issues were investigated in TA's performance evaluation appeal and are not evaluated here.

Investigation

1. PDQ 93-033 was generated and outlined TA's concerns of possible inadequacies in the administrative procedures controlling release of systems and equipment for asset recovery.

2. The CMRG reviewed the PDQ and determined conservatively that, although very small, a potential for violation of NRC requirements existed within the existing procedures for QA Class 4 reclassification because they lacked some details.

There was dissenting opinion by two CMRG members, Maintenance Manager and Tech Services Superintendent (TAS) that the existing procedures were adequate and that any additional guidance would just be stating the obvious or controlling situations which would not occur. An example was that there was no realistic expectation that "major" structural changes to radioactive components would result from asset recovery because these components are liabilities due to their cost of disposal and would be of no resale value. Thus, the procedure did not need to address an issue which is not expected to occur.

The CMRG nonetheless decided that although the procedure was not incorrect, it would be enhanced by adding some detail and directed that a revision be made. The PDQ was not classified as a DQ as stated in the letter but scored as a "PDQ - Revise Procedure".

Conclusion

1. The allegations of procedure violations by TAS relative to the asset recovery QA Class 4 situation are not supported.
2. There was a difference of opinion between TA, TAS and other members of the CMRG regarding the level of detail in the procedures required to assure compliance with NRC requirements. The communication difficulty between TAS and TA revealed in the evaluation of TA's Performance Evaluation appeal is considered to be a significant factor in TA writing this allegation.

2.1.3 IOSB Radiation Monitor I vs SP Procedure

Allegation

TAS did not write a PDQ when informed that I-675 was required to be an SP by RSAP.0501.

Investigation

1. Per RSAP.0501 Rev. 8 I.675 should have been an SP, thus technically it was a procedure violation for I.675 not be an SP.
2. The IOSB rad monitor calibration requirements were added to a license basis document well after I.675 was written for IOSB rad monitor calibration, thus there was no procedure violation of RSAP.0501 when I.675 was written.
3. TA and TAS did discuss the issue as alleged, but there is a difference of opinion regarding action TAS would take. TA, as outlined in the letter and by interview, believes that TAS committed to write a PDQ, although the Letter only states that TAS committed to "take care of the matter". TAS vaguely recalls the discussion (thinks it was a "caught in the hallway" passing discussion) and feels he carried out whatever he committed to do.
4. PDQ 93-87 was written subsequent to the allegation to prompt investigation of how the I vs SP situation developed. Investigation and corrective action were thorough and appropriate. No intentional failure to follow procedures was found.

Conclusion

1. A PDQ should have been written. TA found the situation and as the Sr. Engineer for the RDM had adequate knowledge and experience to determine by himself that a PDQ was needed, and to write one. However, he chose to seek his supervisor's (TAS) advice and TAS then defacto assumed the responsibility to resolve the situation.

2. TAS did not advise TA to write a PDQ and did not do so himself and appears to have been motivated by trying to not degrade an already strained working relationship between TA and the I&C shop. Based on the poor communications and working relationships between TA and TAS, and between TA and the shop, and lack of objective evidence relative to TAS's understanding of or decision process for the I vs SP situation, it cannot be concluded that there was intentional failure to follow procedure by TAS. It is concluded, however, that a more thorough and objective review of the situation by TAS should have resulted in a PDQ.
3. For TA to believe that a PDQ was needed and to take no followup action with TAS or other management, for nearly a year is indicative of the poor working relationship between TA and TAS. TA seems to have used this poor relationship as an excuse for not following up, which is not a valid position. TA had other avenues available to assure his concerns were adequately addressed.

2.1.4 CCTS Procedure Violation

Allegation

TAS violated the PDQ procedures by failing to approve as supervisor an alleged "valid" PDQ. It is alleged to be proved valid by the fact that the Plant Manager (PM) (Redeker) signed for TAS on the PDQ.

Investigation

1. The alleged procedural violations noted in the PDQ were actually internal inconsistencies in the procedure, not failures to follow the procedure.
2. CMRG reviewed the PDQ and assigned it as a "PDQ, Procedure Revision Required". This classification was used because a procedure change could have been processed to solve the inconsistency problem.

3. The Plant Manager made a very conservative call to sign the PDQ, but this does not "validate" the PDQ, it simply allows it to be processed. That the PM signed the PDQ and the TAS did not reveals a different level of conservatism, but does not indicate that TAS was incorrect. The CMRG's determination actually confirmed TAS position that a PDQ was not needed.

Conclusion

1. The allegation is not substantiated. There was no procedure violation by TAS by refusing to sign the PDQ. TAS was correctly exercising his responsibility required by the PDQ Procedures to screen out potential PDQs which do not meet the PDQ criteria.

3.0 TAS Provides Poor Direction

3.1 ISFSI Design Control

These allegations relate to TA's opinion of TAS's supervisory competence, and they stem to a great deal from the lack of communication between TA and TAS as determined by the evaluation of TA's performance evaluation appeal. There are no allegations of misconduct or failure to follow procedures, thus this issue is not investigated further here.

3.2 Global QA Class 4 Change

Allegation

After the CMRG determined that procedure changes ere appropriate to better define Global Class 4 changes (refer to Section 2.1.2) TAS insisted that TA make the class change for nonradioactive systems before the procedure changes were in place.

Investigation

1. As part of the CMRG review of the PDQ, it was decided that the Class 4 changes could be made before the procedures were revised for non-radioactive systems. Refer to the CTS comments for PDQ 93-033.

2. I (Plant Manager) did advise TA not to proceed until procedures were changed. This occurred when TA stopped me in the hallway to seek advice and I did not fully evaluate his request. I had apparently forgotten the well thought out CMRG decision (with which I concurred as the Chairman of the CMRG) that it was proper to proceed on non-radioactive systems before procedure changes were made.

Conclusion

1. The allegation is not supported. TAS was acting appropriately with the concurrence of senior site management.

4.0 Intimidation - Technical Disagreements

Two allegations of intimidation by TAS relative to technical disagreements are presented. The second issue relates to item 2.1.2 above but from an intimidation aspect. Relative to intimidation, these issues were evaluated as part of the TA performance evaluation appeal and were found to stem to a great deal from lack of communication between TA and TAS. These issues are not investigated further here.

4.0 Bias, Harassment, Threats

(This is the second section numbered 4.0)

Four allegations of bias, harassment or threats by TAS are presented. These also were evaluated as part of the TA performance evaluation appeal and thus are not investigated further here.

5.0 Summary and 6.0 Recommendations

No allegations are presented in these sections.

Assessment of Related Issues

A review was conducted to assess the generic issue of schedule vs procedure compliance for the site organization. This was done by interviewing most of the Plant Manager's direct reports (TAS's peers) as well as several of TA's peers. A schedule vs procedure compliance issue is not a site generic problem and is not a problem in general with TAS's or TA's peers. There was certainly a strong perceived pressure to meet schedule, but there was a corresponding knowledge that management expected it to be done within the framework of existing procedures or to change the procedures.

Steve Redeker

Steve Redeker,
Manager, Plant Closure & Decommissioning

9/8/94

Date

Jim Savin's
Allegations Presented
to Jim Sketler
on 12/6/93 93

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A. Intro

It is unfortunate that it has become necessary to present you with the following evidence of possible wrongdoing at Rancho Seco. However, I feel obligated by recent training on 10 CFR 50.9, "Deliberate Misconduct", and in the aftermath of the NRC findings of Inspection 93-02. Also, the situation I've been put in by poor supervision, as will be discussed, puts me at risk of violating plant procedures and this code.

Present attachments 1, 2 and 3

Evidence:

1.0 Falsification of Plant Records

1.1 Present QA class 4 Auth. Sheet (4)

- .1 Show how Jim Field was responsible for ensuring that a 50.59 Determination was complete and had signed on 8/17/93.

On 10/25/93, after processing a Global QA Class 4 MEL change for the FWS, I discovered that a RSAP-0306 procedure violation had occurred in that a 50.59 determination had not been completed prior to the QA change implementation. RSAP-0306 requires the supervisor to ensure that a completed 50.59 is attached to the Authorization sheet for such changes. I notified Jim Field of this situation. He said he would "take care of it". I later found out he simply got Ron Columbo to complete the 50.59 (see attached 50.59 where the second level review is dated 10/25/93, post implementation).

- .2 Summary: Jim Field should have written a PDQ or had me write one on not having completed a 50.59 before the change was implemented. Instead he tried to cover it up or resolve it by simply completing it after the fact.

1.2 Present DQ 93-0067 (5)

- .1 FR-95108 measures plant liquid effluent dilution flow per the ODCM (Radiological Environmental Technical Specifications) for compliance with 10 CFR 20 and Appendix I. It has a public safety significance in controlling the dose received to the public. This instrument had a history of a problem with the flume in that it had gone into a condition called critical submergence where an unconservative error had caused the plant to underestimate the amount of dilution flow and hence the dose received to

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the public in 1988. United States Geological Services (USGS) was contracted to determine the actual flow periodically and thus to determine the extent of the error. This was a commitment to the NRC. The ASTM method used by USGS to determine actual flow was later was incorporated into Surveillance Procedure SP-482.

- .2 Discuss DQ problem and disposition. Show Bob's signature.
- .3 On or around 10/25/93 I met with Chuck Linguist and Tom Robison to discuss a PDQ he had written as a result of a misunderstanding of a SP.482. The I&C Technician personally disclosed to me before his immediate supervisor that he had "fudged data" in past performances of this SP. At this point in time I thought he was not serious since he was so candid about it before his supervisor and me. He stated that he had difficulty in interpreting measured data, such as fluctuating levels and flow rates. My response was to clarify the level measurement technique described in the procedure and the ASTM standard upon which the procedure was derived. I told him that what he was obligated to do was take the average of the fluctuating level and record it. My response to the flow rate measurement which requires the technician to count audible clicks which he indicated were at an excessive rate was that I would purchase an electronic counter to avoid any difficulty.
- .4 Discuss the 11/17/93 meeting with C.L, T.R, D.W. where we eventual discussed re-performance of the SP per the DQ dispo. After we all reached an agreement as to how to proceed C.L. threatened, "this time I'm not going to lie". This statement is what concerns me. However, he may have been just blowing off steam.
- .5 Discuss the 11/18/93 meeting with Jim Field :

On 11/18/93, Jim Field mentioned to me that he had heard that maintenance had been "fudging data" as part of performing this SP. Shortly thereafter, I consulted with Jim Field, telling him I had heard directly that maintenance had been "fudging data". Jim Field replied, " Well you know what I think, there is fudging and there is fudging. In the fact that if some variable is fluctuating... its....., and you're supposed to call it, it is very difficult to call an exact number. So if they call a number and then look and see that number is wrong but go back and call it as something else that is still a reasonable number It is hard to criticize them for that... Rather than re-running it.

Later in that same conversation, Jim Field states, " Personally, if there was a thing that was fluctuating over two or three inches and you're supposed to call it . They should have refused to call it... That would have been the excellent thing to do. It is not possible to find the number. You're asking them to do something that is not reasonable to do".

Field: Are you thinking of pursuing it? Is that why you are here?

Saum: Yes

Field: Because I don't think.... Well here are my own feelings on it... Picture what happens if you would try to pursue it...then maybe that something would be impossible to document.... You would go down there (to the shop) and everyone would say no (i.e., deny it) ... Jim misunderstood what we said... I don't think it could be substantiated. And certainly, even you would agree that it would worsen your relationship with the shop.

Saum: I do not want to hear that they are fudging data again.

Field: Well with the revised procedure they won't have to.

- .6 The procedure Jim Field refers to does nothing to improve the way the level measurement is made which he stated was the cause of fudging data. However, the revised SP.482 is improved in other respects such as improved accuracies and the use of an electronic counter.
- .7 Summary: Jim Field's underlined statement above, that if a measured value is wrong (i.e., out of spec.) he doesn't blame them for changing it to a value that is in spec. shows poor judgement. It amounts to deliberately changing the results of a measurement.

However, Jim Field was correct, in essence, by stating that the proper thing to have done was either to get a clarification of the measurement technique from engineering or to write a PDQ. If they had read the procedure or consulted they would have realized that they should have made adjustments to the instrument not adjustments of the data (i.e., "fudging"). For Jim Field to condone deliberately changing numbers is definitely not right.

Jim Field and Tom Robison should have taken the matter of " fudging of data" and threats much more seriously.

2.0 POOR SUPERVISION

Jim Field does not have a good knowledge of nor complies with plant procedures. He makes impulsive decisions with little or no research pertinent to the issues. He makes decisions that are the responsibility of other Departments. He lacks respect for a NRC regulated environment. He set a poor ISFSI design organizational structure whereby the project manager was making detailed electrical design decisions. He continually gives poor directions, and he intimidates me into signing things I disagree with.

His personal bias towards me and continued harassment and threats has caused me undue grief and anguish.

2.1 Does Not Follow Plant Procedures

.1 Present DQ 93-041, ANS Fire (6)

On 7/15/93 I wrote PDQ 93-041 after discovering a fire had recurred in the Main Control Room Annunciator Cabinets. A similar fire occurred in 1988, as you may recall. I discovered the problem upon troubleshooting an unrelated problem with the ANS. Then acting Electrical Maintenance Supervisor, Gary Howard, had showed me the burnt ANS printed circuit boards. I asked him if a PDQ had been written. Gary replied, " I had been directed by Dave Brock to continue to investigate the fire problem under a Work Request rather than write a PDQ". Realizing the seriousness of the potential fire hazard, I immediately wrote a PDQ. Gary indicated that Jim Field had knowledge that the fire had also occurred a week or so earlier along with Dave Brock.

Not reporting this fire immediately was a blatant violation of RSAP-1308, the PDQ procedure. I could not report this aspect of the problem in my problem description fearing reprisal from my supervisor.

.2 Present DQ 93-033, Asset Recovery/Q.A. 4 (7)

One of my first assignments by Jim Field after Jeff Jones left back around January 1993 was to do an accurate 50.59 Determination to justify downgrading whole systems to QA Class 4 for Asset Recovery purposes. Jim Field acknowledged that Jeff Jones had recommended that I be given the assignment because of my reputation of doing thorough, precise, and in depth research and analysis. I pursued this task but was not able to complete it due to licensing and administrative problems that I discovered and documented along with recommendations to correct the situation in Memo

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Jim Saum to Jim Field, Dated January 2, 1993

Present Memo attached to DQ...(7A)

This memo by the way was not allowed by Jim Field to be distributed.

I was prepared to implement the recommendations I had made in this memo to facilitate completing the original task. He apparently disagreed with the recommendations since he did not act on them. Several months passed and on 5/19/93 he again directed me to complete the 50.59 for QA Class 4 changes. I asked him what had changed since I wrote the memo and he replied nothing. He then began to intimidate me into proceeding stating I was needlessly holding things up. I then had no recourse but to write a PDQ on the problems identified. I feared reprisal, so I invoked Licensing Engineer, Richard Manhiemer to co-author PDQ 93-033. It was apparent that Jim Field was not pleased but had no recourse but to act on the CMRG's direction to revise necessary procedures to provide the administrative controls necessary for regulatory compliance. I still have concerns that the program is deficient but I'm exhausted to pursue the matter further.(e.g., Definition of "major structural changes to radioactive components and other major changes ")

.3 Present DQ 92-0063, IOSB Rad Monitor (8)

I wrote DQ 92-0063, regarding not meeting surveillance requirements for the IOSB rad monitor. Chemistry was assigned to make the disposition. Chemistry's disposition states " A channel test is performed on a semi-annual basis using maintenance procedure I-675. " After reading this disposition I informed my acting supervisor Jim Field, that this disposition was not in accordance with RSAP-0501 Rev.8, section 6.4.10, which requires a Surveillance Procedure, not an I- Procedure (i.e., I-675) to document Surveillance requirements. I asked Jim Field if I should write another PDQ. He said, " I did enough to upset people around here, and that he would take care of the matter". No action has been taken, nearly a year later.

.4 Present PDQ 93-0021, CCTS Procedure violations (9)

On 3/18/93 I wrote PDQ 93-0021, after discovering procedure violations of RSAP-0260, the Commitment Tracking System. Jim Field refused to sign the PDQ stating he did not feel there was a problem. I then sought support from co-worker, Bob Fraser, who then agreed to co-sign the PDQ with me. Bob and I then met with Jim Field and presented our position. Jim

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Field still refused to sign. Bob and I then continued to follow RSAP-1308 (PDQ Procedure) by appealing to Jim Field immediate supervisor Steve Redeker. Steve agreed that it was a valid PDQ and signed for Jim Field. This experience of Jim Field's lack of concern with procedure compliance and refusal to sign has left me apprehensive in reporting other problems I encounter, again fearing reprisal.

3.0 JIM FIELD PROVIDES POOR DIRECTION

- .1 Present ISFSI Mtg Memo (MNTS 93-019)+ISFSI Crit.(NSN 92-04) (10/11)

Around May 5, 1993 Jim Field directed me to arrange for a meeting with Telecommunications, OMS and Headquarters Security to get their support for the ISFSI Security System Project. He had instructed me to design a system which significantly differed from the direction given by Steve Redeker described in Memo NSN 92-04. He thought it was unnecessary to follow the original design plan to use the Rancho Seco Control Room Alarm Station during the interim when fuel was planned to be transferred to the ISFSI from the Spent Fuel Pool. After the fuel was moved to the ISFSI it was planned to use the Headquarter's Security Central Alarm Station. He instead directed me to design a system which had the Headquarter's Security Central Alarm Station as the first and only alarm station. I advised him of the original plan to use the Control Room CAS and asked if he had the Security Departments approval (i.e., Steve Redeker and Estaban Nava). He said he did, so I proceeded with his direction which thereby required the immediate support from the downtown groups. Upon notifying Estaban Nava of the meeting arrangements for the next day the basic design was discussed and to my dismay Estaban had told me he disagreed with the direction to not use the Control Room CAS and instead use the Headquarter's CAS. I then notified Jim Field of this extremely embarrassing situation, since I planned the whole meeting on the basis that the design would use the Headquarter's Security CAS and thus would immediately require downtown's support. Jim Field, met with Steve Redeker and Estaban Nava and then told me to change my design back to the original plan of using the Control Room. This is just one instance of Jim Field's poor direction and disregard for other Department's Authority. This experience left me with a sense of mistrust of his judgement.

Earlier on March 4, 1993, Jim Field again threatened me. He called me into his office and shut the doors and said do you want a VSP?. This in response to a meeting I called with Steve Redeker, Bob Fraser, and later Jim Field. This was to

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discuss and clarify differences in design criteria. ISFSI project manager, Wayne Hawely, had directed to use the unreliable 12KV line power supply, told me where to place the lamp poles and MW intrusion detection devices and told me how to house the electrical equipment. Also, he said to make the Microwave link downtown without linking to the Control Room and to use a radio link between the ISFSI and the onsite MW building. This was all contrary to what was previously approved by Jeff Jones and Estabon Nava and I thought S. Redeker.

