

GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies
1901 Que Street, N.W., Washington, D.C. 20009

(202) 234-9382

7-23-84

July 19, 1984

*Nolle's 7/23/84
RWR
7/23/84
RWR*

Mr. George Messenger
Acting Director, Office of Inspector
and Auditor
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Messenger:

Enclosed is the original copy of my corrected report of interview. My name is still "Thomas" Devine, not "James."

Second, please substitute the term "conclusion" in my report of interview, wherever I inappropriately wrote "findings of fact." The point is the same. It is a minimum requirement for any government investigation that the individual closest to the facts makes the initial assessment of what they prove.

Third, I am enclosing two interview transcripts discussed in allegation 14 of the interview report. Please compare page 33 of Region V's version, with pages 34-5 of counsel's transcript. You will note that Region V's version does not contain any notation of unintelligible text, nor does it contain the reference by a witness identifying management official Russ Nolle as "more blatant about" improper restrictions on quality control inspectors than anyone else. The reference is counsel's transcript to Mr. Kirsch's "unintelligible" response since has been clarified to read as follows: "Russ Nolle?" Clearly, the deletion was material for any assessment of licensee character and competence, as well as compliance with 10 CFR 50, Appendix B. The deletion also indicates that Mr. Kirsch was aware of Mr. Nolle's "more blatant" behavior, even after Nolle was identified by the witnesses. Mr. Kirsch's prior knowledge supports the more fundamental allegation, that he and other Region V personnel suffer from a conflict-of-interest in responding to allegations -- they are part of the coverup the whistleblowers are challenging.

Fourth, enclosed is a marked-up copy of Mr. Yin's comments on the peer review team. Please see the last paragraph on page 4, SSER for License Condition 2.C.(11), Item 6), which provides confirmation for part of allegation 16 in my report of interview -- that a promised further meeting with a significant witness was not held.

Fifth, the Mothers for Peace request that you expand OIA's investigation to include Region V's failure to honor the commitments and procedures described in the enclosed April 4, 1984 OIA report on Earl Kent. The current practice indicates that Region V is guilty of repetitive, or even worse misconduct at Diablo Canyon. That is the symptom of a regulatory breakdown.

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ATTACHMENT H



Mr. Messenger
July 19, 1984
Page two

Sixth, the Mothers again request that OIA investigate the regulatory breakdown itself, as summarized on page five of my report of interview. The April 4, 1984 OIA report goes well beyond the narrow issues of false statements, which limit the OIA Diablo Canyon investigation. The deterioration of the NRC's public credibility in this case has been too severe to ignore.

Finally, it is necessary to correct a misconception in your July 16, 1984 letter. It is not possible for the testimony of employee witnesses, Mr. Clewett, or members of the public to be "cumulative" to my own report of interview. I am merely their counsel. I cooperated with Mr. Smith to introduce the issues, but with isolated exceptions I was not a witness. This is true both with respect to false and/or misleading statements, and misconduct that has adversely affected confidence in the NRC's integrity. One or more of these witnesses may travel to Washington, D.C. next week. Hopefully, Mr. Smith will interview them.

Sincerely,


Thomas Devine

cc: Commissioners (5)



3 2 1 0



And like I say he's just now started looking at the inspectors to get these written against him, not so much as a means to identify where the problem areas are, but more as an intimidation and harrasement type thing. The game plan out there seems to be keep th e inspector over-worked. We worked 60-70 hours a week. Up until recently when we re-negotiated our contract and we still aren't being paid this yet, but we were being paid very little compared to the other crafts, and compared to our leve of responsibility, you've got, you know you're signing permanent plant-life documentation out there, and there's the guy sweeping the floor making more money than you are, which is, you know, its kind of hard to swallow. Some cases its justified, but ...

KIRSCH

There's not a lot that I can do about that.

We already took care of that, somewhat. You know, overworked, you get fatigued. You're always told, I don't how many weekends now, you're going to work Saturday and Sunday. I told them Well I don't want to work Sunday. Well if you don't you could be subject to termination. That's routine out there. The inspector is always under Carners(sp) program is generally not encouraged to find out what specs and codes he's suppose to be working to. You've got supervisors that are telling you that if its not addressed in the ESD(sp) which are our specs, that you are not to look any further. Yea.

LOCKERT:

You are to just buy it, because if its not addressed in the ESD, Steve addressed Don, That's one certain individual that's more blatant about that than anyone else;

KIRSCH:

() Unintelligible

Russ Knowle(sp)

Exhibit 1 attach.H



LOCKERT:

Yea, he told me specifically that I could not look in the AISC construction manual, the ASTM(sp) standard, or the ASME code. I was not to look at anything beyond the ESD (sp). I'll see if I can find that for you. October 17th is a (_____) (Unintelligible.)

