

July 19, 1993

Russell Powell
Chief FOI/Local Public Document Room Branch
Nuclear Regulatory Commission
Washington, DC 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-93-406
Rec'd 7-20-93

Dear Mr. Powell,

This letter is a request under the Freedom of Information Act for copies of the following documents:

All complaints filed with the Nuclear Regulatory Commission which involve the Tennessee Valley Authority Watts Bar Nuclear Plant, and responses to those complaints by the Nuclear Regulatory Commission.

If your agency no longer has copies of these documents, but has given them to another agency, please notify me promptly of their current location.

If any portion of this request is denied, please provide me with a detailed statement of the reasons for the denial and an index or similar descriptive listing of the documents withheld. In the event of deletions, I request an explanation for each partial denial of access.

I am a representative of the news media, currently employed by WMYU. This request is made as part of news gathering and is not made for a commercial use.

Please respond to this request within 10 working days.

I will be available during normal working hours at 615-691-8080. Please telephone me if additional information is required to respond to this request, or if copying fees will exceed \$50.

Sincerely,



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Whistleblowers... (Continued from page one)

ome Goldberg, president of the nuclear division at Florida Power & Light Co. Goldberg testified at Thursday's hearing on behalf of the American Nuclear Energy Council.

"We must all be concerned if one employee with a significant safety issue fails to raise it for fear of his job," Goldberg said. "But in the context of considering new legislation or other remedial action, perspective is crucial. With rare exceptions, safety concerns...have been addressed prior to...the complaint and have found to be of marginal or no safety significance."

Three of the seven enforcement actions cited in the report involved nuclear power plants. And only two of those three actions involved civil penalties, of \$25,000 and \$130,000—both of which are pending, according to the report.

The 609 complaints were filed by approximately 470 people. Complaints by personnel at nuclear utilities accounted for 83 percent of the total, while other material licensees accounted for 17 percent, according to NRC figures.

Breaking these numbers down still further, a report prepared by NRC staff for the commission shows that more than 50 percent

of the harassment complaints originated at just five utilities.

The Tennessee Valley Authority's Brown Ferry Units 1, 2 and 3, and Watts Bar Units 1 and 2 led the pack with 152 complaints. Arizona Public Service listed 72 complaints at Units 1, 2 and 3 of the Palo Verde plant; Northeast Nuclear Energy Co. had 50 complaints at Units 1, 2 and 3 of its Millstone plant; Texas Utilities Electric Co. had 27 complaints at Units 1 and 2 of the Comanche Peak plant; and Houston Lighting & Power Co. had 13 complaints at the South Texas Project Units 1 and 2.

That distribution, industry spokesmen said, shows that while that are a few problem plants, most utilities listen carefully to employee safety concerns.

But Paul Blanch, a former supervisor at Millstone Unit 1, a 654 megawatt reactor, testified before the subcommittee "on the pathetic abuse suffered by all whistleblowers at the hands of the licensees and the NRC."

Blanch and Allen Mosbaugh, a former employee at the Vogtle nuclear power plant, which has two 1,160 MW reactors, were selected by Lieberman to represent whistleblower concerns before the subcommittee.

Blanch is credited with identi-

fying two important safety problems at Millstone: the existence of faulty water level instrumentation for coolant in the reactor core and a failure mechanism in Rosemount transmitters used to measure pressure and flow on a variety of plant safety systems.

NRC recently took enforcement action on both of those issues. But Blanch, after a financial settlement with Northeast Utilities, the owner of the Millstone plant, said "as a direct result of seeking resolution of this issue [Rosemount transmitters] with the NRC, I was continually harassed, intimidated and subjected to internal audits resulting in the suspension of two of my employees...yet, no enforcement action or criminal action was taken by the NRC."

Earlier this year, NRC did fine Northeast Utilities \$100,000 in relation to its harassment of Blanch.

The IG report includes a number of "suggestions for change" in the way NRC should handle whistleblower allegations in the future:

- Boost civil penalties and other enforcement actions.
- Conduct interviews at the plant and review pertinent documentation on site instead of simply sending a letter to the utility.
- Provide employment protection for whistleblowers during NRC investigations, which can last up to five years.

Loop Flow Battle... (Continued from page 1)

the Cincinnati Gas & Electric Co. through Dayton Power & Light Co. and Ohio Edison Co. to Allegheny Power System and PJM, nearly all the power flows over AEP's lines. And AEP wants to be compensated.

But that is inevitable, PSI said: AEP's lines are much larger than any others in the region and they force the electricity from the smaller lines of the contract path to the larger lines of AEP.

The contract path can accommodate all the transactions, PSI said, adding it is consistent with established industry practice and AEP's own prior statements.

"In fact, it is remarka-

ble that AEP submits its filing with a straight face: AEP itself has relied on these very industry operating guidelines to dispatch its generation and 'schedule' its bulk power sales in a manner that causes significant loop-flows on other systems," PSI said.

The lines for the contract path were built before AEP's transmission system and have existed since the 1930s, PSI said. Without the "diversion" from AEP, the contract path would handle the flows with all the PSI sales in question.

PSI went around AEP because AEP would not discount its transmission rate—although it had a-

capacity and was incurring no opportunity costs, PSI said. The companies along the contract path cut their transmission rates and PJM specifically requested the contract path because Ohio Edison's off-peak power was cheaper than AEP's.

PSI said that AEP then discounted the transmission rate in its bundled PJM sales but refused to discount its buy-sell rate for PSI; levied charges for PSI sales when they could not be made because of problems with APS and PJM; caused PSI to disclose commercially sensitive price data and used it to quote lower prices to PJM for its own power; and refused to buy and sell PSI power for PJM by

consuming PSI deliveries while selling its higher-priced power to PJM.

"The availability of the...contract path was the only potential discipline on AEP's practices during this period," PSI said.

AEP's Falcone dismissed the PSI charges as "outrageous and wrong.... [They are] phony excuses to get a lower price and avoid paying the full cost of transmission."

The historical argument is wrong and irrelevant, he added. The bulk of all the lines were built in the 1960s. And besides, back then, nobody thought of conducting transmission deals 700 miles from PSI to Allegheny, he said.