Later I discussed this incident with Jeff Jones to verify our understanding. I thought it was inappropriate for Wayne Hawley to be directing me in detailed design items. Jeff replied, " That's what I complained about too." I replied, " I thought it was clear to leave the electrical and security design to me". Jeff replied, " Well that was my understanding, He was the Project Manager and doing the Mech. side of it and you were the electrical." As it turned out, after a lot of unnecessary work, struggle and embarrassment as a result of Jim Fields poor supervision which allowed this to happen; these design aspects were reversed back to the original mutually agreed upon plan.

Present NUMARK and ISFSI memo MNTS93.016 (12/13)

- .2 On 5/25/93 I had to appeal to Steve Redeker about Jim Fields insistence that a Global QA Class 4 change for non-radioactive systems be processed before procedures were in place per the disposition of DQ 93-33. Steve Redeker instructed me not to sign before the procedures were in place.
- .3 There are numerous other instances of asking me to do things against plant procedures where I am put in a position of having to advise him of such.
- 4.0 **JIM FIELD INTIMIDATES ME INTO SIGNING FOR THINGS I TECHNICALLY DISAGREE.**
- .1 Present DQ 93-067 (per Field's Direction), FR-95108 (14)

On 10/27/93, I advised Jim Field that the proposed disposition by maintenance as directed by the CMRG and himself would have resulted in an unbounded condition resulting in instrument inaccuracies in excess of those reported in the Semi-annual reports. After repeated efforts to convince him I became frustrated and said I was obliged to satisfy his direction and prepared the disposition.

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After completing the disposition incorporating his comments and getting his acceptance of the disposition, I asked him if he would sign the disposition since I technically disagreed with it. He became outraged and said, "What do I have to do to make you sign this" in a very intimidating manner. At this point I was in a catch 22 situation where if I signed I would be technically wrong with regulatory non compliance consequences and if I didn't my supervisor would claim I was not following directions. To solve this dilemma I added a note to the disposition which said this disposition is per the CMRG's direction and then signed.

The CMRG and Jim Field should not have dictated a disposition based on a casual technical discussion at a CMRG meeting whose purpose is to decide simply whether or not the issue is a PDQ or DQ . This circumvents the DQ process which normally would allow a careful independent technical evaluation of the problem.

On 11/1/93, Jim Field went on a business trip leaving Ron Lawrence in charge. Early that morning Ron had asked me if I was ready to present my disposition to the CMRG meeting at 10:00 . I told him I had a prepared disposition but disagreed with it. He then allowed me to present my disposition. I had Bob Fraser co-sign again fearing reprisals from Jim Field. This DQ 93-0067 disposition was readily accepted by the CMRG (Note: Ron Lawrence made the motion to accept). I then pursued implementing the disposition.

.2 Also as stated earlier, Jim Field intimidated me into processing QA Class 4 changes before my recommendations were in place and then again after the DQ was written where S. Redeker had to intervene.

4.0 JIM FIELD IS PERSONALLY BIASED AGAINST ME AND CONTINUES TO HARASS AND THREATEN ME

.1 In the fall of 1992, Jeff Jones took vacation to work as a consulting engineer for Duke Power. Jim Field by the way was Jeff Jones partner in their newly formed Engineering Consulting Firm .In his absence, Jim Field was left as acting supervisor. Up until this time I had not worked with, for or had any association with Jim Field. My knowledge of him was only scant in that he had been the Technical Support Superintendent, who around in late 1986 transferred to the Nuclear Engineering Department , working in the Plant Support or Procedures Group as a senior or principal engineer. I also worked for Nuclear Engineering at this time but

never had any occasion to associate with Jim Field directly or indirectly.

In Jeff's absence, as acting supervisor, Jim Field called me into his office and closed the doors. I do not remember the exact words he used but I'll never forget that he threatened to fire me suggesting I find work elsewhere from the District. He stated that I was not liked in other Departments. I was of course shocked by what I was hearing. This incident happened at a time when Jeff Jones, probably with Jim Fields input, had to decide who to transfer downtown to reduce the staff to 13 as I recall.

When Jeff Jones returned I told him of this incident. Jeff was puzzled and replied that he did not understand why Jim Field had taken such drastic action. He agreed Jim Field that as acting supervisor had no business to confront me with such a serious action. He agreed to talk to Jim and straighten the matter out. Later Jeff told me he had discussed the incident with Jim but could not offer an excuse. Shortly thereafter Jeff told me they had decided to transfer Bob Thomas instead of me. I felt pleased with Jeff Jones response and trusted him. I did not pursue this incident further but had considered taking legal action against Jim Field for such outlandish misconduct and harassment. I felt that Jeff would buffer me from further abuse from Jim Field. I naturally was shocked when Jeff decided to take the position as Electrical Division Superintendent.

Shortly after Jeff transferred downtown, Jim Field grinned and remarked that my sole supporter (Jeff) was gone.

- .2 Present Memo J.S to J.F, dated 6/17/93, "Complaints" (15)

Jim Field continues to say people complain about me but refuses to give me specific instances. However, on one occasion he did say Barney Mc Cauley of OMS had complained. Upon investigation, Barney had indicated that he confused Jim Saum with Jim Field. It was Jim Field who had been giving him difficulties not me. Barney later apologized to me for the confusion.

I suggested to him that it was unfair for him to make these claims and said he should talk with the people I work with of a regular basis. He referred me to Dave Brock.

- .3 Present Dave Brock Memo.(16)

At this meeting I asked D.B to interview people I worked

with of his staff. He told me people did not like to work with me. I asked him who and he mentioned a couple of names. I told him I was only doing my job and that I had acted professionally.

D.B.: " I have never had anybody come to me and say you don't know what your doing or that your position is wrong. I told you right up front that the guys don't like you. I've never had them come and say Saum is not qualified or Saum makes dumb decisions."

J.S.: " Well I take work seriously. Work is a job."

D.B.: " Now if I come back and tell you that none of the people have a problem with you professionally all they have is a problem is working with you. Will you believe me?"

J.S.: " Well, if I conduct myself professionally and do my job, then I wonder what this other thing is because that gets out of the realm of what I'm accountable for."

D.B.: " Well that is out of the realm of your job description is, no doubt about that". But Dave Freeman is pushing that if we are all friends we get a lot more done."

J.S.: " Don't be too unprofessional. Don't be too loose."

D.B.: " That's me too. I had 12 years in the Navy. I know what your talking about and I've found out that in the last 3 or 5 years that is not what they want from us."

J.S.: " There has to be order in our working relationships. If I'm the Test Director.. that's my job to make decisions. I can't have 10 other people waiting on 2. I can't conduct business that way."

- .4 As discussed earlier Jim Field wrongfully threatened me with a VSP for calling a meeting with Steve Redeker, which was by the approved by acting supervisor Tar Sing, to clarify design criteria which had been mutually agreed upon in the past and was contrary to Wayne Hawley's direction.

5.0 SUMMARY

Jim Field should have written a PDQ or had me write one on not having completed a 50.59 before the change was implemented. Instead he tried to cover it up or resolve it by simply completing it after the fact. Also he should have taken the matter of the Maintenance Departments " fudging of data" much more seriously rather than stating it would be

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hard to document and it would worsen my relationship.

Jim Field does not have a good knowledge of nor complies with plant procedures. He makes impulsive decisions with little or no research pertinent to the issues. He makes decisions that are the responsibility of other Departments. He lacks respect for a NRC regulated environment. He established a poor ISFSI design organizational structure whereby the project manager was making detailed electrical design decisions. He continually gives poor directions, and he intimidates me into signing things I disagree with.

His personal bias towards me and continued harassment and threats has caused me undue grief and anguish.

6.0 RECOMMENDATIONS

.1 Investigate the facts of this matter and intervene to resolve this situation. It is only fair to hear both sides of an issue, something Jim Field rarely does. However, I do not know how this can be done without revealing the source (me) and totally ruining my relationships. It is hoped that the matter of falsifying plant records can be dealt with internally.

.2 Remove Jim Field as Technical Services Supervisor. I recommend he be transferred downtown to a non-nuclear organization where he wouldn't pose a liability to the District.

If Jeff Jones current assignment becomes permanent then I recommend Bob Fraser as Jim Field's replacement since he has demonstrated excellent judgement, technical knowledge, personnel supervisory skills, commitment to excellence, and dedication to District Goals. Also he is a Professional Electrical Engineer and will be much more suited and respected by the Electrical System Design Department that we will shortly be apart of.

.3 Enforce the division of responsibilities between the various plant departments that are established in plant procedures. This will promote better working relations and teamwork.

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SACRAMENTO MUNICIPAL UTILITY DISTRICT □ P. O. Box 15830, Sacramento CA 95852-1830. (916) 452-3211
AN ELECTRIC SYSTEM SERVING THE HEART OF CALIFORNIA

DAGM/NUC 93-084

April 7, 1993

U. S. Nuclear Regulatory Commission
Region V
1450 Maria Lane
Walnut Creek, CA 94596

Docket No. 50-312
Rancho Seco Nuclear Station
License No. DPR-54

Supplemental Information to Inspection Report 93-02

Attention: Jack Martin, Region V Administrator

Our management team has examined the causes for the findings of Inspection 93-02, as noted by Mike Cillis in his exit of April 1, 1993. We have evaluated from a site wide perspective how the problem went undetected and ways to prevent similar events. We concluded that management's reliance on trusting workers to execute their responsibilities, without adequate verification of that trust, was a major contributor to the problem.

We have initiated discussions of this issue throughout the nuclear organization to emphasize management's expectations of worker duties and responsibilities. These discussions have the alternative purpose of soliciting ideas from the worker level on how management can help them do their job better and avoid the conditions that may have fostered the original problem. In this dialogue, we have recognized that communicating to the staff that their jobs are relevant and meaningful in the present plant condition, is indeed a challenge that we need to continually confront.

Concerning the allegations of an unqualified Radiation Protection Technician on back shift, we have reassigned the subject individual from back shift duty until we complete a review of his qualifications and are satisfied he can competently perform his duties. The Radiation Protection Department has established a Radiation Protection Technician qualification checklist. In addition, our Quality organization has begun an independent audit of selected positions and the qualifications of those individuals currently in those positions to assure ourselves that we meet the Permanently Defueled Tech Spec requirements of ANSI N18.1-1971.

EXHIBIT 9
PAGE 222 OF 506 PAGE(S) 32

Regarding training, we have modified procedures to facilitate more classroom training and increase verification of training assignments.

We have improved our method of screening NRC Information Notices for applicability by using the Commitment Management Review Group (CMRG), composed of senior site management, to examine this and other similar correspondence as part of the regular meeting agenda. We feel that this screening will improve management's awareness of problems in the industry particular to our shutdown condition and focus on the appropriate method to disseminate these issues to our staff.

Other areas that we are pursuing include:

- Re-emphasizing the role of the first line supervisor and his involvement in the work of his staff.
- Identifying additional ways for first line supervisors to provide the "verification" of trust for the actions of their subordinates (*e.g., requiring workers to log in and out on the access control computer for radiological controlled areas rather than only at the beginning and end of their shifts*).
- Using trends and indicators in a different light, to ferret out problems (*e.g., the exceptionally low dose accumulations of the Radiation Protection Tech indicated improper surveys and not ALARA*).
- Improving the communications to the staff on the "big picture" and overall plan to achieve *Hardened SAFSTOR* and the regulatory requirements associated with this effort.
- Drawing on the employees to identify programmatic changes that would allow them to accomplish required tasks in a meaningful context (*i.e., assure the worker feels his tasks are "right, relevant and reasonable"*)

J. Martin

DAGM/NUC 93-084

The circumstances leading to the inspection are problems that are correctable. The findings of the inspector not only point to some specific deficiencies, but also to the positive accomplishments and responsible work ethic of the vast majority of the Rancho Seco staff.

Members of your staff requiring additional information or clarification may contact Steve Redeker at (916) 452-3211, extension 4699.

Respectfully,



James R. Shetler
Deputy Assistant General Manager
Nuclear

cc: NRC Document Control
S. Brown, NRC, Rockville



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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

October 20, 1993

TO: ALL HOLDERS OF OPERATING LICENSES OR CONSTRUCTION PERMITS FOR
NUCLEAR POWER REACTORS

SUBJECT: VERIFICATION OF PLANT RECORDS (GENERIC LETTER 93-03)

PURPOSE

The U.S. Nuclear Regulatory Commission (NRC) is issuing this generic letter to inform licensees of the results of the inspections conducted under Temporary Instruction (TI) 2515/115, "Verification of Plant Records," which addressed the potential for incomplete or inaccurate records at licensed facilities. This generic letter reminds licensees and individuals involved in licensed activities that the NRC may take direct enforcement action against not only the licensee but also any individual who deliberately causes a licensee to be in violation of NRC requirements. This includes the falsification of records required by technical specifications and plant procedures developed pursuant to Regulatory Guide 1.33, "Quality Assurance Program Requirements (Operation)," or other regulatory requirements.

BACKGROUND

Section 50.9, "Completeness and accuracy of information," of Title 10 of the Code of Federal Regulations (10 CFR) requires that information maintained by the licensee pursuant to Commission regulations, orders, or license conditions be complete and accurate in all material respects. The administrative section of plant technical specifications requires that written procedures covering applicable activities (typically in Appendix A of Regulatory Guide 1.33) be developed, implemented, and maintained. Activities for which Appendix A recommends written procedures include surveillances and log entries.

Section 50.5, "Deliberate misconduct," of 10 CFR provides that the NRC may take enforcement action against an individual, including an unlicensed person, who (1) deliberately causes or, but for detection, would have caused a licensee to be in violation of the Commission's requirements; or (2) deliberately provides information to the licensee concerning licensed activities knowing that the information is incomplete or inaccurate in some respect material to the NRC.

On April 23, 1992, the NRC issued Information Notice 92-30, "Falsification of Plant Records," to alert the industry to concerns of the NRC regarding record falsification that had occurred at several plants. The notice specifically reminded plant personnel, both licensed and unlicensed, that they are subject to 10 CFR 50.5 and that individual penalties could result from deliberately violating Commission requirements. It also noted that the NRC was continuing its evaluation of the individual cases discussed. Although the NRC did not request any action by means of this notice, many licensees initiated actions to ensure that plant personnel were properly performing their assigned duties.

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The NRC issued TI 2515/115 to provide guidance for NRC inspector evaluation of the ability of each licensee to obtain complete and accurate log readings from both licensed and unlicensed operators. The inspection findings were documented in a routine resident inspection report for each facility. The NRC reviewed the inspection findings nationwide to determine how widespread the problem was.

SUMMARY OF TI 2515/115 INSPECTION RESULTS

The NRC recognizes that it is difficult to compare the TI 2515/115 inspection results among plants. Many factors can affect the inspection findings, such as the variation in the extent of computerized access areas within the protected area from plant to plant and in the sample sizes reviewed by licensees (some licensees greatly expanded their sample size in response to an identified discrepancy). However, the review showed that at approximately 30 sites at least one discrepancy between security computer records and documented logs existed.

Several licensees found that not only auxiliary operators, but also contractor fire watches and health physics technicians had been responsible for creating incomplete or inaccurate records. The NRC is concerned not only with inaccurate and incomplete records regarding the status and condition of plant equipment, but also with the failure of the fire watches to provide a required compensatory action.

Several licensees discovered a number of other problems related to the conduct of plant rounds, log taking, and record keeping. In some instances, licensees found that many of the unlicensed operators were performing certain rounds much faster than management expected. Other licensees found that unlicensed operators did not have a clear understanding of what their signatures on a log sheet meant. Some believed that it attested to only the fact that the round had been performed, whether by the log signatory or another operator. Several licensees found that when multiple rounds or log readings were required in a single shift, the operators performed a generally rigorous first tour, but a much less formal second tour. Finally, at one facility, management review of the tour and logging requirements revealed that the operators could not reasonably be expected to conduct the specified rounds in the time provided because of such factors as the number of times the operators had to don and remove anticontamination clothing to enter and leave radiation-controlled areas.

The NRC found that licensee responses to Information Notice 92-30 were positive. Licensees took advantage of the information to review records, sensitize employees, and appropriately revise procedures and training. They also took various disciplinary actions against the involved individuals in accordance with their internal programs and policies, commensurate with the seriousness of the violations. Disciplinary actions taken by the licensees against the licensed operators ranged from employment termination to leave without pay.

ENFORCEMENT ACTION

The information from each site was reviewed to determine the appropriate enforcement action. In each case that involved logging falsifications, the NRC has determined that enforcement action is warranted. A Notice of Violation without a civil penalty was issued to all licensees that had logging violations in order to emphasize (1) that such misconduct cannot be tolerated and (2) management responsibility to ensure the completeness and accuracy of facility records. However, escalated action is not being taken because: (1) the licensees identified the violations either on their own initiative or as a result of the audits and inspections conducted after Information Notice 92-30 was issued, (2) the licensees took appropriate corrective action for any potential program weaknesses, and (3) the licensees took disciplinary action against the individuals involved, as appropriate. In addition, the NRC is not taking any enforcement action against individuals because licensees already have taken appropriate disciplinary action.

Now that the NRC has reemphasized the need for licensees to ensure that logging activities are being properly conducted, logging violations in the future may result not only in enforcement action against licensees, but also direct enforcement action against the individual involved in deliberate record falsification, whether the individual is licensed or not and whether the individual is a licensee employee or a contractor.

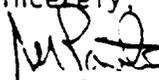
LESSONS LEARNED

Various licensees have reexamined their programs to ensure that management expectations regarding the conduct of rounds and log keeping are clearly articulated to plant personnel and are being implemented in the plant. Some of the actions taken include steps to (1) ensure that individuals clearly understand the meaning of their signatures on log sheets and procedures, (2) ensure that plant personnel clearly understand who is responsible and authorized to perform rounds, (3) ensure that individuals understand the purpose of the rounds and are properly trained on how the rounds are to be conducted, (4) perform periodic audits of field practices, and (5) verify that round and log requirements can reasonably be met in the specified time. Given the turnover of auxiliary operators and others who perform these rounds, these topics may be appropriate for consideration in licensee routine training and auditing programs.

October 20, 1993

This generic letter requires no specific action or written response. If you have any questions about the information in this generic letter, please contact the technical contact listed below or the appropriate Office of Nuclear Reactor Regulation project manager.

Sincerely,



James G. Partlow
Associate Director for Projects
Office of Nuclear Reactor Regulation

Enclosure:

List of Recently Issued NRC Generic Letters

Technical contact: James G. Luehman, OE
(301) 504-3280

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SACRAMENTO MUNICIPAL UTILITY DISTRICT

OFFICE MEMORANDUM

TO: Plant Personnel

DATE: September 16, 1991
D/AGM NUC 91-120

FROM: Jim Shetler *J. Shetler*

SUBJECT: NEW NRC RULE CONCERNING MISCONDUCT BY UNLICENSED PERSONS

A new NRC regulation that subjects both licensed and unlicensed nuclear industry personnel to enforcement action for specific types of behavior goes into effect on September 16, 1991. The deliberate actions subject to enforcement include:

*Misconduct that causes or could have caused a licensee (i.e., SMUD) to be in violation of any of the Commission's requirements, and

*Deliberately providing, to the NRC, licensee, or contractor, information which is incomplete or inaccurate in some respect material to the NRC.