The way the training is conducted out there, too, when it is done, there is (_____) What they do is they hand you a sheet, like say you get burned for a DCN You brought out something that has the wrong pipe gaps on it. You're given a sheet that's basically a copy of the section of the ESD that you violated. You're told to read this sheet, and then sign a sheet that says you've been retrained on this subject. Which in a lot of cases, people just look over it, sign the sheet, and you know, up until now, when this other letter's been coming out, I need that one copy. I can give you a copy of that letter if you'd like. That's a union. I have to keep that.

HERNANDEZ:

Let me take a look at it, Yea I'll give it back to you. You don't have formal training classes?

We do but they're very sporadic and its only in times like right before the ASME audit, we had a real pump on well if these guys come up to you and ask you any questions, don't really volunteer anything, just answer their questions, Don't try and bullshit em or you know.

KIRSH:

What's this, now I am having a little bit a trouble here. This September 20th, and these are the problems that you noted on September 20th.

LOCKERT:


Well yea, from that incident on September 20th, I believe that those code references there were violated.

Maybe you ought to re-submit that and read it into the




are right. I've got some horrendous packages that I've kept information copies of. Just to show you the way that these packages are butchered up out in the field while they're being worked, a lot of times you come up to these things and there's so much red ink scrawled on this 'approved for construction' drawing that's supposed to denote where everything has been changed that you can't make any sense out of what they're doing.

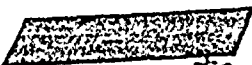
KIRSH: So you've never been told that you can identify problems to your management and that your management will resolve your problems?

 I've been told that I can identify problems to the management, not through a training session. I've learned that by reading the ESDs on my own.

KIRSH: Weren't you given ESDs as required reading when you first came on the job?

 Not all of them. I was required to read the ESDs that applied to what I would be doing, piping, ...

LOCKERT: The quality assurance manual does have instructions in there on how to do a DR. I don't know if the NCR is addressed, but the fact is that you're not encouraged to write your own DRs and you're not encouraged to write your own NCRs. The preferred method is through the DCN which then goes to Harold and then he decides he will be the one to decide whether it is a DR or not.

 Like I say, he's just now started looking at the inspectors ^{to} that get these written against ^{him} them, not so much as a means to identify where the problem areas are but more as an



intimidation and harassment type thing. The game plan out there seems to be to keep the inspector overworked. We work ^{ed} 60 to 70 hours a week. Up until recently, when we renegotiated our contract, and we still aren't being paid this yet, but we were being paid very ^{little} ~~low~~ compared to the other crafts ~~out there~~ and compared to our level of responsibility, you've got ^{you know} you're signing permanent plant-life documentation out there, and there's the guy sweeping the floor making more money than you are. Which is, you know, just kind of hard to swallow. In some cases, it's justified, but...

KIRSH: Well, there's not a lot that I can do about that.

~~Well,~~ we already took care of that, somewhat. You know, overworked, you get fatigued, you're always told, ~~I've been told~~ I don't know how many weekends now, you're going to work Saturday and Sunday. I told them well, I don't really want to work Sunday. Well, if you don't, you could be subject to termination. That's routine out there. The inspector is always, under ^{Carver's (sp)} Connor's program, is generally not encouraged to find out what specs and codes he's supposed to be working to. You've got supervisors that are telling you that if it's not addressed in the ESDs which are our specs, that you are not to look any further. ^{- Lockert, Yea} You are to just buy it because it's not addressed in the ESD. Steve ^{Don} addressed ^{that's} that, one certain individual ^{is more} blatant about that ^{than} anyone else. ^{Kirsch:} ~~Unintelligible~~ Russ Knowle (sp) ^{He} told me specifically that I could not look in the AISC Construction Manual, the ANSE ASTM Standards or the ASME code. I was not to look at anything beyond the ESD. ^{T'll} Let's see if I can find that for you. October 17th incident pretty much...



~~_____~~ The way the training is conducted out there, too, when it is done, ^{there is ()} ~~it is done through~~ what they do is they hand you a sheet, ^{like} ~~lets~~ say you get burned for a DCN, you brought out something that ^{has} ~~had~~ the wrong ^{pipe} ~~type~~ gaps on it... you're given a sheet that basically ~~is~~ a copy of the section of the ESD that you violated, you're told to read this sheet, and then sign the sheet that says you've been retrained on this subject. Which, in a lot of cases people just look over ^{it} ~~and~~ sign the sheet, and you know, up until now, when this other letters ['] ~~has~~ been coming out, I need the one copy, ~~but~~ I can give you a copy of that letter if you like. That's a union. I have to keep that.

HERNANDEZ: Let me take a look at it. Yea I'll give it back to you.

~~LOCKERT: That's a union, I have to keep it for the union.~~

HERNANDEZ: You don't have formal training classes?

~~_____~~ We do but they're very sporadic and it's only in times of like right before the ASME audit we had a real pump on well, if these guys come up to you and ask you any questions, don't really volunteer anything, just answer the questions. Don't try and bullshit them ^{or you know} ~~and that kind of~~ ...

KIRSH: What's this now. I ^{am} having a little bit of trouble here. This is September 20th and these are the problems that you noted on September 20th.

LOCKERT: Well, yeah. From that incident on September 20th, I believe that those code references there were violated.

~~_____~~ ^{Maybe} You ought to just resubmit that ^{and} Read it into the record, ^{as having supplemented your statement.} ~~and just kind of submit it.~~

LOCKERT: Into the tape?

• 1954 年 12 月 31 日

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SSER for License Condition 2.C.(11), Item 6

PG&E shall conduct a review of the "Pipe Support Design Tolerance Clarification" (PSDTC) Program and the "Diablo Problem" (DP) System activities. The review shall include specific identification of the following:

1. Support changes which deviated from the defined PSDTC Program scope
2. Any significant deviations between as-built and design configurations stemming from the PSDTC or DP activities
3. Any unresolved matters identified by the DP system

The purpose of this review is to ensure that all design changes and modifications have been resolved and documented in an appropriate manner. Upon completion, PG&E shall submit a report to the NRC staff documenting the results of this review.

Comments

1. PDSTC

- a. Approximately 15,000 TCs were written since the inception of the program. This means that about 70% of all the large bore and small bore support design including calculations had been "quickly fixed (or more appropriately - deviated)" by few site engineers. It was inconceivable that the licensee management was unaware of a QA program breakdown of this magnitude. Did PRP investigate whether or not there had been any DCP management's predetermined decision to bypass QA program commitments relative to design change control (FSAR commits to 10 CFR 50 Appendix B QA criteria)? *QA Break down*

- b. The SSER stated that, "Upon completion of construction of the support, the complete as-built package, including any PSDTC forms associated with that support, was forwarded by Construction to Engineering for final acceptance in accordance with project engineering procedures." The PRP conclusion was contrary to the evidence provided by an anonymous alleger during the staff interview conducted on May 22, 1984. The documentational evidence showed that some of the TCs were not included in the as-built packages. These TC items included abandoned concrete expansion anchor bolt drilled holes, and added on wing plates to the original base plates.

- c. Many rather significant engineering concerns were brought forth during the May 22, 1984 meeting with the anonymous alleger. The transcript was still in confidential status. The staff stated in the transcript that due to the lateness of the day, a followup on the meeting could probably be scheduled in two weeks. The SSER should address specific reasons for which the followup meeting was not scheduled.

looked at only one



July 16, 1984

Mr. James M. Devine
Legal Director
Government Accountability Project
1555 Connecticut Avenue, NW
Suite 202
Washington, D. C. 20036

Dear Mr. Devine:

Thank you for returning the report of interview which summarized Mr. Smith's interview of you conducted over the period June 25-27, 1984. However, as you sent a photocopy, would you please provide the original which we earlier provided for your signature. A self-addressed envelope is enclosed hereto for that purpose.

Secondly, Mr. Smith has asked that I correct an apparent misconception on your part as exhibited in the concluding paragraph of your report of interview (page 9). Specifically, you state that Mr. Smith informed you "that he is not permitted to make findings of fact." In the sense that OIA is not a judicial or quasi-judicial body, the statement is correct. On the other hand, Mr. Smith believes that what he told you is that we do not include "conclusions" in our reports of investigation because we are fact gatherers. Mr. Smith, of course, has the freedom to gather any facts necessary and appropriate to his investigation of the matter raised by you. It will be for the Commission, or other appropriate authority, to conclude what, if anything, should be done based on the facts found during the investigation. I trust this discourse sufficiently clarifies the matter for you.

Finally, thank you for the additional information provided by you with your report of interview. As has been stated to you, we will look at any matter reflecting on the conduct of NRC employees. Any interviews necessary to the completion of the investigation will be conducted; although, as you are aware, if an interview would only be cumulative to information already available, it may not be necessary to personally interview all possible witnesses. Thank you again for your assistance and cooperation.