This change in NRC regulations makes any person, whose actions relate to licensee activities regulated by the NRC, subject to the enforcement actions described in 10 CFR Part 2, Subpart B. This subpart specifies Notice of Violations, civil penalties, and Commission Orders. Deliberate misconduct by an individual may result in the licensee receiving a Notice of Violation, the individual receiving a fine not to exceed \$100,000, and termination of the individual.

The intent of the new rule is to give the Commission the authority to apply individual sanctions in those cases involving willful, deliberate actions and violations resulting from careless disregard. The range of actions that would subject an individual to action by the Commission does not differ significantly from the range of actions that might subject the individual to criminal prosecution.

So as a reminder, follow procedures, act professionally, and use the PDQ process. I am confident that the staff at Rancho Seco will continue in this manner as it always has in the past.

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August 10, 1993

AUTHORIZATION FOR GLOBAL PROJECT CLASS DESIGNATION

Page 2 of 2

The Authorization For Global Project Class Designation dated June 8, 1993 provided for the downgrading of the Auxiliary Feedwater System (AFW) and the Main Feedwater System (MFW) to Project class 4.

The original system designation for all equipment in these systems was Feedwater System (FWS). At the time of plant shutdown, engineering was in the process of splitting the single FWS system into AFW and MFW. The new system designations and descriptions had been created and are the system descriptions and system boundaries discussed in the Decommissioning Plan and SAFSTOR reports which authorize the downgrade. However, due to the shutdown, work was halted and all equipment in the AFW and MFW systems still exists in the Master Equipment List with a system designator of FWS.

Therefore a global project class designation to QA Class 4 for all equipment listed in the MEL as FWS will accomplish the downgrade approved by the above referenced June 8, 1993 Global Project Class Designation.

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10 CFR 50.59 DETERMINATION

ADM-273, authorization
For Global Class Designation

DOCUMENT NO. _____ REV. _____ CHANGE NOTICE _____ PAGE 1 OF 2

nation dated Aug. 10, 1993

1.0 10 CFR 50.59 SCREENING

1.1 License/Technical Specification Review

1.1.1 The change, test or experiment being reviewed:

Does Does Not XXX require a change to the Facility License. [State reasons for answer. Include references to the PDTS and POL sections reviewed. Use continuation sheets as necessary.]

Reviewed 50.59 for global Project Class Designation dated 6/8/93.
Since this change implements the change reviewed and approved by
that 50.59, the analysis is fully applicable to this change.

1.2 License Basis Document (LBD) Review [Consider DSAR, SERs, RSQM, E-Plan, Security Plan, REMP, ODCM, PCP (including the required evaluation for Major Changes to Radioactive Waste Treatment Systems), Fire Protection Plan, Decommissioning Plan]

The change, test or experiment being reviewed:

- | | | | |
|-------|-----------------|--------------------|--|
| 1.2.1 | Is <u> </u> | Is Not <u>XX</u> | a change to a License Basis Document; |
| 1.2.2 | Does <u> </u> | Does Not <u>XX</u> | require a change to a License Basis Document; |
| 1.2.3 | Is <u> </u> | Is Not <u>XX</u> | a change to the facility as described in any License Basis Document; |
| 1.2.4 | Is <u> </u> | Is Not <u>XX</u> | a change to the procedures as described in any License Basis Document; |
| 1.2.5 | Is <u> </u> | Is Not <u>XX</u> | a test or experiment not described in any License Basis Document, because: |
| 1.2.6 | Is <u> </u> | Is Not <u>XX</u> | an abnormal usage of equipment important to safety, because: |
| 1.2.7 | May <u> </u> | May Not <u>XX</u> | require revision of the ISFSI SAR as submitted to NRC (10 CFR 72.48). |
| 1.2.8 | Is <u> </u> | Is Not <u>XX</u> | a major change to a radioactive waste treatment system. |

(State reasons for answers. Include references to the DSAR sections evaluated and other License Basis Documents evaluated. Use continuation sheets as necessary.)

Reviewed 50.59 for Global Project Class Designation dated 6/8/93.
Since this change implements the change reviewed and approved
by that 50.59, the analysis is fully applicable to this change.
No new conditions are created by this change that are not fully
and correctly analyzed by the reference 50.59.

Marking Section 1.1.1 "DOES" requires a Safety Analysis. Complete Sections 1.2 and 2.0 to provide a basis for the Safety Analysis.

Marking any of the Sections 1.2.1 through 1.2.5 "IS" or "DOES" requires an Unreviewed Safety Question Determination. Complete Sections 2.0, 3.0, 4.0, and 5.0.

Marking Section 1.1.1 "DOES NOT" and Sections 1.2.1 through 1.2.5 "IS NOT" and "DOES NOT" does not require a Safety Analysis or an Unreviewed Safety Question Determination (Section 2.0). Complete Sections 3.0, 4.0, and 5.0.

Marking Section 1.2.8 "IS" requires inclusion in the 50.59 the Major Change to Radioactive Waste Treatment System evaluation specified in the PCP Manual.

If the change is or necessitates a change to the RSQM, Security Plan, or E-Plan, the respective responsible Department shall perform a 10 CFR 50.54 Evaluation. The Cognizant individual must include the results of the 50.54 Evaluation in the 50.59 Determination. Also, a proposed change that necessitates a change to another LBD considered in Section 1.2 requires an evaluation in the 50.59 Determination that addresses when the LBD change is to occur (i.e., before, concurrent with, or after the proposed change).

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10 CFR 50.59 DETERMINATION

DOCUMENT NO. ADM-273, Authorization For Global Class Designation REV. _____ CHANGE NOTICE _____ PAGE 2 OF 2
Dated Aug 10, 1993

2.6 Does Does Not create the possibility for a malfunction of a different type than any evaluated in the SAR, because:

(Include reference to the SAR sections evaluated; use continuation sheets as necessary.)

2.7 Does Does Not reduce the margin of safety as defined in the bases for any Technical Specification(s), because:

(Include reference to the PDTS Sections evaluated; use continuation sheets as necessary.)

Marking any statement in Section 2.0 "DOES" requires forwarding the proposed change and the completed 50.59 to Nuclear Licensing for a Safety Analysis before processing may continue.

Marking all statements in Section 2.0 "DOES NOT" means no Safety Analysis is required. Complete Sections 3.0, 4.0, and 5.0.

3.0 Cognizant Individual: RC Lawrence Department TS DATE 8-11-93

4.0 Qualified Reviewer: JJ [Signature] Department TELE SERVICES DATE 8/17/93

5.0 PRC/MSRC REVIEW:

Marking the statements in Sections 1.1 and 1.2 "DOES NOT", "IS NOT", and "MAY NOT" requires a Second Level Qualified Review. If the Second Level Qualified Reviewer concurs with the 10 CFR 50.59 Determination, Sections 5.2 and 5.3 are not required and should be "N/Aed".

Marking any statement in Section 1.2 "IS", "DOES", or "MAY" requires PRC and MSRC review of the 50.59. The PRC Chairman, or designee, "N/As" Section 5.1 and completes Section 5.2. The MSRC shall complete Section 5.3.

5.1 SECOND LEVEL QUALIFIED REVIEW: RT Colon DATE 10-25-93

5.2 APPROVED BY PRC: NA DATE _____

5.3 APPROVED BY MSRC: NA DATE _____

Marking any statement in Section 1.2 "IS", "DOES", or "MAY" requires the PRC Coordinator to forward a copy of the 50.59 package to Nuclear Licensing.

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POTENTIAL DEVIATION FROM QUALITY FORM

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PROBLEM IDENTIFICATION ORIGINATOR

1. DATE OF OCCURRENCE: 10/19/93 TIME OF OCCURRENCE: 1430 AM PM PDQ# 93-0067

2. DATE OF IDENTIFICATION: 10/20/93 TIME OF IDENTIFICATION: 1000 AM PM REV# _____

3. TIME SS NOTIFIED: 1145 AM PM 4. DEADLINE ASSIGNED BY SS: 1600 AM PM

5. SS NAME: Al Fraser

6. SYSTEM: CDS 7. EQUIPMENT ID: FR-95108

8. EQUIPMENT NAME: Site Wastewater Flow Recorder 9. QUALITY CLASS: 3

10. PROBLEM DESCRIPTION:
 Flow measured by velocity meter per SP.482 does not meet tolerance's vs FR-95108.
 Adjusting FR-95108 on SP.482 would cause it to fail SP.524 on the next quarterly run.
 SP.482 and SP.524 need to be revised.

11. ASSOCIATED OCP, WR OR OTHER DOCUMENTS: SP.482 SP.524

12. AFFECTED DRAWINGS: _____ 13. P.O./CONTRACT: _____

14. ORIGINATOR NAME: C Linguit EXT: 4293 MAILSTOP: 253
 ORIGINATOR SIGNATURE: C Linguit DEPT: I&C DATE: 10/20/93

15. EQUIPMENT OPERATES IN PRESENT CONFIGURATION (FOR CONFIGURATION DISCREPANCIES): Y N
 SUPERVISOR NAME: Harold Humphrey EXT: 4979 MAILSTOP: 253
 SUPERVISOR SIGNATURE: Harold I Humphrey DATE: 10/20/93

OPERATIONS REVIEW

16. POTENTIALLY REPORTABLE CONDITION: Y N PURSUANT TO: _____

17. TECH SPEC VIOLATION: Y N OPERABLE: Y N NA CLEAR TAG RECD Y N
 JUSTIFY IF NO LER REQUIRED: _____

18. SS NAME: _____ EXHIBIT 9
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 SS SIGNATURE: _____ DATE: _____ TIME: _____

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CONTINUATION SHEET
DQ 93-0067

25. PROBLEM ANALYSIS AND RESOLUTION:

CAUSE: The problem that the " flow measured by velocity meter per SP.482 does not meet tolerances vs. FR-95108" is do to the fact that is that SP 482 step 6.16.6 was failed to be performed. The SP was terminated by Maintenance do to a misunderstanding of the procedure. It is erroneously stated that "adjusting FR-95108 on SP 482 would cause it to fail SP 524 on the next quarterly run".(See the following analysis).

EXTENT: The calibration method is unique to this application.

REMEDIAL ACTION:

Re-perform SP.482 making the adjustments necessary to calibrate the system.

Analysis:

From Data Sheet 8 of the failed SP 482, Actual flow was measured to be 4012 gpm, indicated flow was 3000 gpm, tolerance is 21% .

The adjustment necessary to bring flow into spec is as follows:

$$(4012 - X)/4012 = .21$$

$$X=4012-.21(4012)= 3169 \text{ gpm}$$

This adjustment is achievable and will not result in the failure of the next performance of SP 524 since it is required to meet the specifications of SP 524 before exiting SP482.

Evidence of this is documented by SP 482 run on 2/9/90 where the "AS LEFT" indicated flow value was 3400 gpm(See Attached). This would have passed the last SP 482 run. The next SP. 524 calibration check performed on 5/9/90 also passed.

PREVENTATIVE ACTION:

Prior to terminating a procedure consult with engineering for an explanation of the procedure.

POTENTIAL DEVIATION FROM QUALITY FORM

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1. DATE OF OCCURRENCE: 1/1 TIME OF OCCURRENCE: _____ AM PM PDQ# 93-41

2. DATE OF IDENTIFICATION: 1/1 TIME OF IDENTIFICATION: _____ AM PM REV# 6

3. TIME SS NOTIFIED: _____ AM PM 4. DEADLINE ASSIGNED BY SS: _____ AM PM

5. SS NAME: _____

6. SYSTEM: ANS 7. EQUIPMENT ID: H-4ARA, H-4ARTB

8. EQUIPMENT NAME: Annunciator Cab. 9. QUALITY CLASS: 3

10. PROBLEM DESCRIPTION:
see cont. sheet.

PROBLEM IDENTIFICATION ORIGINATOR

11. ASSOCIATED DCP, WR OR OTHER DOCUMENTS: WR 01457480

12. AFFECTED DRAWINGS: _____ 13. P.O./CONTRACT: _____

14. ORIGINATOR NAME: Jim Gaurin EXT: 4987 MAILSTOP: 271

ORIGINATOR SIGNATURE: [Signature] DEPT: TS DATE: 7/13/93

15. EQUIPMENT OPERATES IN PRESENT CONFIGURATION (FOR CONFIGURATION DISCREPANCIES): Y N

SUPERVISOR NAME: JIM FIELD EXT: 4034 MAILSTOP: 231

SUPERVISOR SIGNATURE: [Signature] DATE: 7/15/93

OPERATIONS REVIEW

16. POTENTIALLY REPORTABLE CONDITION: Y N PURSUANT TO: _____

17. TECH SPEC VIOLATION: Y N OPERABLE: Y N CLEAR TAG RECD Y N
JUSTIFY IF NO LER REQUIRED: _____

EXHIBIT 9

18. SS NAME: _____ PAGE 237 OF 506 PAGE(S)

SS SIGNATURE: _____ DATE: _____ TIME: _____

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CONTINUATION SHEET
PDQ 93-41

10. PROBLEM DESCRIPTION:

This PDQ was written in compliance with RSAP-1308 step 2.2.

Upon troubleshooting the Annunciator System per W.R. 01457480 it was discovered that a fire had occurred in H-4ARA. Inspection revealed that a slow flash card, 2 watt, 10K ohm resistor, was the origin of the fire. The extent of the fire was limited to this card with some damage to the 2 rows of cards immediately above the slow flasher card. The cabinet fan was not operable which may have limited the propagation of the fire. The cause of the fire was due to the inadvertent usage of an obsolete slow flasher card (i.e. a card which had not been modified with higher wattage components pursuant to the corrective action of the 88 or 89 major annunciator fire). The cabinets were inspected for the use of other obsolete cards and one was found in H-4ARB.

All damaged and obsolete cards have been replaced with the correct cards as remedial action. The electrical maintenance supervisor has been informed and has instructed the staff not to use obsolete cards as preventative action.

The cause, extent, remedial and preventative actions have been determined and implemented as described above. Therefore, it is recommended that this PDQ be screened by the CMRG as not warranting a DQ per RSAP -1308 step 6.5.1.1.

POTENTIAL DEVIATION FROM QUALITY FORM

PAGE 1 OF

PROBLEM IDENTIFICATION ORIGINATOR

1. DATE OF OCCURRENCE: 4/4/93 TIME OF OCCURRENCE: AM PM PDQ# 93-33

2. DATE OF IDENTIFICATION: 5/19/93 TIME OF IDENTIFICATION: AM PM REV# 0

3. TIME SS NOTIFIED: 4:40 PM 4. DEADLINE ASSIGNED BY SS: 5:00 PM

5. SS NAME: R Macias

6. SYSTEM: 7. EQUIPMENT ID:

8. EQUIPMENT NAME: N/A 9. QUALITY CLASS:

10. PROBLEM DESCRIPTION: see continuation sheet

11. ASSOCIATED OCP, WR OR OTHER DOCUMENTS:

12. AFFECTED DRAWINGS: 13. P.O./CONTRACT:

14. ORIGINATOR NAME: Jim Salem / R MANNHEIMER EXT: 4987/4916 MAILSTOP: 231/250

ORIGINATOR SIGNATURE: John Richard Mankowski DEPT: TS LICENSING DATE: 5/19/93

15. EQUIPMENT OPERATES IN PRESENT CONFIGURATION (FOR CONFIGURATION DISCREPANCIES): Y N

SUPERVISOR NAME: JIM FIELDS EXT: 4038 MAILSTOP: 231

SUPERVISOR SIGNATURE: J. Fields DATE: 5/19/93

OPERATIONS REVIEW

16. POTENTIALLY REPORTABLE CONDITION: Y N PURSUANT TO:

17. TECH SPEC VIOLATION: Y N OPERABLE: Y N NA CLEAR TAG REQ'D Y N

JUSTIFY IF NO LER REQUIRED:

18. SS NAME: EXHIBIT 9

SS SIGNATURE: PAGE 239 OF 506 PAGE(S) DATE: TIME:

CONTINUATION SHEET

PDQ # 93-
Revision 0

10. PROBLEM DESCRIPTION:

Several potential problems have been identified with the current Asset Recovery and QA Class 4 designation Programs (RSAP-0803 and RSAP-0306) as related to the D-Plan, existing regulations, and regulatory guidance. See Attachment 1 (J. Saum to J. Field memo dated 1/2/93) for a detailed description of these problems. In summary, the problems are:

1) Regulatory Compliance:

D-Plan Table 2-1, as amended by Table 5-1 in D-Plan revision letter DAGM/NUC 93-042, dated 4/7/93, allows the RCS and other highly radioactive systems to be made available for resource recovery. 10 CFR 50.82 (d) and Regulatory Guide 1.86 require an NRC approved Dismantlement Plan and Dismantlement Order before "major structural changes to radioactive systems" are allowed.

2) Licensing:

D-Plan section 2.6, Asset Recovery, only addresses the asset recovery of certain non-decommissioning related equipment and components and does not address the placement of whole systems and structures into the Asset Recovery Program (ARP); such as the anticipated INDICO purchase of the secondary systems.

Updated D-Plan Table 5-1 does not address estimated occupational or public exposures that will/may result from removal of systems for asset recovery. The worker exposure estimates provided are for abandoning systems in place, not removal. Although, the D-Plan cost study (Appendix B) does address Man-Rem estimates associated with removal of some of the more contaminated systems after the SAFSTOR period (i.e., Dismantlement/Deferred DECON).

3) Safety:

Allowing placement of radioactive or environmentally hazardous systems into the ARP could result in uncontrolled and un-monitored releases of radioactivity to the environment. Appropriate ARP procedures must be in-place before asset recovery activities are permitted to proceed to ensure worker safety.

4) Programmatic:

The proposed D-Plan provides specific guidance and criteria for the ARP. However, the current procedures that implement the ARP (RSAPs 0803 and 0306) do not address the criteria specified in D-Plan section 2.6. The current ARP is inconsistent

CONTINUATION SHEET

PDQ # 93-
Revision 0

10. PROBLEM DESCRIPTION: (Continued)

4) Programmatic: (Continued)

with the ARP described in the D-Plan and potentially allows asset recovery of systems and components such as the RCS, contrary to existing decommissioning and dismantlement regulations and regulatory guidance (i.e., 10 CFR 50.82 and Regulatory Guide 1.86).

The D-Plan descriptions are not consistent with revised D-Plan Table 5-1. The original intent of the D-Plan (D-Plan section 2.2.5, Table 2-1, and section 2.6) was to specify, component by component, what would be made available for asset recovery. To the contrary, updated D-Plan Table 5-1 indicates that all abandoned systems and their components are available for asset recovery. Yet, the D-Plan descriptions do not seem to support this system approach to asset recovery.

Finally, no clear division exists between the systems and components that are subject to dismantlement and those that are available for asset recovery. The determining criteria is based on radiological and environmental hazards, but no specific criteria are specified.

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Attachment 1 PDQ# _____

SACRAMENTO MUNICIPAL UTILITY DISTRICT

OFFICE MEMORANDUM

TO: Jim Field

DATE: January 2, 1993

FROM: Jim Saum

SUBJECT: MANAGEMENT SUMMARY OF PROBLEMS ASSOCIATED WITH THE ASSET RECOVERY PROGRAM AND GLOBAL QA CLASS 4 REDESIGNATION

The following problems associated with the Asset Recovery Program (RSAP-0803 section 6.9) and Global QA Class 4 Redesignation (RSAP-0306 section 6.6) were discovered upon doing a 50.59 Determination in support of a proposed Global QA Class 4 change (Attachment 1). The completion of the 50.59 Determination was deferred in light of these problems and this management summary was prepared instead.

The deferred 50.59 Determination (Attachment 2) was based on the RSAP-0302 definition of QA Class 4, which allows systems to be permanently removed from the plant for Asset Recovery per RSAP-0803 or Abandoned in place per the SAFESTOR Program (RSAP-0315).

PROBLEMS:

- 1) The proposed D-Plan, currently under review by the NRC, does not clearly allow for the permanent removal of systems for dismantlement, sale, or disposal. Table 2-1 of the D-Plan defines status codes which are used to identify the plant systems' statuses for L/U, SAFESTOR, and Hardened-SAFESTOR decommissioning phases. Status Code 'X' is defined to indicate systems that will be dismantled, sold, or disposed of. However, none of the listed systems in Table 2-1 and Attachment 1 were assigned this status code and therefore are not available for asset recovery.

The proposed D-Plan is inconsistent and ambiguous with regard to Rancho Seco's plans for what systems structures or components can be permanently removed for Asset Recovery and what items are subject to decommissioning Deferred Decon and Dismantlement.

In support of an Asset Recovery Program the D-Plan section 1.1.4 states, " All other systems will be abandoned in place or sold and removed from site as part of asset recovery." Also, section 2.6 describes Asset Recovery Activities and gives basic criteria for the sale of 'components and equipment' in Lay-Up, POL, and DP.

Inconsistent with the above supporting statements are:

a) Section 2.6 , criterion 4 states, " Removing the component or equipment does not ... impact the current description in the Proposed DP thereby requiring revision." As noted above, the D-Plan Table 2-1 does not assign any system as status 'X'. Also throughout the text of Chapter 2, as noted in Attachment 1, the systems are described as Abandoned In Place. Therefore, a revision to the DP is required thus precluding Asset Recovery per criterion 4. In addition, section 2.6 does not describe whole systems and structures which procedurally become available for Asset recovery, such as the anticipated INDICO purchase of the entire secondary, upon QA Class 4 designation. Also Table 2-2 does not include dose exposures from removal as systems, such as those listed in Attachment 1.

b) D-Plan section 2.2.5, Deferred-DECON, states, " Prior to commencing Deferred-DECON, the District will file a revised DP describing the process for removing all radioactive components and radioactivity above residual radioactivity criteria from the RSNRS site." Per RG 1.86, Termination of Operating License, this criteria is basically our free release criteria for contaminated components (eg 1000 dpm/100 cm²). This statement is not accurate, since it would preclude removal of low level radioactive components/systems prior to Deferred-Decon as permitted by RG 1.86 paragraph 5.

It is not clear what the contamination criteria for systems and components are to be subject to the Deferred-Decon/Dismantlement Restrictions of RG 1.86 or 10 CFR 50.82. What are "major changes structural changes to radioactive components..." cited in RG.1.86? Is it just the major components of the primary?

- 2) The Fire Protection Plan, Rev 1, has a multitude of references to plant systems and components that were subject to Appendix R. The FPP is basically outdated and requires revision in order to preclude unnecessary 50.59 unreviewed safety question determinations and to accurately describe the FPP and plant in the defueled mode.
- 3) Historically, plant modification procedures (eg RSAP-0303) required identifying the scope of a proposed facility change, getting approval by a management board, developing design criteria, preparing drawings which accurately reflected the scope of the facility change and provided specific construction specifications, required a 50.59 Determination for the specific proposed change, identifying and revising affected plant documents, programs and procedures, required a ALARA review, ensured coordination

January 2, 1993

with affected organizations, ensured for construction planning and scheduling, required post mod. acceptance testing, etc.. All of these activities received appropriate required reviews, approvals, and configuration controls.

The Asset Recovery Program, RSAP-0803 section 6.9, together with the MEL program (RSAP-0306) constitute a plant modification procedure and is allowed to be used in lieu of RSAP-0303 (Plant Modifications). Once a system is given a QA Class 4 designation per RSAP-0306 the entire system or portions thereof are authorized and available for removal without any further review and at any time in the future. Thus a QA Class 4 designation is an approved proposed facility change which may or may not ever be implemented. The accompanying 50.59 Determination for a QA Class 4 designation must therefore be treated as a facility change review. Existing procedures do not guarantee this type of 50.59 review.

The 50.59 Determination process only checks for impact on plant Licensing Basis Documents and no others. The asset recovery program nor the QA Class 4 designation directly assure that the Decommissioning Plan is adhered to. It is only the 50.59 Determination that does.

The Asset Recovery Program, RSAP-0803 section 6.9, is inadequate for large scale removal of equipment, such as entire systems. There are no ALARA reviews made as required by the DSAR for all plant modifications. There are only four modification guidelines given basically to properly determinate cables, cap instrument lines and pipes, and support remaining pipes. There is no assurance that radioactive surveys, Decon, Alara planning, transportation and disposal of radioactive waste, etc. are implemented for potentially radioactive systems. Once a system is designated as QA Class 4 the whole system is available for removal without any further review other than the Work Request process. The 50.59 Determination for QA Class 4 changes is made at one point in time. LBDs are liable to change in between the time the 50.59 was prepared and the time the system was removed.

The Asset recovery program can also circumvent the SAFESTOR program which does have adequate administrative controls to assure regulatory compliance, safety, configuration control, procedure and other document revisions, reviews and approvals, etc. The SAFESTOR Program requires a SAFESTOR MOD to remove or modify equipment for the purpose of achieving a SAFESTOR system status (eg Abandoned). In contrast, the Asset Recovery Program can remove whole systems with out a MOD.

- 4) The SAFESTOR program and the Asset Recovery are not coordinated. The SAFESTOR program may be abandoning a system while the Asset Recovery Program is removing it. Documentation is bound to be inconsistent.

SOLUTIONS:

- 1) The DP needs to be revised to clearly identify what systems, components and structures can or can not be dismantled, sold or disposed of and resolve the other concerns described in item 1.
- 2) The criteria for asset recovery stated in the revised DP needs to be incorporated into the QA Class 4 definition defined in RSAP-0302 so that the System Project Class Review process (RSAP-0306 section 6.6.1) ensures the criteria are met before proceeding any further. Consideration should be given to a separate QA Class for Abandoned and Asset Recoverable Systems. It is difficult to administrate a process when the status of a system is not definite.

In addition, methodology needs to be established to analyze the application of the DP Asset Recovery Criteria to plant systems/components. A report similar to a DBR should be required to provide a reviewed, approved and documented analysis describing how the Asset Recovery Criteria was met. ALARA and potential radiological/environmental problems that may result from dismantlement should be included.

- 3) The SAFESTOR Program should administrate ASSET RECOVERY pursuant to SAFESTOR MODS, Punchlists, and schedules. It also should administrate all system Global QA Redesignation to assure consistency with the DP descriptions including scheduling constraints. The SAFESTOR program is essentially the D-Plan Implementing Procedure. The SAFESTOR MOD would require the DBR suggested above.
- 4) Revise the FPP so that complicated unreviewed safety question determinations do not have to be performed every time a referenced system is QA Class redesignated.
- 5) Revise form ADM-273 to require a log number for record tracking. Revise RSAP-0306 to include a logging procedure for document tracking. Also revise step 6.6.2.2 to require that the 50.59 determination for a QA Class 4 change be considered a facility change for the removal of all affected QA Class 4 equipment.
- 6) Revise RSAP-0901 to include MEL changes as subject to 50.59s.

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- 7) Attachment 1 exemplifies the problems when RSAP-0306 is not followed. The RCS system was proposed to be QA Class 4, for example, without exceptions. This meant that the Reactor Vessel V-200, Steam Generators E-205, RCPs, etc. were proposed for plant removal. This is obviously not a good idea. The MEL report review per 6.6.1 would have precluded this mistake.
- 8) One qualified person should oversee overall program developments such as Asset Recovery so that the entire process is well thought out and consistent with other programs. The Asset Recovery Program was piecemealed resulting in large part to its current problematic condition.

Attachment

cc. Ken Miller
Bob Jones
Richard Manhiemer
Steve Redeker
Jim Shetler
Dennis Gardiner
Dave Brock

POTENTIAL DEVIATION FROM QUALITY FORM

PROBLEM IDENTIFICATION ORIGINATOR

1. DATE OF OCCURRENCE: 11 TIME OF OCCURRENCE: _____

2. DATE OF IDENTIFICATION: 9/30/92 TIME OF IDENTIFICATION: _____

3. TIME SS NOTIFIED: 12:45 ^{AM} _{PM} 4. DEADLINE ASSIGNED BY SS: 5:00 ^{AM} _{PM}

5. SS NAME: D Constock

6. SYSTEM: RDM 7. EQUIPMENT ID: R1510 G

8. EQUIPMENT NAME: ICSB Rad Monitor 9. QUALITY CLASS: 2

PDQ# 92-0063

REV# 21

10. PROBLEM DESCRIPTION: See continuation sheet

11. ASSOCIATED OCP, WR OR OTHER DOCUMENTS: n/a

12. AFFECTED DRAWINGS: n/a 13. P.O./CONTRACT: _____

14. ORIGINATOR NAME: Jim Seem EXT: 4887 MAILSTOP: 231

ORIGINATOR SIGNATURE: [Signature] DEPT: TS DATE: 9/30/92

15. EQUIPMENT OPERATES IN PRESENT CONFIGURATION (FOR CONFIGURATION DISCREPANCIES): Y N

SUPERVISOR NAME: TIM FIELD EXT: 41038 MAILSTOP: 231

SUPERVISOR SIGNATURE: [Signature] DATE: 9/29/92

OPERATIONS REVIEW

16. POTENTIALLY REPORTABLE CONDITION: Y N PURSUANT TO: _____

17. TECH SPEC VIOLATION: Y N OPERABLE: Y N NA CLEAR TAG REQ'D Y N

JUSTIFY IF NO LER REQUIRED: Not reportable per OAT-0064.

EXHIBIT 9

18. SS NAME: DAN Constock

SS SIGNATURE: [Signature] DATE: 9/30/92 TIME: 1307

POTENTIAL DEVIATION FROM QUALITY FORM

PROBLEM IDENTIFICATION ORIGINATOR

1. DATE OF OCCURRENCE: 1/1 TIME OF OCCURRENCE: _____ AM PM

2. DATE OF IDENTIFICATION: 3/17/93 TIME OF IDENTIFICATION: 16:00 AM PM

3. TIME SS NOTIFIED: 16:40 AM PM 4. DEADLINE ASSIGNED BY SS: _____ AM PM

5. SS NAME: A1 Fraser

6. SYSTEM: N/A 7. EQUIPMENT ID: N/A

8. EQUIPMENT NAME: N/A 9. QUALITY CLASS: N/A

10. PROBLEM DESCRIPTION:
See continuation sheet

11. ASSOCIATED OCP, WR OR OTHER DOCUMENTS: RSAP-0260 rev 3

12. AFFECTED DRAWINGS: N/A 13. P.O./CONTRACT: N/A

14. ORIGINATOR NAME: J Sam / B Fraser EXT: 4887 MAILSTOP: 231

ORIGINATOR SIGNATURE: J Sam / B Fraser DEPT: TS DATE: 3/18/93

15. EQUIPMENT OPERATES IN PRESENT CONFIGURATION (FOR CONFIGURATION DISCREPANCIES): Y N

SUPERVISOR NAME: Steve Peders EXT: 4699 MAILSTOP: 255

SUPERVISOR SIGNATURE: Steve Peders DATE: 3/18/93

OPERATIONS REVIEW

16. POTENTIALLY REPORTABLE CONDITION: Y N PURSUANT TO: _____

17. TECH SPEC VIOLATION: Y N OPERABLE: Y N NA CLEAR TAG REQ'D Y N

JUSTIFY IF NO LER REQUIRED: _____

EXHIBIT 9

PAGE 254 OF 506 PAGE(S)

18. SS NAME: _____

SS SIGNATURE: _____ DATE: _____ TIME: _____ AM PM

5574

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CONTINUATION SHEET
PDQ 93-0021 *rel' D*

10. PROBLEM DESCRIPTION: PROCEDURE VIOLATIONS; RSAP-0260

The following procedural violations of RSAP-0260, Rev 3. (Commitment Tracking System) were discovered upon review of CTS # 60033 (Attachment 1):

VIOLATION 1: The CMRG did not approve the CTS. Refer to Attachment 1. The CMRG Chairman signature/approval line has typed, "CMRG NOT REQUIRED".

Per Step 6.2.3.2, " The CMRG shall : Approve/disapprove " the CTS.

NOTE: Step 6.7.4 states, " The CTS Coordinator may initiate changes to CCTS items (those items originated by Licensing and not requiring CMRG approval) as necessary". However, there are no CCTS items originated by Licensing and not requiring CMRG approval as allowed within RSAP-0260. Per step 6.2.3, all CTS items require CMRG approval.

VIOLATION 2: The CTS Coordinator failed to review the commitment package for clarity. Refer to Attachment 1. The CTS action statement states, " Implement once the DP is approved, criteria 1,2 and 4 will remain in effect." This action statement is very poorly written and is not clear.

This CTS item was eventually assigned to Jim Saum. He nor co-worker Bob Fraser could interpret the required action. The Originator, Ron Columbo, was then contacted for his interpretation. He wasn't sure but thought it was related to a required revision to RSAP-0901. He agreed to accept a CTS Transfer. The CTS Coordinator, S White, was then asked for her interpretation of the required action and could not explain but referred to Jim Field.

Per step 6.2.2.1, The CTS Coordinator shall: Review the CTS for clarity. Since the Coordinator could not interpret, nor any reasonable reader, this step was violated.

Per step 6.2.3.1, The CMRG shall assign the commitment package to the Department Manager of the Originator for more information, if needed. Had the CMRG been allowed to be involved, this item should have been clarified or sent back to the Originator. Moreover, per step 4.5, the CMRG is responsible for defining the overall workscope.

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CONTINUATION SHEET
PDQ 03-0021 rev 3

SUGGESTED REMEDIAL ACTIONS:

- 1) In the future, ensure that all CTS action statements are clear and complete. The action statement should be clear enough that any reasonable reader can understand the requirement.
- 2) Revise RSAP-0260 to read the way the CMRG wants it to operate.

COMMITMENT COVER SHEET

New
 Change CTS # 60033 2

IDENTIFICATION - Originator #4-8 CTS/CCTS Only

1. Originator
 Name: Ron Colombo Ext: 4236 Mail Stop: 257
 Signature: N.A. Dept: DAGMN Date: 12/1/92
 CTS #: 60097 2-16-93
 REV. #: N.A.
 DATE: 1/19/93
 2. Source Documents (Attachments):
 PDQ # DQ # CCTS # 60097 ^{60033 SW 2-16-93} LRS # _____
 CAR (*) OTHERS (SPECIFY) _____
 3. Brief Title: Criteria for Equipment Removal
 4. Description: Once the DP is approved, criteria 1, 2 and 4 will remain in effect.
 5. Related Documents: (O = Originating, X = Cross Ref, C = Closure)

Document	Type	Document	Type
<u>D-PLAN 2.6</u>	<u>0</u>	_____	_____
<u>Page 2-126</u>	_____	_____	_____

 6. Agency: SMUD
 7. Priority: 2
 8. Reportable: Y N

DISPOSITION AND APPROVAL Commitment Mgmt. Review Group

9. Hardware Software
 10. Regulatory Due Date: Y N Date: 1-1-93 2/20/93
Original Revised
 11. Priority 2
 12. Applicable Systems NA
 13. APPROVED:

	DEPARTMENT	DUE DATE
<input type="checkbox"/> Potential 10 CFR 21 / Reportability Review	<u>UC</u>	_____
<input type="checkbox"/> PDQ Initiate W/R	_____	_____
<input type="checkbox"/> PDQ Action	_____	_____
<input type="checkbox"/> DQ Disposition	_____	_____
<input type="checkbox"/> Accepted DQ Disposition/Close	_____	_____
<input type="checkbox"/> Accepted DQ Dispo/Action	_____	_____
<input checked="" type="checkbox"/> Study	<u>01</u>	<u>4/1/93 see 4/6/</u>
<input type="checkbox"/> Design	_____	<u>2/20/93</u>
<input checked="" type="checkbox"/> Implement	_____	<u>1-1-93</u>
<input type="checkbox"/> Disapproved/Canceled	_____	_____
<input type="checkbox"/> N/A in POL Phase	_____	_____
<input type="checkbox"/> Superseded by CTS # _____	_____	_____

 CMRG NOT REQUIRED
 Chairman, Commitment Management Review Group
 CMRG Comments: N.A.
 Will Control Room change occur as a result of the design change? Y N
 EXHIBIT 9
 PAGE 257 OF 506 PAGES

CTS

ECN # _____ DCP # _____
 ENTERED DATE VALIDATE DATE ENTERED DATE VALIDATE DATE
See 2/16/93 CPM 2/17/93

NOTE: (*) CMRG approval not required. ADM-256 Rev. 7

RANCHO SECO DECOMMISSIONING PLAN**2.6 ASSET RECOVERY ACTIVITIES**

The District has implemented an Asset Recovery Program that provides management controls for the removal and disposition of certain non-decommissioning related components and equipment. The District currently is in the process of identifying and marketing selected assets that do not affect the direct operation of plant primary or secondary systems. These activities are considered part of plant closure and are outside the scope of plant decommissioning.

These assets include basic groups of hardware, such as:

- o Trailers
- o Temporary Buildings
- o Non-essential spare parts
- o Office facilities/equipment

The District has placed the plant in protective lay-up and will not routinely remove or sell plant components ~~and associated spare parts~~ until the Commission has approved the DP or POL. If a situation should arise where another facility (nuclear or otherwise) has a need for certain RSNRS components or equipment, ~~the District will evaluate the request on a case-by-case basis.~~ The evaluation may result in the release of the component or equipment based on the following criteria:

1. Removing the component or equipment does not involve a change to Technical Specifications or an unreviewed safety question in accordance with 10 CFR 50.59.
2. Removing the component or equipment does not involve an adverse environmental condition not otherwise manifested during plant operation or construction.
3. Removing the component or equipment does not preclude implementing any of the decommissioning alternatives (SAFSTOR, DECON, ENTOMB).
4. Removing the component or equipment does not cause a significant increase to radiation exposure during decommissioning activities (now or in the future) or impact the current description in the Proposed DP thereby requiring revision.