Sincerely,

Distribution
OIA File
OIA rdr
RSmith

Original Signed by
George Messenger

George H. Messenger, Acting Director
Office of Inspector and Auditor

Enclosure:
Self-addressed
envelope

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| | OIA <i>g</i> | OIA <i>g</i> | OIA <i>g</i> | | | |
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| DATE | 7/13/84 | 7/13/84 | 7/16/84 | | | |

ATTACHMENT I



U.S. NUCLEAR REGULATORY COMMISSION
Office of Inspector and Auditor

Date of transcription July 17, 1984

Report of Interview

Richard Vollmer, Director, Division of Engineering, Office of Nuclear Reactor Regulation (NRR), upon interview concerning an allegation that on July 5, 1984, he violated prior staff (NRC) agreements with various witnesses (allegers), provided the following information:

Investigator Note: This issue was raised as item 16 of the Devine Report of Interview (extract at Exhibit 1). Vollmer was permitted to review item 16 prior to responding to questions.

Vollmer had received a copy of the same affidavit received by OIA from GAP (Exhibit 2). In response to that affidavit, Vollmer prepared a memorandum for Mr. Harold Denton, Director, NRR, which addressed the issues raised as he saw them (Exhibit 3).

More specifically, Vollmer responded that it was not a matter of not permitting Yin to do more interviews, as alleged by Devine, but rather not giving more work to Yin so that he could return to Region III duties. Further, the decision or choice was made to have the Peer Review Group conduct any additional interviews that might be necessary. Isa Yin is supposed to finish up the report on his Diablo activities and then resume his normal duties at Region III.

Exhibits:
As Stated

Investigation on July 16, 1984 at Bethesda, Md. File # 84-26
by Ronald M. Smith, Senior Investigator, OIA Date dictated July 17, 1984

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ATTACHMENT J



^{7D} The necessary facts for the following two allegations had not occurred at the time of the June 25-27 interview. At Mr. Smith's instructions for this type of contingency, they are summarized below as the most complete statement which is possible at this time.

15. That a person or persons unknown on the NRC staff, made false and/or misleading statements by omission through failure to provide sufficiently accurate, complete notice to the Atomic Safety and Licensing Appeal Board of an issue material to the license -- the use of A307 bolts with the heads removed as studs welded to the containment liner. On May 31, 1984 the Quality Assurance manager for the licensee's contractor Pullman Power Products informed personnel that the use of these bolts was "NOT acceptable." (emphasis in original). On June 12 the joint intervenors filed a copy of the memorandum with the Appeal Board, which reserved judgment on Diablo Canyon's commercial license with respect to this issue and ordered a response from the licensee. Over six months earlier, in a January 5, 1984 interview, two witnesses had notified Region V inspectors Dennis Kirsch and Gonzalo Hernandez of the same unacceptable practice. In NUREG-0675, SSER 22, the staff reported that numerous challenged materials, including those covered by the January 5 allegations, were approved, suitable and acceptable for use. As a result, the ^{incomplete} record on this issue conflicts both with the ^{staff's} ^{to} ^{incom-} plete record on this issue conflicts both with the ^{allegers} and site management. This creates at least the "appearance of" actions prescribed under 10 CFR 0.735-49a, which could "affect adversely the confidence of the public in the integrity of the Government." 10 CFR 0.735-49a(f).

(References to the January 5 disclosure are found on pages 21-25 of the draft transcript to that meeting, which is attached hereto. The reference to this issue in the Appeal Board's decision is found on pages ten and eleven, footnote 21, of its June 28, 1984 Memorandum and Order, which is attached hereto. The reference to the staff's published position is found within pages A.4-103.3 through 103.6 of SSER 22. Further, Mr. Clewett and the two employee witnesses, who all participated in the January 5 interview, request to be interviewed by Mr. Smith on this allegation.)

16. That on Thursday, July 5, Richard Vollmer, NRR, violated prior staff agreements with witnesses by announcing that NRC inspector Isa Yin no longer would be permitted to conduct interviews with Diablo Canyon witnesses. This announcement violated a December 1983 NRC staff agreement with Mr. Charles Stokes, whose allegations later were confirmed by Mr. Yin. This also violated an agreement by the NRC staff at a May 22, 1984 meeting, ^{7D}



① for Mr. Yin to interview additional whistleblowers to receive evidence of specific safety problems due to the Quick Fix program in Unit 1. Mr. Vollmer's subsequent refusal to permit Mr. Yin's participation in employee interviews occurred during a July 5 telephone conversation with myself. Mr. Vollmer made this decision, despite his knowledge that due to a previous loss of confidence by relevant Diablo Canyon whistleblowers in the integrity of the NRC, they would only disclose their evidence to Mr. Yin as a channel to receive a good faith review.