Once the DP is approved, criteria 1, 2, and 4 will remain in effect. Components and equipment not otherwise bound by these criteria may be made available to the Asset Recovery Program for removal, marketing, and resale.

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SACRAMENTO MUNICIPAL UTILITY DISTRICT

OFFICE MEMORANDUM

TO: Eric Haemer and Al Ortega

DATE: May 5, 1993
MTNS 93-019

FROM: *[Signature]*
Jim Field/Jim Saum *[Signature]*

SUBJECT: REQUEST FOR SUPPORT; MEETING NOTICE

The Technical Services Department has been assigned a project to design a Security System for the new Independent Spent Fuel Storage Installation (ISFSI) at the Rancho Seco site. This Security System will require a data communications link between the ISFSI and the Headquarters Security Central Alarm Station (CAS). In addition, provisions will have to be made at the CAS including the possible application of a PC based security computer system with OMS or contractor developed software. Therefore, it is necessary to obtain assistance from the Telecommunications Group, OMS and Headquarters Security in this effort.

It is desired to have a meeting in order to discuss this further.

John Etchamendy, Barney Mc Cauley and Gary Stansfield of your staff have been contacted for meeting arrangements.

The Meeting Agenda will include:

- 1) Description of the preliminary system design.
- 2) District plans for future upgrades of the Microwave Link and CAS.
- 3) Project requirements, interfaces and assignments.
- 4) Schedule.
- 5) Walkdown of the Headquarters CAS.

LOCATION: EMC Second Floor Conference Room

DATE: May 11, 1993

TIME: 10:00 to 12:00

ATTENDEES:	J. Etchemendy MS/35	G. Stansfield MS/48F
	J. Field MS/231	B. McCauley MS/59A
	P. Walker MS/19	G. Sprung MS/59A
	N. Conde MS/35	E. Nava MS/210
	T. Santiago MS/69	J. Saum MS/231

cc: Attendees	RIC (1F.005) MS/222
E. Fritz MS/35	C. Malugani MS/59A

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SACRAMENTO MUNICIPAL UTILITY DISTRICT

OFFICE MEMORANDUM

TO: Jim Field

DATE: April 26, 1993
MNTS 93.016

FROM: Jim Saum

SUBJECT: REGULATORY REQUIREMENTS FOR THE ISFSI SECURITY SYSTEM

This memo is written with the basic assumption that the proper establishment of the regulatory requirements for the ISFSI project prior to the detailed design phase is the most cost effective approach to this project's successful completion. The scope of this memo will only address the regulations pertaining to the ISFSI Physical Protection System excluding administrative requirements.

The ISFSI Physical Protection System is subject to 10CFR72 Subpart H (Physical Protection). Per section 72.180 the ISFSI security system is subject to the applicable requirements of part 73. The applicable requirements of part 73 pertaining to ISFSIs are contained in section 73.50 (Requirements for physical protection of licensed activities).

Rather than enumerating all the requirements contained in section 73.50, only the non-conformances of the present ISFSI design with this section will be discussed:

1) Section 73.50 (d)(1) states, " All alarms shall annunciate in a continuously manned central alarm station located within the protected area and in at least one other continuously manned station, not necessarily within the protected area, such that a single act cannot remove the capability of calling for assistance or responding to an alarm. All alarms shall be self checking and tamper indicating. The annunciation of an alarm at the on site CAS shall indicate the type of alarm and location. All intrusion alarms, alarm systems, and line supervisory systems shall at minimum meet the performance and reliability levels indicated by GSA Interim Federal Specification W-A-00450B (GSA-FSS)."

Currently, the CAS is planned to be offsite at headquarters in a non-protected area. Also there is no plan for a SAS. The communications building and other buildings and equipment in the microwave system link from Rancho Seco to the headquarters link are also required to be located in a protected area. These non-conformances may be resolved by seeking an exemption from the NRC.

EXHIBIT 9
PAGE 261 OF 506 PAGE(S) 71

Jim Field

- 2 -

April 26, 1993
MNTS 93.016

Proceeding without an approved ISFSI Security Plan, however, puts SMUD at an unnecessary risk since there is ample time to seek prior NRC approval before the ISFSI is actually required.

The Federal Specification W-A-00450B, which specifies the reliability and performance requirements, is not available within SMUD. I have recently ordered a copy from GSA, Wash. D.C. However, IEEE std. 692-1986 (Standard Criteria for Security Systems at Nuclear Power Stations) references this document and specifies reliability criteria. In summary, this standard states that the minimum security system power supply shall consist of a UPS for the alarm system, CCTVs, and communication system. An emergency power supply shall be provided for Security Lighting. In addition, NUREG/CR-1327 (Security Lighting for Nuclear Fixed Sites) requires a 60 second maximum restrike time for protected area lighting and an emergency power supply. Furthermore RG 5.44 states that the total perimeter alarm system should not average more than one false or nuisance alarm per segment per day with CCTV surveillance. This requirement is also currently in the LTDC Security Plan.

[EX.3
This power supply does not meet the Security Lighting requirements cited above. The alarm communications link with the headquarters necessitates a hardwired tie between the ISFSI and the Microwave building. The amount of data and the data rate and reliability criteria requires a sophisticated microwave link such as the one in the Microwave building. Paul Walker of the Telecommunications Group was contacted on 4/22/93 and he states that it would cost between \$50,000 and \$100,000 to provide such a link between the ISFSI and the Microwave building. He concurs that a hardwired link is necessary and cost effective. This will require a direct burial conduit raceway between the ISFSI and the Microwave Building. This same raceway can be utilized to meet the emergency power supply required for the Security Lighting System. The Microwave building has a reliable normal power supply. The 12kv line can be utilized as an alternate supply. Automatic switching between supplies is easily achievable. Also it may be possible to utilize the Microwave Buildings Diesel generator for full compliance with the NRC requirements.

A road along the railway is currently in the ISFSI design. A trench along this road would not be difficult to facilitate for this purpose.

Jim Field

- 3 -

April 26, 1993
MNTS 93.016

2) Section 73.50 (b)(2) states, " The licensee shall locate material access areas only within protected areas such that access to the material access area requires passage through at least two physical barriers."

Per section 73.2, a material access area means any location which contains special nuclear material, within a vault or a building, the roof, walls, and floor of which each constitute a physical barrier.

Currently, only the perimeter fence is being taken credit for as a physical barrier. This non-conformance is easily resolvable by taking credit for the NUHOM Horizontal Storage Modules as the second physical barrier.

In addition to the above recommendations, the design bases for the radiological sabotage and theft threat should be established prior to the detailed design phase since it is fundamental to the design criteria for the physical protection system. Moreover, the ISFSI Physical Security Plan should be ratified by the NRC prior to this phase for the reasons discussed above. These measures were wisely taken prior to construction of the LTDC security system. Sandia National Laboratory prepared a postulated bomb threat analysis which should be redone for the ISFSI as a basis for the ISFSI PSP Safety Analysis.

Per your instruction, only RIC will be receive a copy.

cc: RIC (1F.005)

POTENTIAL DEVIATION FROM QUALITY FORM

104 TIEDS

PROBLEM IDENTIFICATION ORIGINATOR	1. DATE OF OCCURRENCE: <u>10/19/93</u> TIME OF OCCURRENCE: <u>1430</u>	(AM) PDQ# <u>93-0067</u> (PM) REV# _____
	2. DATE OF IDENTIFICATION: <u>10/20/93</u> TIME OF IDENTIFICATION: <u>1000</u>	(AM) _____ (PM) _____
	3. TIME SS NOTIFIED: <u>1145</u>	4. DEADLINE ASSIGNED BY SS: <u>1600</u>
	5. SS NAME: <u>Al Frasier</u>	
	6. SYSTEM: <u>CDS</u>	7. EQUIPMENT ID: <u>FR-95108</u>
	8. EQUIPMENT NAME: <u>Site Wastewater Flow Recorder</u>	
	9. QUALITY CLASS: <u>3</u>	
	10. PROBLEM DESCRIPTION: <p style="text-align: center;"> Flow measured by velocity meter per SP.482 does not meet tolerance's vs FR-95108. Adjusting FR-95108 on SP.482 would cause it to fail SP.524 on the next quarterly run. SP.482 and SP.524 need to be revised. </p>	
	11. ASSOCIATED OCP, WR OR OTHER DOCUMENTS: <u>SP.482 SP.524</u>	
	12. AFFECTED DRAWINGS: _____	
	13. P.O./CONTRACT: _____	
	14. ORIGINATOR NAME: <u>C Linguit</u> EXT: <u>4293</u> MAILSTOP: <u>253</u>	
	ORIGINATOR SIGNATURE: <u>C Linguit</u> DEPT: <u>I & C</u> DATE: <u>10/20/93</u>	
	15. EQUIPMENT OPERATES IN PRESENT CONFIGURATION (FOR CONFIGURATION DISCREPANCIES): <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
	SUPERVISOR NAME: <u>Harold Humphrey</u> EXT: <u>4979</u> MAILSTOP: <u>253</u>	
SUPERVISOR SIGNATURE: <u>Harold Humphrey</u> DATE: <u>10/20/93</u>		
OPERATIONS REVIEW	16. POTENTIALLY REPORTABLE CONDITION: <input type="checkbox"/> Y <input type="checkbox"/> N PURSUANT TO: _____	
	17. TECH SPEC VIOLATION: <input type="checkbox"/> Y <input type="checkbox"/> N OPERABLE: <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA CLEAR TAG REQ'D <input type="checkbox"/> Y <input type="checkbox"/> N	
	JUSTIFY IF NO LER REQUIRED: _____	

18. SS NAME: _____		
SS SIGNATURE: _____ DATE: _____ TIME: _____		

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DEVIATION FROM QUALITY FORM

PAGE ___ OF ___

PROBLEM DISPOSITION AND APPROVAL
ASSIGNED DEPARTMENT

22. DISPOSITION:

ACCEPT-AS-IS REJECT REPAIR REWORK REPLACE

INTERIM ACCEPT-AS-IS NOT A NONCONFORMANCE NON-HARDWARE

23. ASME CODE: Y N

24. EQ ITEM: Y N

DOCUMENT CHANGE

PDQ# 93-006
REV# 0

25. PROBLEM ANALYSIS AND RESOLUTION: (PROVIDE CAUSE, EXTENT, REMEDIAL AND PREVENTIVE ACTIONS UNDER SEPARATE HEADINGS)

see cont. sheet

26. DISPOSITION BY:

NAME: Tim Seim EXT: 4587 DEPT: TS

SIGNATURE: [Signature] DATE: 11/1/93

FOR ACCEPT-AS-IS OR REPAIR ONLY (NOT REQUIRED FOR NON-HARDWARE)

28. DESIGN OR DRAWING: Y N 29. RELATED DCPs OR TRANS. NO. _____

30. CALC No.: _____ 31. TEST No.: _____

32. EQ COORD: _____ 33. TS APPROVAL: _____
NAME/SIGNATURE DATE

37. ANI/ANI REVIEW: _____ DATE: _____

38. COMMENTS:

40. TREND CODE: IR: POC

5311

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CONTINUATION SHEET
DQ 93-0067

25. PROBLEM ANALYSIS AND RESOLUTION:

NOTE: The following disposition is per the CMRG's direction:

CAUSE: The velocity area method for determining actual flow is suspect. The audible count rates from the current meter were excessive for a human to count (i.e., 256 counts per minute. max reading)

EXTENT: This calibration method is unique to this application.

REMEDIAL ACTION:

Revise SP. 524 to allow performance of the level (i.e., float) to indicated flow calibration separately from the full system calibration required by SP 482. Continue to perform the channel check on SP.524. This will facilitate maintenance activities.

Purchase an electronic counter and revise SP 482 to allow the use of an electronic counter to measure current meter RPM. Call for SP 482 to be run every 18 months or whenever the flow to float measurement has changed.

Re-perform the revised SP 524.

Evaluate the error associated with the revised calibration strategy and the proposed Appendix I dilution flow rate of 6100 gpm.

Evaluate bridging the flume to facilitate flow traverses.

PREVENTATIVE ACTION:

Purchase improved test equipment per Remedial Action.

CONTINUATION SHEET
PDQ _____

25. PROBLEM ANALYSIS AND RESOLUTION:

CAUSE: The velocity area method for determining actual flow is suspect. The audible count rates from the current meter were excessive for a human to count (i.e., 256 counts per minute. max reading)

EXTENT: This calibration method is unique to this application.

REMEDIAL ACTION:

Revise SP. 524 to ^{allow} ^{use of} the level (i.e., float) to indicated flow calibration seperately from the full system calibration required by SP 482. This will facilitate maintenance activities.

Continue to perform the channel check on SP. 482.

Revise SP 482 to allow the use of an electronic counter to measure current meter RPM. Call for SP 482 to be run every 18 months or whenever the flow to float level measurement has changed.

Re-perform the revised procedures. SP ~~482~~ 524.

Evaluate the error associated with the revised calibration strategy and the ~~new~~ proposed flow rate of 6100 ^{gpm}.

PREVENTATIVE ACTION:

Same as Remedial.

Evaluate bridging the flows to facilitate flow traverses

purchase the electronic counter.

25. PROBLEM ANALYSIS AND RESOLUTION:

CAUSE: The velocity area method for determining actual flow is suspect. The audible count rates from the current meter were excessive for a human to count (i.e., 256 counts per minute. max reading)

EXTENT: This calibration method is unique to this application.

REMEDIAL ACTION:

Revise SP. 524 to allow performance of the level (i.e., float) to indicated flow calibration separately from the full system calibration required by SP 482. Continue to perform the channel check on SP. ~~482~~⁵²⁴. This will facilitate maintenance activities.

Purchase an electronic counter and revise SP 482 to allow the use of an electronic counter to measure current meter RPM. Call for SP 482 to be run every 18 months or whenever the flow to float measurement has changed.

Re-perform the revised SP 524.

Evaluate the error associated with the revised calibration strategy and the proposed Appendix I dilution flow rate of 6100 gpm.

Evaluate bridging the flume to facilitate flow traverses.

PREVENTATIVE ACTION:

~~Same as Remedial.~~

Purchase improved test equipment per Remedial Action.

DATE: 6/17/93

TO: Jim Field

FROM: Jim Saum

SUBJECT: COMPLAINTS

This memo is in response to your concern about complaints from plant personnel regarding me. In order for me to account for these complaints and to correct this situation it is necessary to know specifically what the complaints are and their cause. It is unfair for one to charge another with a complaint without determining the facts of the situation thereby denying the accused the opportunity to respond. I am confident that upon review of the specific complaints that it will be found that I have acted properly and professionally. More importantly though, rather than just in my defense, I hope that we can correct this situation by an analysis of the facts so that we as an organization can work more effectively in the future.



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(4)

EVALUATION PERIOD	
FROM 1/1/93	TO 12/31/93

EMPLOYEE'S PERFORMANCE EVALUATION FORM

Employee Name Jim Saum	Social Security No. ██████████	Position I.D. No. 870325-008	Employee No. 8452
Position Title Senior Electrical Engineer	Area 608	Name of Department Technical Services	Supervisor's Position I.D. No. 870325-003
REASON FOR REPORT [] Probationary [X] Annual [] Merit Review [] Special, Explain _____			
TIME IN POSITION: [] 0-1 Years [] 1-2 Years [X] More Than 2 year		CHECK ONE: [X] Exempt [] Non-Exempt	

INSTRUCTIONS FOR RATER - Please complete this form in ink or have it typed. Evaluate the employee on your observation of performance not heredity, potential, or personality. Rate the employee's performance for the entire review period, not just recent work. Remember the specific job requirements when considering each factor. In each section, check the ONE statement that most nearly describes the employee's performance. Use the "Comments" section to explain your rating, supporting the specific examples. If a different wording in any category will better meet your needs, you may substitute your own phrases as necessary or delete or add individual words. Do not let your evaluation of one factor influence your evaluation in any other factor. To arrive at overall rating, consider the relative importance of each category to this job. After obtaining your supervisor's approval, review your complete evaluation with the employee. Discuss the employee's best performance areas, those in which you can assist the employee to improve, and any goals and objectives to be met in the next reporting period.

1. QUALITY

- Work is usually error-free and meets the established standard for the job.
- Work is consistently high quality, with few errors, and exceeds standards.
- Work contains more errors than can be normally expected; work needs frequent checking. (Explain below)

Comments Jim strives to produce accurate work. He is exemplary in researching applicable procedures when given unfamiliar work assignments.

2. PRODUCTIVITY

- Maintains an unusually high output of work; always accomplishes objectives on time and seeks out new work on own initiative.
- Needs improvement in amount or timeliness of work produced; is below standards. (Explain below)
- Output of work meets the established standard for the job.

Comments At times, Jim's inflexibility impedes his productivity.

3. LEARNING ABILITY

- Learns new work slowly and needs a great deal of instruction; is resistant to change. (Explain below)
- Learns rapidly; remembers instruction easily, and adapts to change quickly.
- May occasionally need instructions repeated but meets established standards in learning new work; usually adapts to change

Comments Jim has strong opinions on how work that he is involved in should be done. He is resistant to other acceptable approaches. Examples in which this inflexibility has caused problems are downgrading abandoned plant systems to QA Class 4, Revising SP 482 to make it more user friendly and fully evaluating options for an ISFSI Security System. In the first two examples, the work had to be re-assigned to another engineer in order to complete work in support of other site groups.

4. EMPLOYEE/CUSTOMER RELATIONS

- Readily earns the cooperation of others and is exceptionally skillful in influencing the actions and decisions of others.
- Usually gets the necessary cooperation from others to get the job done.
- Needs to develop a more positive/productive working relationship with others. (Explain below)

Comments I get frequent complaints from others who need to work with Jim. These difficulties seem to stem from his abrupt manner, his lack of respect for the technical opinions of journey level craftsmen, refusal to consider options proposed by others and a tendency to continue to argue his position in a repetitive fashion until others with opinions are worn down and cave-in.

I have discussed with Jim the need to better his rapport with others many time throughout the year. Jim has been unable or unwilling to accept that this is a problem area for him. I enlisted a peer supervisor, Dave Brock, who, in my opinion, has an ability to clearly state people's strengths and weaknesses, in hopes that input from another supervisor would make a more convincing and unbiased argument. After 2 or 3 meetings with Jim, Dave was also unable to persuade Jim that his style alienated other site employees.

When I have presented him with specific instances of complaints, Jim immediately has gone to those individuals that I name and confronted them. This has further alienated those involved and has damaged my own relationship with them.

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In reviewing Jim's personnel file several months ago I found that previous performance evaluations did not reflect this problem. I contacted two former supervisors and described the problem as I saw it. They both confirmed having the same problem with Jim's performance. They both also stated they had verbally counseled Jim, but did not document it on his performance evaluation.

Improvement is necessary in the manner in which Jim deals with change and in Jim's interactions with co-workers. Continuation of the negative behavior described above will result in "Unacceptable" Performance Evaluations in the future.

5. **RELIABILITY**

- Is absent occasionally with valid explanation; follows through on assignments with some guidance required.
- Is frequently late or absent; health may be interfering ability to perform on the job; follow through is inconsistent. (Explain below)
- Can always be relied upon to be at work on time; rarely absent; consistently follows through on assignments independently.

Comments: Jim's time off has not impacted meeting commitment dates. The PC based Security System was not completed on time due to poor interface and control of outside support groups, however, even direct intervention by myself and our department manager late in the project did not improve the schedule.

6. **SAFETY**

- Is aware of safety procedures and follows them; may need occasional supervision.
- Consistently demonstrates safety awareness; no preventable safety violations.
- Does not consistently demonstrate safe work habits; needs close supervision. (Explain below)

Comments: No unsafe acts noted during year.

7. **SUPERVISORY**

(If this position is not a supervisory position, check here, and proceed to item 8 .)

a. **LEADERSHIP SKILLS**

- Needs more development in leadership skills and controlling work. (Explain below)
- Normally guides others successfully in achieving results; subordinates usually follow employee's leadership willingly.
- Gives clear direction that is enthusiastically followed; obtains consistently effective results through others.

Comments: _____

b. **PERSONNEL MANAGEMENT**

- Provides effective, timely performance appraisals & personnel documents; applies policy consistently to employees; handles employee problems in a satisfactory manner.
- Exceptionally skilled in performance management; problems are resolved quickly and effectively; encourages subordinates' development; and applies policy consistently.
- Personnel documents are incomplete or late; needs improvement in following policies and handling employee problems. (Explain below)

Comments: _____

c. **AFFIRMATIVE ACTION**

Describe accomplishments in District Affirmative Action Programs.

8. **PROBATIONARY REVIEW** (If this is not for a probationary employee, check here and proceed to item 9 .)

6 MONTH PROBATION	<input type="checkbox"/> 3rd Month	<input type="checkbox"/> Satisfactory Progress	<input type="checkbox"/> Unsatisfactory Progress (explain below)	Other (explain below)
	<input type="checkbox"/> 5th Month	<input type="checkbox"/> Recommended Permanent Status	<input type="checkbox"/> Rejection (explain below)	
12 MONTH PROBATION	<input type="checkbox"/> 5th Month	<input type="checkbox"/> Satisfactory Progress	<input type="checkbox"/> Unsatisfactory Progress (explain below)	Other (explain below)
	<input type="checkbox"/> 11th Month	<input type="checkbox"/> Recommended Permanent Status	<input type="checkbox"/> Rejection (explain below)	

Comments: _____

- 1. Describe strengths demonstrated by the employee. Use of Procedures.
- 2. Describe areas in which the employee needs improvements, additional training or development. Improvement required in interpersonal skills. Jim needs to be open to others opinions and alternative means of reaching the same goal. He would benefit from training on working well with others and training on alternative energy technologies.

State goal(s) and objective(s) and target completion dates to be accomplished during the next reporting (evaluation) period. Complete consolidated Plant Process Computers Project by November 30, 1994.

Jim is to attend the following SMUD in-house training: Becoming a More Effective Individual Contributor (4/7/94 or 6/21/94), Frontline Customer Service (2/16/94, 4/14/94, or 6/9/94), Getting to Yes (3/15/94 or 6/14/94), Solving Problems and Making Decisions (3/22/94 or 5/5/94)

12. If the employee is a supervisor, check here and proceed to Item No. 13 ;
 Has the employee demonstrated the capability and the potential to become a supervisor in this work unit?
 Yes Not at this time Insufficient time to evaluate
13. OTHER COMMENTS will prepare a follow-up evaluation in six months in order to assess progress.

OVERALL RATING: (check one) Outstanding Proficient Needs Development Unacceptable No Rating (exempt, less than 5 months)

Employee Signature	Date	Originating Supervisor	Date	Approved Second Level Supervisor	Date
<i>[Signature]</i>	12/22/93	<i>[Signature]</i>	12/22/93	<i>[Signature]</i>	12/22/93



J. Field

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555-0001

November 3, 1994

Mr. James R. Shetler
Deputy Assistant General Manager
Nuclear
Sacramento Municipal Utility District
6201 S. Street
P.O. Box 15830
Sacramento, CA 95852-1830

SUBJECT: PHYSICAL PROTECTION OF SPENT FUEL (TAC NO. L22012)

Dear Mr. Shetler:

This is in response to your January 3, 1994, Amendment 7 "Rancho Seco Long Term Defueled Condition Physical Security Plan." This action concerning the physical protection of spent fuel at your site has been referred to this office.

Your request for an exemption from the requirements of Appendices B and C to 10 CFR Part 73, and certain aspects of 10 CFR 73.55, is denied. This denial is based upon the fact that commitments to these requirements have been substantially modified for an ISFSI as stated in the document entitled, "Interim Licensing Criteria For the Evaluation of Physical Protection Plans for Certain Storage of Spent Fuel, Preliminary Staff Position," dated October 21, 1994 (enclosed). It is our intention to apply this interim guidance (currently being developed as proposed NUREG-1497) during the promulgation of the spent fuel rule (proposed 10 CFR 73.51).

Enclosed are review comments regarding your submittal. The paramount comment is that your submittal should be considered Safeguards Information because the protection of spent fuel falls within the provisions of 10 CFR 73.21. In addition, the scope of your physical protection plan should be reconsidered and limited to only those measures taken to provide protection for spent fuel.

Also, please note, that both the interim guidance and the proposed rule will include decommissioned power reactors. During the decommissioning process you should consider the protection strategy and requirements that apply to spent fuel to supplant the required 10 CFR 73.55 physical protection plan. The current storage of spent fuel in the spent fuel pool should be considered in the same manner that you would consider any independent spent fuel storage installation. While you transition between pool storage and bunkered storage the referenced interim guidance will also apply. The measures associated with 10 CFR 73.55 will not apply. Also note that the review comments are directed toward this new physical protection strategy.

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Mr. James Shetler

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Please respond to the enclosed comments within 90 days of receipt of this letter. If you have any questions concerning this action, please contact your NMSS Safeguards Project Manager, Mr. Charles E. Gaskin, (301) 415-8116, INTERNET CEG1@NRC.GOV.



Robert C. Pierson, Chief
Licensing Branch
Division of Fuel Cycle Safety
and Safeguards, NMSS

Docket 72-11

- Enclosures:
1. 10/21/94 Interim Licensing
Criteria for the Evaluation
of Physical Protection Plans...
 2. NRC Comments on Rancho Seco
Submittal

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Review of Addendum B Independent Fuel Storage Rancho Seco Long Term Defueled Condition PSP

General Comments

NOTE: The 10 CFR 73.51 (Interim guidance) plan should be considered to supplant the required Part 50 security plan (10 CFR 73.55). Power reactors undergoing decommissioning will be included in the new rule once vital safeguards functions have been permanently terminated. It is recommended that the spent fuel security plan address only spent fuel protection issues to preclude extraneous inspection activities. The document "Interim Licensing Criteria For the Evaluation Of Physical Protection Plans for Certain Storage of Spent Fuel, Preliminary Staff Position" dated October 21, 1994" (hereafter referred to as Interim Guidance) is used as a basis for the following comments:

- A background investigation needs to be performed for members of the security organization. (See Paragraph 4.3.3 Interim Guidance)
- Power sources and backup power sources for security equipment should be addressed. (See Paragraph 4.6.3 Interim Guidance)
- Records maintenance needs to be addressed. (See Paragraph 4.9.4 Interim Guidance)
- Training and qualification of security personnel must be addressed. (See Paragraph 4.3.4 Interim Guidance)
- Maintenance and testing (both initial and continual) of surveillance systems must be addressed. (See Regulatory Guide 5.44, and Paragraph 4.8 Interim Guidance)
- Two barriers remain a requirement. The Interim Guidance contains references to Controlled Access Area (CAA) and Protected Area (PA). The CAA would be inside the PA. Amendment 7 only designates one barrier for both the fuel storage areas. The required inner barrier (CAA) could be in many forms.
- Searching of packages and personnel may be too rigorous. For example, searching for weapons, alcohol, and narcotics may be a company concern but the interim guidance states that explosives are the only concern from a physical protection viewpoint.
- The use of two alarm stations continues to be a requirement. In some cases, one alarm station is on the site while the other is at the offsite responders (LLEA) location. Alarms either annunciate in both places or annunciate in the latter if the first is not acknowledged. In any case, this would satisfy the two alarm station requirement. We agree with you that neither of these alarms need to be within your protected area.

All of the following specific comments will be from the viewpoint of only spent fuel protection.

<u>Para.</u>	<u>Comment</u>
2.2	Intrusion detection systems must include line supervision. (See Paragraph 4.6 Interim Guidance)
2.3	Identify specific locations of surveillance and assessment hardware. (See Paragraph 4.6 Interim Guidance)
2.4	Illumination needs to be only sufficient to permit assessment of unauthorized activities. (See Paragraph 4.4.4 Interim Guidance)
2.5	Compensatory measures to be used during periods of equipment degradation or failure should be described. Measures should be commensurate with penetration and response times. (See Paragraph 4.8.3 Interim Guidance)
3.0	Access control systems should be provided in accordance with Paragraph 4.5 (Interim Guidance).
3.1	Access control into controlled access areas should be addressed in accordance with Paragraph 4.5.3 (Interim Guidance).
4.0	Identification of individuals should be in accordance with Paragraph 4.5.1 of the Interim Guidance.
5.0	Locks and keys systems should be in accordance with Paragraph 4.5.5 of the Interim Guidance. 10 CFR 73.56 does not apply for the protection of spent fuel.
6.0	Paragraph 4.6.5 of the Interim Guidance describes patrols. Paragraph 4.6.2 of the Interim Guidance describes alarm annunciation.
7.0	Paragraph 4.9. of the Interim Guidance describes contingency response actions and response force liaison. Note that there is no requirement for armed security personnel for the protection of spent fuel.
8.0	For the purposes of our review of the current plan we are assuming the ISFSI is the spent fuel pool. Future modifications will be expected as you transfer the spent fuel to Nuhoms storage. This will impact barriers and access control systems. All references to other structures are superfluous.
9.0	Test and maintenance systems should be described as stated in Paragraph 4.8 of the interim guidance.

It should be further noted that there are many other areas in Amendment 7 that appear to be "company preference." We chose not to provide comments on these areas other than to remind the licensee that commitments that are in addition to NRC requirements are still subject to inspection by the NRC regional inspectors.

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October 21, 1994
NUREG 1497

**Interim Licensing Criteria
for the Physical Protection of
Certain Storage of Spent Fuel**

P. Dwyer

Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission

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ENCLOSURE 1

ABSTRACT

This document presents interim criteria to be used in the physical protection licensing of certain spent fuel storage installations. Installations that will be reviewed under this criteria are those that store power reactor spent fuel at decommissioned power reactor sites; independent spent fuel storage installations located outside of the owner-controlled area of operating nuclear power reactors; monitored retrievable storage installations owned by the De-

partment of Energy, designed and constructed specifically for the storage of spent fuel; the proposed geologic repository operations area; or permanently shutdown power reactors still holding a Part 50 license. This criteria applies to both dry cask and pool storage. However, the criteria in this document does not apply to the storage of spent fuel within the owner-controlled area of operating nuclear power reactors.

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1. INTRODUCTION

This document presents interim criteria for use in the licensing review of physical protection plans for those independent spent fuel storage installations subject to review by the Office of Nuclear Material Safety and Safeguards (NMSS). These installations are those that store commercial power reactor spent fuel at: 1) decommissioned power reactor sites; 2) independent spent fuel storage installations located outside of the owner-controlled area at operating nuclear power reactors; 3) monitored retrievable storage (MRS) installations owned by the Department of Energy, designed and constructed specifically for the storage of spent fuel; 4) the proposed geologic repository operations area; or 5) permanently shut-down power reactors still holding a Part 50 license. The criteria presented in this document applies to both dry cask and pool storage.

These criteria are not applicable to the protection of spent fuel stored within the owner-controlled area of operating power reactors. The physical protection measures called for at a site associated with an operating power reactor often take advantage of measures required under 10 CFR 73.55 for protection of the reactor. An example of this might be the use of an armed guard force (required to protect the power reactor) to respond to a contingency at an adjacent storage installation. Because of their association with an operating power reactor, such storage installations are subject to oversight and review by the Office of Nuclear Reactor Regulation.

This document is comprised of three major parts: 1) a description of the basic capabilities needed for physical protection at affected sites; 2) a description of the specific criteria used to review affected physical protection plans; and 3) several appendices. The appendices contain a format which may be used in the development of an applicant's physical protection plan, a glossary of terms consistent with definitions found in the Code of the Federal Regulations and a listing of selected guidance documents.

The criteria in this document describe typical methods for providing physical protection of affected spent fuel storage installations. Other methods may be acceptable based on review by NMSS, U. S. Nuclear Regulatory Commission (NRC).

2. BACKGROUND

Licensing requirements for the independent storage of spent nuclear fuel and high-level radioactive waste are presented in 10 CFR Part 72. Requirements for the contents of a license application to independently store spent fuel are presented under 10 CFR 72.24, with the physical protection plan specifically called out under

paragraph (o) of this section. 10 CFR 72.180 specifies the physical security plan to address compliance with the applicable requirement of 10 CFR Part 73.

Specific requirements for the protection of spent fuel exist under Subpart K to Part 72, "General License for Storage of Spent Fuel at Power Reactor Sites." However, as indicated, these requirements apply only to the storage of spent fuel at power reactor sites. Requirements for the protection of spent fuel stored at decommissioned power reactors; independent spent fuel storage installation located outside of the owner-controlled area at operating power reactors; monitored retrievable storage installations owned by the Department of Energy, designed and constructed specifically for the storage of spent fuel; the proposed geologic repository operations area; and permanently shut-down power reactors still holding a Part 50 license are not specified. Accordingly, pending a rulemaking initiative, 10 CFR 73.50 is being selectively used as the applicable requirement of Part 73.

10 CFR 73.50 applies to a licensee who possesses, uses or stores formula quantities of strategic special nuclear material which is not readily separable from other radioactive material and, which has a total external radiation dose rate in excess of 100 rem per hour at a distance of 3 feet from any accessible surface without intervening shielding other than at a nuclear reactor facility licensed pursuant to Part 50, Title 10 of the Code of Federal Regulations. 10 CFR 73.50 was specifically developed for the physical protection of formula quantities of strategic special nuclear and later revised to include fuel reprocessing facilities.

The NRC staff believes that the requirements of 10 CFR 73.50 can be selectively implemented because design features of the spent fuel and its storage mechanism provide a degree of inherent physical protection for the fuel. In addition, because the requirements of 10 CFR 73.50 were originally developed to encompass fuel reprocessing facilities, the regulation contemplated protection for unencapsulated, reprocessed strategic special nuclear material. Hence, 10 CFR 73.50 may present excessive requirements for the protection of irradiated spent fuel that has not been chemically separated into its constituent parts through reprocessing.

Basic physical protection performance capabilities were developed that form the basis for selective implementation of 10 CFR 73.50. These capabilities are described in section 3.

3 BASIC PERFORMANCE CAPABILITIES

The general design objective of a system used to protect the storage of spent fuel at a facility treated by this

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document is to minimize the possibilities for radiological sabotage of the spent fuel.

To achieve this objective, the physical protection system should provide for the following performance capabilities:

- 1) The establishment of a security organization with written procedures;
- 2) the use of physical barriers to control access to the spent fuel;
- 3) procedures and controls to assure only authorized individuals are granted access to the spent fuel;
- 4) detection and assessment of unauthorized penetration or activities by an individual or individuals within the protected area containing the spent fuel; and
- 5) the capability for timely communications of unauthorized penetration or activities to a designated response force through a continuously manned alarm station, not necessarily within the protected area, and via one other redundant means sufficient to permit response.

4 PHYSICAL PROTECTION PLAN COMPONENTS

4.1 Introduction and Schedule for Implementation

This section should indicate the corporate name of the applicant, facility name, and facility location. The applicant should describe the type of facility operated, the general layout of the facility and the surrounding area. A schedule for implementation of the plan, developed in coordination with the NRC, should also be included.

Supportive 10 CFR 73.50 requirement: none.
Authority for plan submittal under
10 CFR 72.24(o).

4.2 General Performance Objectives

In this section, the applicant should confirm that the general design objective of a system implemented to protect the storage of spent fuel is to protect the facility from radiological sabotage.

Supportive 10 CFR 73.50 requirement: none.
Applicable requirement is 10 CFR 72.182.

4.3 Security Organization

4.3.1 Establishment of Security Organization

This section should affirm that a security organization will be established, comprised of a minimum of two watchmen per shift to provide for monitoring of detection and assessment subsystems, for performance of access control functions, and for communicating with a designated response force or local law enforcement agency in the event of detection of unauthorized penetration or activities.

Supportive 10 CFR 73.50 requirement:
10 CFR 73.50(a)(1).

4.3.2 Security Audits

This section should affirm that security audits will be conducted at least every 18 months by individuals independent of both security program management and personnel who have direct responsibility for implementation of the security program. The review must include an evaluation of the effectiveness of the physical protection system and an audit of commitments established with local law enforcement agencies. These reports must be maintained in an auditable form, available for inspection, for a period of three years.

Supportive 10 CFR 73.50 requirement: None

4.3.3 Qualifications for Employment in Security

This section should affirm that an individual, including a watchman, granted unescorted access to the protected area where spent fuel is stored should undergo screening prior to the granting of such access. The screening should typically include a Federal Bureau of Investigations criminal history check, or equivalent; a previous employment check; and two reference checks.

Supportive 10 CFR 73.50 requirement:
10 CFR 73.50(a)(4).

4.3.4 Security Force Training

This section should affirm that a Guard Force Training and Qualification Plan has been submitted for NRC approval or has been previously approved. The plan should document that the applicable criteria of Appendix B to Part 73 will be or are being met. The applicable criteria of Appendix B are: 1) educational development (possession of a high school diploma or equivalent); 2) no felony convictions involving the use of a weapon or that reflect on the individual's reliability; and 3) physical

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qualifications that indicate no physical weaknesses or abnormalities that would adversely affect performance of assigned security job duties. The Guard Force Training and Qualification Plan may be included as a chapter or appendix to the physical protection plan.

Supportive 10 CFR 73.50 requirement:
10 CFR 73.50(h).

4.3.5 Records

This section should affirm that the following records will be established, maintained and retained as records: (1) screening records until the affected individual terminates employment and (2) training and qualification records for a period of three years after the record is made.

Supportive 10 CFR 73.50 requirement:
10 CFR 73.50(a)(4).

4.4 Physical Barrier System

4.4.1 General Layout

This section should affirm that spent fuel will be stored only within a protected area.

Supportive 10 CFR 73.50 requirements:
10 CFR 73.50(b)(1) and (2).

4.4.2 Physical Barriers

This section should affirm that access to stored spent fuel requires passage through or penetration of two barriers, one at the perimeter of the protected area and one other physical barrier offering substantial penetration resistance. The physical barrier at the perimeter of the protected area should, as a minimum, be as described under 10 CFR 73.2. A barrier that offers substantial resistance to penetration may be provided by a variety of measures. These measures include penetration resistance provided by the storage cask for the spent fuel or building walls, such as those of a reactor or fuel building. Isolation zones should be provided on either side of the physical barrier at the perimeter of the protected area. These zones should be maintained free of clutter and should typically be 20 feet wide.

4.4.3 Security Post(s)

This section should affirm that a security post will be provided for the stationing of watchmen and the monitoring of assessment systems, if used, and of detection systems. The post need not be located within the protected area where spent fuel is stored but should be continuously manned. In addition, detection systems should be monitored via one other continuously manned

means, such as by a local law enforcement agency or other approved designated response force.

Supportive 10 CFR 73.50 requirement:
10 CFR 73.50(d)(1).

4.4.4 Illumination

This section should affirm that a means of illumination will be provided sufficient to perform assessment of unauthorized penetration or activities within the protected area and associated isolation zones. Illumination need be provided only during periods of assessment if such illumination does not interfere with the operation of assessment equipment, such as closed circuit television (CCTV), if used. If CCTV is used, illumination should be such as to permit proper and timely operation of the camera. In all cases, 0.2 footcandles is considered the minimum illumination needed to properly view the area of assessment.

Supportive 10 CFR 73.50 requirement:
10 CFR 73.50(b)(5).

4.5 Access Control Subsystems and Procedures

4.5.1 Identification System

This section should describe the identification system used at the facility. The system should provide unique identification of individuals granted unescorted access to the protected area through such means as a picture identification system using a driver's license photograph, a name badge system using a difficult to counterfeit badge medium, or facial recognition. Justification for use of facial recognition should be provided, such as, longterm employment and small site population. In addition, the identification system should uniquely identify individuals requiring escort while within the protected area.

Supportive 10 CFR 73.50 requirement:
10 CFR 73.50(c)(3).

4.5.2 Access to Protected Areas

This section should describe procedures for determining an individual's need for access to the protected area. Access to protected areas should be limited to individuals authorized unescorted access or authorized escorted individuals who require such access in order to perform job duties. Procedures should also be described for dealing with required access of emergency response vehicle personnel.

Supportive 10 CFR 73.50 requirement:
10 CFR 73.50(c)(4).

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4.5.3 Access Controls at the Protected Area

This section should describe procedures for granting access of individuals, packages and vehicles into the protected area. Typically, authorization should be checked and individuals, packages, and vehicles should be subjected to a search for explosive devices. This search should be conducted by use of handheld equipment designed to detect explosives. Watchmen, who have been granted unescorted access to the protected area and are on official duty, need be subjected to authorization check and explosive search only at first entrance to the protected area at work shift initiation.

Supportive 10 CFR 73.50 requirements:
10 CFR 73.50(c)(1) and (2).

4.5.4 Escorts and Escorted Individuals

This section should describe individuals by job function, who may be designated as escorts and procedures used for escorting individuals during both routine and emergency situations. Such procedures should describe individuals requiring escort, identification procedures, and training that escorts receive.

Supportive 10 CFR 73.50 requirement:
10 CFR 73.50(c)(5).

4.5.5 Key and Lock Control

This section should describe the key and lock control system that will be developed and maintained to limit access to and within the protected area to authorized individuals. Typically, keys and locks should be rotated or changed annually, when an individual with access to keys or locks has unescorted access withdrawn, or when there is evidence of compromise of the keys, locks or the system controlling the keys or locks.

Supportive 10 CFR 73.50 requirement:
10 CFR 73.50(c)(7).

4.5.6 Records

This section should affirm that records will be established, maintained and retained for: (1) current written procedures that permit access control personnel to identify authorized versus unauthorized entry for the period the applicant stores spent fuel, (2) the record of escorted individuals for a period of three years from the date of the record, and (3) written procedures for key and lock control for the period the applicant stores spent fuel.

Supportive 10 CFR 73.50 requirements:
10 CFR 73.50(a)(3), (c)(5), and (c)(7).

4.6 Detection, Surveillance, and Alarm Subsystems

4.6.1 Isolation Zone Penetration

This section should describe the applicant's commitments for a detection capability of unauthorized penetrations through the interior isolation zone at the perimeter of the protected area. Generic equipment type, along with associated detection capabilities, should be described. Detection capabilities specified in Regulatory Guide 5.44, "Perimeter Intrusion Alarm Systems" should be met.

Supportive 10 CFR 73.50 requirement:
10 CFR 73.50(b)(4).

4.6.2 Alarm Annunciation at Security Post

This section should describe the system for annunciation of detection of isolation zone penetrations within the security post and one redundant location and commit the applicant to indicate the status of all alarms and alarm zones within the security post and the redundant location.

Supportive 10 CFR 73.50 requirement:
10 CFR 73.50(b)(4).

4.6.3 Power Sources

This section should describe types of security equipment capable of being operated from independent power sources, duration of operation in the event of loss of normal power, and indication given on loss of normal power and switch over to standby power. Types of equipment provided with independent power sources would typically include intrusion detection equipment, alarm annunciation equipment, lighting, any equipment used to provide assessment of alarms, and equipment for communicating with a designated response force or local law enforcement agency. Duration of standby power capability would typically equal or exceed twice the response time of a local law enforcement agency or designated response force. This section should also affirm that switch-over to standby power will be automatic and not cause false alarms.

Supportive 10 CFR 73.50 requirement:
10 CFR 73.50(e)(4) for communications equipment.

4.6.4 Component Supervision

This system should describe the physical protection afforded alarm systems, including transmission media, to ensure that the system is not being tampered with, compromised, or on standby power, without the knowledge of the licensee.

Supportive 10 CFR 73.50 requirement:
10 CFR 73.50(d)(1).

4.6.5 Protected Area Monitoring and Assessment

This section should describe methods used to monitor the protected area for unauthorized penetrations or activities and to assess unauthorized penetrations. Monitoring capability would typically be provided by a random patrol conducted once every 8 hours. With respect to assessment, remote assessment is preferred, for example via closed circuit television or a video capture system. However, adequate assessment may also be provided through onsite assessment by a watchman if an acceptable justification of timely assessment can be provided.

Supportive 10 CFR 73.50 requirements:
10 CFR 73.50(b)(3) and (g)(3)(ii).

4.7 Communications Subsystems

4.7.1 Security Force Communications

This section should describe how each watchman will be capable of maintaining continuous communications with the security post. Typically, this capability would be met by supplying watchmen with two-way radio communications.

Supportive 10 CFR 73.50 requirement:
10 CFR 73.50(e)(1).

4.7.2 Alarm Station Communications

This section should describe redundant systems used to ensure the capability of maintaining communications with a designated response force or local law enforcement agency. These redundant communications systems would typically be provided via radio and commercial telephone.

Supportive 10 CFR 73.50 requirements:
10 CFR 73.50(e)(2) and (3).

4.7.3 Power Sources

This section should describe methods used by the licensee to keep non-portable communications equipment controlled by the licensee operable in the event of loss of normal power.

Supportive 10 CFR 73.50 requirement:
10 CFR 73.50(e)(4).

4.8 Test and Maintenance Program

4.8.1 Specification Tests

This section should affirm that, at initial installation, equipment will be tested to manufacturer's specifications.

Supportive 10 CFR 73.50 requirement:
10 CFR 73.50(f).

4.8.2 Operational Tests

This section should describe the testing program for maintaining physical protection-related equipment in operable condition. This discussion should include the purpose and intended level of the testing and maintenance program, specific methods for the testing of the equipment subject to the program and periodicity of the testing. In general, operational testing should be conducted daily (go/no go) either remotely through self-checking circuitry or onsite, and performance testing conducted once every 18 months unless operational testing indicates a need for corrective action. In this event, performance testing should be conducted after necessary maintenance.

Supportive 10 CFR 73.50 requirements:
10 CFR 73.50(1), (2) and (3).

4.8.3 Repairs and Maintenance

This section should describe procedures used in performing repairs and maintenance of physical protection systems in order to maintain equipment in operable condition. Compensatory measures to be used during periods of equipment degradation or failure should also be described.

Supportive 10 CFR 73.50 requirement:
10 CFR 73.50(f).

4.9 Contingency Response Plan and Procedures

4.9.1 Contingency Plan Documentation

This section should commit the applicant to having an approved safeguards contingency plan for dealing with anticipated threats. The plan should be developed in accordance with the criteria in Appendix C to Part 73 but need only include a responsibility matrix and response procedures. The level of detail provided in the plan should be commensurate with the level of threat. The contingency plan may be a chapter or appendix to the physical protection plan.

Supportive 10 CFR 73.50 requirement:
10 CFR 73.50(g)(1).

4.9.2 Response Force Liaison

This section should describe documented response arrangements that the applicant has made with a local law enforcement agency or an approved designated response force. It should describe estimated response times.

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Supportive 10 CFR 73.50 requirement:
10 CFR 10 CFR 73.50(g)(2).

4.9.3 Response Procedures

This section should describe the applicant's response procedures for dealing with detection of unauthorized presence or activities within the protected area.

Supportive 10 CFR 73.50 requirements:
10 CFR 73.50(a)(3) and (g)(1).

4.9.4 Records

This section should describe how the applicant will establish, maintain and retain as a record the current safeguards contingency plan and also arrangements made with a local law enforcement agency or an approved designated response force for as long as the applicant stores spent fuel.

Supportive 10 CFR 73.50 requirements:
10 CFR 73.50(g)(1) and (2).

APPENDIX A – PHYSICAL PROTECTION PLAN FORMAT

If this format is used, the applicant should follow the numbering system of this NUREG. Under some circumstances, certain subsections may not be applicable to a specific application. If so, this should be clearly stated and sufficient information should be provided to support this conclusion.

The applicant may wish to submit information in support of an application that is not required by regulations and is not essential to the description of the applicant's physical protection program. Such information could include, for example, historical data submitted in demonstration of certain criteria, discussion of alternatives considered by the applicant, or supplementary data regarding assumed models, data, or calculations. This information should be provided in an appendix to the plan.

Upon completion of the plan, the applicant should use the table of contents of this document as a checklist to ensure that each subject has been addressed.

A.1 Style and Composition

A table of contents should be included in each submittal.

The applicant should strive for clear, concise presentation of information. Confusing or ambiguous statements and general statements of intent should be avoided. Definitions and abbreviations should be consistent throughout the submittal, and consistent with generally accepted usage.

Whenever possible, duplication of information should be avoided. The information included in other sections of the application may be covered by specific reference to those sections.

Where numerical values are stated, the number of significant figures should reflect the accuracy or precision to which the number is known. The use of relative values should be clearly indicated. Drawings, diagrams, and tables should be used when information may be presented more adequately or conveniently by such means. These illustrations should be located in the section where they are first referenced. Care should be taken to ensure that the information presented in drawings is legible, that symbols are defined, and that drawings are not reduced to the extent that they cannot be read by unaided, normal eyes.

A.2 Physical Specifications of Submittal

All material submitted in an application should conform to the following physical dimensions of page size, quality of papers and inks, numbering of pages, etc.

A.2.1 Paper Size

Text pages should be 8.5 x 11 inches in dimension.

Drawings and graphics: 8.5 x 11 inches, preferred; however, a larger size is acceptable provided the finished copy, when folded, does not exceed 8.5 x 11 inches.

A.2.2 Paper Stock and Ink

Suitable quality in substance, paper color, and ink density for handling and for reproduction by microfilming.

A.2.3 Paper Margins

A margin of no less than one inch is to be maintained on the top, bottom, and binding side of all pages submitted.

A.2.4 Printing

Composition: text pages should be single spaced. Type face and style: should be suitable for microfilming. Reproduction: may be mechanically or photographically reproduced. All pages of the text may be printed on both sides, and images should be printed head to head.

A.2.5 Binding

Pages should be punched for loose leaf ring binding.

A.2.6 Page Numbering

Pages should be numbered sequentially throughout the main part of the document. Any appendices may be numbered separately if desired. Each page of the physical protection plan should contain a page number; a revision number, if applicable; and a date.

A.3 Procedures for Updating or Revising Pages

The updating or revising of data should be on a replacement page basis. The changes or revised portions of each page should be highlighted by a vertical line. The line should be on the margin opposite the binding margin for each line changed or added. All pages submitted to update, revise, or add pages to the plan are to show the date of the change. The transmittal letter should include

the index page listing the pages to be inserted and the pages to be removed. When major changes or additions are made, pages for a revised-table of contents should be provided.

A.4 Number of Copies

The applicant should submit the appropriate number of copies of each required submittal in accordance with 10 CFR 72.16.

A.5 Public Disclosure

NRC has determined that public disclosure of the details of physical protection programs is not in the public interest, and such details are withheld in accordance with paragraph 2.790(d) of 10 CFR Part 2. Thus, the physical protection section of each application should be

submitted as a separate enclosure. Other proprietary and classified information should be clearly identified and submitted in separate enclosures. Each such submittal of proprietary information should request exemption from public disclosure, as required in paragraph 2.790(b) of 10 CFR Part 2.

A.6 Compatibility

The applicant should ensure that the physical protection plan is compatible with the other sections of the application.

A.7 Schedule for Submittal

The applicant should contact NRC to determine a schedule for physical protection plan submittal.

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APPENDIX B – GLOSSARY OF TERMS

These terms are excerpted from Title 10 of the Code of Federal Regulations, Parts 72 and 73.

Guard means a uniformed individual armed with a firearm whose primary duty is the protection of special nuclear material against theft, the protection of a plant against radiological sabotage, or both.

Independent spent fuel storage installation or ISFSI means a complex designed and constructed for the interim storage of spent nuclear fuel and other radioactive materials associated with spent fuel storage. An ISFSI which is located on the site of another facility may share common utilities and services with such a facility and be physically connected with such other facility and still be considered independent; provided that such sharing of utilities and services or physical connections does not: (1) increase the probability or consequences of an accident or malfunction of components, structures or systems that are important to safety, or (2) reduce the margin of safety as defined in the basis for any technical specification of either facility.

Isolation zone means any area adjacent to a physical barrier, clear of all objects which could conceal or shield an individual.

Monitored retrievable storage installation or MRS means a complex designed, construction and operated by the Department of Energy for the receipt, transfer, handling, packaging, possessing, safeguarding, and storage of spent nuclear fuel aged for at least one year and solidified high-level radioactive waste resulting from civilian nuclear activities, pending shipment to a high level waste repository or other disposal.

Physical barrier means: (1) fences constructed of No. 11 American wire gauge, or heavier wire fabric, topped by three strands or more of barbed wire or similar material on brackets angled inward or outward between 30 degrees and 45 degrees from the vertical, with an overall height of not less than eight feet, including the barbed topping; (2) building walls, ceilings, and floors constructed of stone, brick, cinder block, concrete, steel, or comparable materials (openings in which are secured by grates, doors, or covers of construction and fastening of sufficient strength such that the integrity of the wall is not lessened by any opening), or walls of similar construction, not part of a building, provided with a barbed topping described in paragraph (1) of this definition of a height of not less than eight feet; or (3) any other physical obstruction constructed in a manner and of materials suitable for the purpose for which the obstruction is intended.

Spent nuclear fuel or spent fuel means fuel that has been withdrawn from a nuclear reactor following irradiation, has undergone at least one year's decay since being used as a source of energy in a power reactor, and has not been chemically separated into its constituent elements by reprocessing. Spent fuel includes the special nuclear material, byproduct material, source material and other radioactive materials associated with fuel assemblies.

Strategic special nuclear material means uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope), uranium-233, or plutonium.

Watchman means an individual, not necessarily uniformed or armed with a firearm, who provides protection for a plant and the special nuclear material therein in the course of performing other duties.

APPENDIX C – LIST OF SELECTED GUIDANCE DOCUMENTS

While not developed specifically for the physical protection of stored spent fuel, these documents published by the NRC may be useful in the general development of physical protection systems.

Regulatory Guide 5.7, *Entry/Exit Control for Protected Areas, Vital Areas and Material Access Areas*, May 1980.

Regulatory Guide 5.12, *General Use of Locks in the Protection and Control of Facilities and Special Nuclear Materials*, November 1973.

Regulatory Guide 5.44, *Perimeter Intrusion Alarm Systems*, May 1980.

NUREG 1321, *Testing Standards for Physical Protection Systems at Category I Fuel Cycle Facilities*, October 1991.

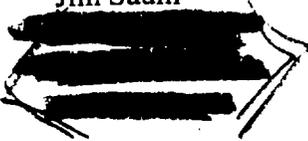
NUREG 1328, *Entry/Exit Control at Fuel Fabrication Facilities Using or Possessing Formula Quantities of Strategic Special Nuclear Material*, December 1988.

NUREG/CR 5721, *Video Systems for Alarm Assessment*, September 1991.

NUREG/CR 5723, *Security System Signal Supervision*, September 1991.

3

Jim Saum



EX 6 H7C

8/6/98

Dennis Boal
(817) 860-8110

Dear Mr. Boal

SUBJECT: CONCERNS REGARDING RANCHO SECO

1.0 FREE RELEASE OF CONTAMINATED MATERIAL

1.1 Background and History

On 5/6/97, I worked on the assigned task of reviewing Purchase Requisition, PRW 39211 (attached) for Technical and Quality Requirements per RSAP-0409. This PRW was for calibration sources for radiation survey count rate meters. I revised this PRW by issuing PRW 37638 (attached) for a better specification of what was available from an approved supplier, Amersham. The Tech. and Quality requirements document I wrote considered the sources function for calibrating survey instruments. Since its purpose was to detect 1000 dpm/100cm² I wanted a source around that level to prove sensitivity to detect a smear. I discussed the requirements with RP staff Bruce Rodgers, Steve Nichols, Bill Wilson, and Dennis Gardiner. Dennis Gardiner and Bill Wilson did not like me putting in conditions in this document. Dennis Gardiner said it was not my business to determine usage. I said this is necessary for a technical review. Dennis Gardiner said that I had threatened to call the NRC. I said that this was not true. That Bill Wilson and Bruce Rogers earlier had given me Luis Carlson (NRC) number on a yellow sticky which I saved. They both said in my inquiries on the usage of the sources and my recommendations on calibration that if I did not like the way they were doing business to call the NRC. I was only trying to get information from them to complete my review and was trying to suggest improvements. I was discouraged as a result.

On 5/20/98⁷, at our weekly status meeting, my supervisor told me of D. Gardiner and B. Wilsons complaint against me and said that I had threatened to call the NRC. I said this was not true and explained that they had suggested it. I told him that I wanted more sources but was trying to avoid being accused of being inflexible so I released the PRW and without the Tech. and Quality attachment



which offended Bill Wilson. He also commented that in his opinion I conducted myself well at meeting with them on this subject.

On 7/24/97, I issued a memo, MNTS 97-0031 (attached) to my supervisor. This memo expressed my concerns over Radiation Protection Procedural deficiencies that would allow the free release of contaminated material. The plant was currently engaged in dismantlement activities. I discovered these problems upon being tasked with reviewing the technical and quality requirements for purchase request, PRW 37638, for calibration standards for count rate survey instruments. I am a professional electrical engineer and have over 15 years experience in radiation detection as the radiation monitoring system engineer. I wrote this memo instead of a Potential Deviation from Quality Report (PDQ) because of a long history of retaliation from the plant manager, Steve Redeker, and my supervisor Jim Field as will be described in another document

My supervisor later responded to my memo by giving me a copy of memo, IDT 97-049 (attached). It did not surprise me that my supervisor or manager did not request a PDQ to formally document the problem as is required by procedure RSAP-1308. Instead as can be determined from a review of this memo my concerns were disregarded.

On 7/28/98[?], Dennis Gardiner, Incremental Decommissioning Project Manager (previous RP Supervisor), requested a meeting with me to discuss my concerns. At this meeting I described my specific concerns regarding RP procedural deficiencies, asked him questions, provided recommendations, and reviewed the IE Circular 81-07 and the attached Sommer's Report and my calculations. I informed him that procedure RP.305.09A rev 5 did not ensure that the 5000 dpm/100 cm² fixed and the 1000 dpm/100cm² loose sensitivities guidelines in IE 81-07 were being met and the procedure was not compliant with the Sommer's report. I informed Dennis Gardiner of the following procedural deficiencies with RP-305.09A , rev 5 (Attached):

- 1) Step 6.1.1, "Loose Contamination" does not prescribe a minimum sample count time, the survey meter models that may be used, the set point of 100ccpm, the maximum background, and the required meter response time mode (i.e., slow mode). Note: there was no procedure in Rev 5, only loose surface contamination limits!
- 2) Step 6.1.2, "Fixed Contamination",- I said that if the setpoint method as currently described in Rev. 5 is to be retained whereby the setpoint is 100 ccpm with a scanning rate of 2 inches per second at ½ ' away, then according to Sommer's , Figure 3, it is necessary to prescribe a maximum background of 65 cpm with the monitor in the fast mode to

achieve 5000 dpm/100cm² with a 90% detection probability. If the audio method is to be used then this method should be proceduralized.

- 3) I also suggested that we verify the procedural bounding conditions by establishing a test procedure that would verify the MDA (Minimum Detectable Activity) is per the IE 81-07. To take an actual 5000dpm/100cm² source and scan it at the prescribed rates and distances, in the maximum background, in the prescribed response time mode, with the prescribed set point and verify that it would be detected. I suggested the same for the loose contamination procedure. I recommended a procedure revision that, if followed would guarantee that the IE 81-07 release limits would be achieved..

Dennis Gardiner's position was this was not necessary since the RPs are well trained. Although he voiced concerns over the contracted RPs and the trusting their resumes and qualifications. He said that he was in agreement with my calcs and requested a copy. He said there was not a public safety concern since the basis of the IE 81-07 was only 5 mrem. . That a lot of the thing I brought up good be use as refresher training and admitted that he did not know if he was brave enough to give the RP techs a quiz. "I'm probably not that brave".

On 7/28,1997, I then issued memo MNTS 97-0033 (attached) thanking Dennis Gardiner for hearing my concerns with the believe that he was going to act on them.

On 7/29/1997, I received memo, IDT 97-052. I was very disappointed by this response which basically gave me the message of we don't need your help, we know what we are doing, but you are not doing your job of maintaining the plant radiation monitors and we will find a contractor to do your job.

On 7/30/1997, I told my supervisor that I was concerned that no PDQ had been written on this potential problem.

On 8/12/1997, I responded with memo, MNTS 97-037 (attached). I responded to their allegations that I was not doing my job by stating the facts of the matter. It reveals that there exists a pervasive defensive attitude amongst the different Rancho Seco departments where groups do not want to admit they are in need of assistance, do no write PDQs when appropriate to admit they need assistance which results in long standing equipment problems and in this case two NRC violations for violating our free release procedural limits. It should be noted that I solved these long standing problems shortly after being officially tasked with them. Unfortunately, however, not properly responding to my concerns has led to two incidents of the free release of contaminated material and NRC violations.

~~CONFIDENTIAL~~

On 8/18/97, Procedure RP.305.09A, Rev 6, was issued without the proper Multi Discipline Review (MDR). I originally suggested the revision and Mike Braun had specifically requested to review it. Only Bill Wilson and Dennis Gardiner signed the MDR. This rev incorporated only some of my comments and it was still deficient. This inadequate MDR was brought to the attention of QA supervisor Wally Keopke who also voiced concern at that time since his staff Mike Braun also requested review. It still did not require proper backgrounds, time responses, setpoints and the audible capability, etc. Rev 7 was issued, 9/11/97, and was still deficient and received inadequate MDR.

I met with Mike Braun, from QA, several times afterwards who was doing surveillances on surveys and releases. I encouraged him to raise my concerns and to review my calculation. I expressed my concerns that the plant was going to free release contamination if nothing was done. I reviewed the Sommer's report and showed him Fig 3, that under ideal conditions a survey instrument could only detect the 5000dpm/100cm² limits if it was in the fast mode, 60 cpm background, at 2"/sec. I compared this to the audible technique which seemed a good option. I suggested that the RP should have the audible on and listen for any increase in counts and back track and hold the meter still for max sensitivity if the slow mode was to be used. He did not seem concerned which frustrated me. He did tell me that he was discouraged that he was not allowed to review procedures and that no one cared about his surveillances and was discouraged that there was no procedure for identifying cleared materials by painting them which was the practice (report # 97-S-034). I recommend that the NRC review his surveillances Report # 98-S-041 which demonstrates that RP Tech. do not have a good understanding of procedure and were confused in areas, raised concern over inadequate procedure reviews (i.e., MDRs), and finally raising the Sommer's report requirement of 60 cpm background however still no mention of the required fast time response. See his conclusions. This after a year of 4 revisions to RP.305.09A and two free release incidents and NRC violations.

On 12/22/1997, a routine shipment of scrap metal was sent to a metal recycler offsite containing radioactive contamination above the limits allowed for free release by Rancho Seco administrative procedures. PDQ 97-0082 was written (attached). Rancho Seco subsequently received an NRC violation for this violation of Tech. Spec D6.11 (attached)

On 4/30/98, a second incident of free releasing contamination at the metal recycler occurred. DQ 98-0026 was written as a result.

1.1 DQ 98-0026 Analysis; Erroneous Statements

The NRC should review this DQ disposition (attached). In the EXTENT section, it states, "initial monitoring for the free release was found to have conformed to the applicable regulatory and Rancho Seco Protection Program requirements"

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~~CONFIDENTIAL~~

This statement erroneously infers that the procedure RP.305.09A was ensuring the IE- Circular 81-07 sensitivity guideline of 5000dpm/100cm² and the initial monitoring was in accordance with the IE circular... It was not as I have explained above and will further describe in my Technical Review below.

The Re-SURVEY section erroneously concludes that "this non-routine, increased survey time period " essentially increased the sensitivity to more than the minimum required based on regulatory guidance thereby allowing very low levels to be detected" Again, Sommer's report required a 60 cpm background, fast mode with 100ccpm set point to achieve this sensitivity. The resurvey technique should have been proceduralized when I originally brought it to management's attention on 7/27/97. The DQ show that the 36 sq.inch piece exceeded the 5000 dpm/100cm² limit. (294Bq/36in²= 7600dpm/100cm²). It is further questionable based on Surveillance Report 98-S-041 that the RP technicians were confused over RP.305.09A and did not understand the relationship between the Minimum Detectable Count rate (MDCR) for a moving probe vs. a fixed probe (i.e., affect of the time response of the meter and ear) , the relationship of the 100 ccpm setpoint and back ground., whether the audible was required, etc. This draws question of if the DQ survey was conducted properly. Also, since this survey was conducted on May 26, 1998, it draws questions as to what misunderstanding they had in earlier releases without the experiences gained from the prior free release incident and RP.305.09A revisions since rev. 5 and my presentations to D. Gardiner. One should also note the DQ statement, "Management observations found that in spite instructions to perform surveys as specified in RP procedure (i.e., 2inches/second at 1/2 ' away) the technicians conducted slower deliberate search and find surveys" It infers that management intended the setpoint method used and suggests that they knew this would not result in any detection of contamination as I warned them earlier that it would not. I am glad that management did not instruct them to conduct the survey in a 300 cpm background area with the audible off with out the search and find method as allowed by procedure at the time.

The TEST SURVEY and SUPPLEMENTAL INFORMATION sections also validates my original warning made in memo MNTS 97-0033 that RP procedures for controlling and free releasing contamination by usage of count rate instruments would allow the free release of contaminated material if followed. Again, it is erroneously inferred that RP.305.09A, if followed, ensures that the 5000 dpm/100cm² sensitivity will be met.

The REGULATORY GUIDANCE section is accurate, however item 4, which requires a 5000 dpm and 1000 dpm sensitivity are not ensured by RP.305.09A. Rancho Seco Technical Specification D6.11 requires adequate procedures for contamination control. This procedure is not adequate to ensure that contamination is not released..

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The RANCHO SECO FIXED CONTAMINATION SURVEY PROGRAM section states that "the sensitivity is based on the MDCR calculation found in RP.311.VI.01 for each type instrument. **However, this calculation only applies to a survey instrument with a source in a fixed geometry, not when the instrument is required to be scanned at a rate of 2 inches/sec at 1/2 away** Equation 3 in the Sommer's Report describes the sensitivity for a survey instrument that is moving. The RP.311.VI.01 MDCR calculation applies to loose contamination when a smear is placed in a fixed 1" planchet geometry as represented by the calibration source which I specified in PRW 37638 see attached Tech and Quality Requirements). I informed RP staff of this in 1997 when reviewing the PRW and after issuing MNTS 97-0031. As in Surveillance Report 98-S-041, the RP I spoke with at that time did not understand the relationship of the MDCR for a moving vs. fixed probe. I informed D. Gardiner and Bruce Rogers in 1997 of this relationship. I suggested we get a 5000 dpm/100CM² calibration source and test the countrate instruments by placing it at procedural allowed conditions (e.g., max background, scan rates and distances, time response modes, 100 ccpm setpoint) to see if we could detect an actual 5000/100cm² source. This DQ disposition demonstrates a lack of this knowledge. If the instrument is to be placed in a fixed position over the suspected area after hearing an increase in countrate for a 22second sample time, in the slow mode then the MDCR calculation above is an estimate and indicates that a 770 dpm / 1" dia source equates to a 5394 dpm/100cm² sensitivity not including the unknown loss of detector efficiency due to the larger area.. However, this conflicts with statements made in the re-survey section that , "This non routine , increased survey time period increased the instrument sensitivity to more than the minimum required based on regulatory guidance" which implies that he routine sensitivity was related to a moving probe not the non routine survey where it was held in a stationary position. From figure 8 of Sommer's report the scan time in the audible method converges at 80% probability for slow to fast scan rates.

The CONCLUSION section erroneously concludes that the material was below 5000 dam/100cm². As described in the re-survey section the 36 sq. inch piece had 7600 dpm/100cm² activity and this assumes they measured it properly.

The PREVENTATIVE ACTION section does not describe the necessary actions to prevent recurrence. RP.305.9A should be revised as follows:

- 1) As I originally suggested by establishing procedural conditions of max backgrounds, time response modes, min count times, procedural techniques, etc which will ensure that if followed will be able to detect the prescribe regulatory limits.
- 2) By establishing calibration test procedures which test the instruments sensitivity per the procedural max conditions.

- 3) By ensuring future MDRs that include the RP techs and other disciplines including Tech. Services and QA. This is per Surveillance Report 98-S-041.
- 4) Provide training to the RP Techs on the survey instruments and procedures.
- 5) Improve management by eliminate the defensive interdepartmental attitudes which stifled communications and interdiscipline assistance. Revise the QA surveillance procedure to require a written response to why stated recommendations are not implemented. Mandate MDR interdiscipline reviews.
- 6) Enforce the requirement to my supervisor and manager to follow procedures by writing a PDQ per RSAP 1308. My memo MNTS 97-031 definitely described a potential for a deviation from quality. If a PDQ had been written by my supervisor or manager this, however, based on my past experience with the plant manager and the CMRG as will be described elsewhere, they probably would have dismissed it as was done by D. Gardiner memo IDT 97-049. I no longer am willing to write a PDQ because of the retaliation and oppression I've have received in my last 5 years of employment experience with the existing Plant Manager and Supervisor. This problem will be described elsewhere.

1.2 Technical Evaluation

The Sommer's Report, Figure 3, shows that under ideal circumstances, that a countrate instrument with a scan rate of 5 cm/sec (2 "/sec) at 1/2 away, with a time response in the fast mode (i.e., $t=.0159$ min), in a 60 cpm background, with a 10% detector efficiency, that a 5000 dpm source would be detected 90% of the time. From Fig. 1 above the ideal setpoint for the 60 cpm background would be about 100cpm. **From Fig. 2 the affect of the fast mode vs the slow mode is a factor of 8 times, thus the sensitivity in the slow mode as used at Rancho Seco is reduced by several time due to this mode of operation.** At the bottom of page 354 he states that the poor time response of the instruments as a group has cause us to abandon the alarm setpoint method for source detection in the field. Again on page 355 under the paragraph for Figure 4. he concludes the same. In the conclusion section he does not suggest either method but rather concludes on page 357 that it is not practical to set contamination control limits much below 5000 betas/min. This report deals with particles not 100cm² surfaces. The report use used small Cs-137 sources at 1/2 ' away.at different scan rates and conditions.

IE Circular IE 81-07, states "The contamination monitoring using portable survey instrument or laboratory measurements should be performed with instruments and **techniques** (survey speeds, counting times, background radiation levels) necessary to detect **5000 dpm/100cm²** total and 1000 dpm/100cm² removable beta/gamma contamination.

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A review of RP.305.09A rev 10, shows that the above regulatory guidance is not being assured. Step 6.1.1. "Loose Contamination", Step 6.1.1.1 only states the proper limit of 1000 dpm/100cm². This section does not describe procedural requirements which will ensure that this limit is detected. The procedure if followed does not ensure the limit will be detected. The note added in rev. 6 which is still in place. The note does not required a minimum count time, or ccpm set point based on the worst case or actual instrument efficiency, maximum background, or the time response mode setting, etc. Instead it states a that a frisker in slow mode has a 22 second response time for 90% deflection. The RP Tech is not required to sample count for any specified period. He could stop counting after a few seconds which has been observed in the past. If he assumes 22 seconds in the slow mode the stated MDCR is not valid for the MDCR assumes equilibrium not the 90% of scale. There is no mention of the setpoint required. Does he declare the swipe as uncontaminated at 70 cpm, or 94 cpm or 100 ccpm? the maximum background is stated as a should instead of a shall statement. What efficiency is to be used? These factors and techniques need to be proceduralized to assure detection of contamination..

Step 6.1.2 ,"Fixed Contamination Limit" does not describe a limit. It annotates that the instruments used meet or exceed the minimum sensitivity requirement of 5000dpm/100cm². However, there is no calibration procedure which tests this capability as state in the DQ 98-0026 disposition. However it states that if there is an indication of the presence of radioactivity, then the material will be considered contaminated. What is indication? anything above background? Previous rev at least set a setpoint of 100ccpm, a quantifiable and measurable parameter. Is the RP required to stop and hold the detector stationary after indication of an audible increase in counts? The procedure does not require the audible to be on. The max background of 100 cpm d definitive, however, if the alarm setpoint method without the audible is used it should be less than 60 cpm. The procedure need to be revised so that if followed it will ensure that contamination will be detected. A calibration test using a 5000 dpm/100cm² source in a 100cpm background at the prescribed scanning rates and distances, etc, should also established for QA.

(Note: RP311.V1.01 erroneously defines 2RC as the response time for 90% deflection in it MDCR calualtion. A 22 sec and 2.2 sec response times equates to a 19 sec and 1.9 as 2RC).

I'd like to discuss this issue with an expert in radiation detection from the NRC or its consultant if possible.

2.0 PLANT MANAGEMENT NOT REPORTING A TECHNICAL SPECIFICATION VIOLATION; DQ 95-012

2.1 Background and History.

On 2/13/95, I submitted PDQ 95-012 (attached) which stated that the Plant's Liquid Effluent Flow Totalizer, FQI-95108, had never been calibrated per the Offsite Dose Calculation Manual (a Radiological Effluents Tech. Spec.) or the previous Technical Specification, Table 4.19, requirement or the NPDES provisions (Please refer to the PDQ 95-012 rev 0). The CMRG did not like the rev 0 PDQ and stated that I had editorialized by stating an error of 8.5% in the totalizer and its importance to public safety. However, I do not believe that this was editorialization as the facts will show that the totalizer was verified upon officially testing to have this error and that an error in this instrument could have resulted in the underestimation of the dose received to the public. My supervisor directed me to revise it. On 2/23/95 I submitted PDQ 95-012 Rev1.

On 2/27/95, the CMRG properly raised it to a Deviation of Quality per RSAP-1310.

On 3/2/95, Licensing issues memo NL-95-008 which concludes that if surveillances were required for the Totalizer and no documentation exists to show the necessary surveillance activities were performed, Licensing would conclude that this situation would be reportable and a LER would be required. That a violation of old Technical Specifications would be reportable. This was proven in DQ 95-012 rev 1 by B Fraser. Steve Redeker, however overruled the disposition on 5/8/95 by adding a note to page 6 which discounted the previous conclusion.

3/14/95, memo RPC 94-058 is issued and shows the intent of Amendment 98 to the Tech Specs. as a clarification to indicate that a totalizer is used to measure total flow downstream of the dilution flow. Note the totalizer readings is the parameter used in offsite dose calculations. The originator comes to many mis conclusions in this memo. The fact that the SPs were issued at the same time was likely and did not include a calibration of the totalizer was an error. The technical analysis in DQ 95-012 rev is accurate and shows the need for a calibration of the totalizer. The statement made that the Vendor Equipment Manual does not include a post startup calibration is typical of vendor manuals. The vendor did not realize its safety function. The manual does not include a post startup calibration for the flow meter either. By this logic no calibration either the flowmeter or the totalizer would then be required. The vendor did say a calibration was necessary in teleconference on 3/28/95 with Jim Saum and Bob Fraser.

On 3/27/95, I went to Walt Partridge, Chemist, for information per Steve Redeker's instruction at the CMRG meeting to get reported accuracy's of the totalizer in the Semi Annual Effluent Release Report. Dennis Gardiner, W. Partridges supervisor said not to discuss it with me or that he would contact my supervisor. I told him I was only following S Redeker's instruction.