Mr. Vollmer knowingly took action that will contribute to the staff's failure to receive evidence material for the upcoming decision on a commercial license, since the Quick Fix program is one of the action items that must be resolved prior to licensing. The evidence is even more significant to test the accuracy of the licensee's claim that a complete review of the Quick Fix program confirmed the absence of any significant problems. Mr. Vollmer's action also further erodes "confidence in the integrity of the Government," in violation of 10 CFR 0.736-a(f).

(As support for this allegation, Mr. Stokes and I both request to be interviewed by Mr. Smigth. I also am seeking to confirm whether any NRC officials have obstructed Mr. Yin from performing any other duties. If such further misconduct is confirmed, the evidence will be forwarded promptly to OIA. Evidence of notice to Mr. Vollmer of the whistleblower's loss of confidence in the NRC staff other than Mr. Yin can be found in Mr. Stokes' comments at a July 2, 1984 public meeting. The transcript of the meeting has not yet been released by the NRC staff.)

With respect to the allegations of false and/or misleading statements, the intent of each charge is not to point the finger at particular individuals and assess their personal guilt or innocence as adequate resolution of the allegation. Rather, part of the intent of the allegations is to establish^{7D} that in each instance the record was deficient with respect to information material for a licensing decision. Specific officials were targeted as responsible for each act of misconduct, in order to comply with the format for OIA interview reports. It may be necessary to insure that the effort to identify responsible parties does not substitute for the underlying point of each allegation -- to challenge the adequacy of the licensing record as presented by the staff. Therefore, the reference to specific individuals in each allegation should be supplemented with the following phrase -- "a person or persons unknown in the NRC staff, or [the identified target]."^{7D}



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GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies

1901 Que Street, N.W., Washington, D.C. 20009

*See 7/12/84
Hollis
Rev 7/13/84*

(202) 234-9382

July 11, 1984

Mr. George Messenger
Acting Director
Office of Inspector and Auditor
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Messenger:

Enclosed is an affidavit that provides further support for the events concerning inspector Isa Yin alluded to in Allegation 16 of my Report of Interview with the Office of Inspector and Auditor. I have not yet perfected the substance of this affidavit, in deference to the format and relevant citations that Mr. Smith may deem appropriate. In light of the affidavit's significance, I request that Mr. Smith interview me to formally revise and supplement allegation 16, or to prepare separate charges at his direction.

Sincerely,

Thomas Devine
Thomas Devine
Legal Director

2-1-84



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AFFIDAVIT

My name is Thomas Devine. I am the legal director of the ^{TD} Government Accountability Project. I am submitting this affidavit to the Nuclear Regulatory Commission to fulfill my duties as a citizen. It is necessary to disclose recently-learned information which raises serious questions about the reliability and integrity of the oversight of the Diablo Canyon nuclear power plant by the Nuclear Regulatory Commission's Office of Nuclear Reactor Regulation (NRR). Unless the information is mistaken or drastic corrective action is imposed immediately, the disclosure suggests that the staff will not be able to offer reasonable assurance that Diablo Canyon is legally ready for commercial operation.

On Monday, June 25, I called Mr. Isa Yin in an attempt to schedule interviews with Diablo Canyon witnesses. I called Mr. Yin directly, because my attempts to schedule interviews through NRC management had been fruitless. Mr. Yin told me that he was about to tender his resignation from the Diablo Canyon case, because he was being asked to compromise his integrity. I urged him to reconsider, because he was a motivating force for whistleblowers who otherwise were wary of disclosing evidence to the NRC. Mr. Yin agreed that I could call him in the morning.

The next evening, Mr. Yin informed me that he had resigned from the case and was going back to work in Region III. He said that he couldn't do his job under the conditions. I inquired who was preventing him from doing his job. He responded by identifying Mr. Richard Vollmer, head of the peer review team assigned to Mr. Yin's inspection and the ensuing remedial program.

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I asked Mr. Yin how Mr. Vollmer was obstructing him. Mr. ^{TD} Yin began by referring to his work in the Cloud offices the week before. He said that due to all the meetings and presentations, he only had one-and-a-half days to review records necessary to resolve his ongoing concerns about the Independent Design Verification Program (IDVP). He said that he needed more time and wanted to return the next week, but Mr. Vollmer denied the request. Mr. Yin later added that he had waited two months to see the records. He said the entire review team only spent two days on work that should have taken a few weeks.

Mr. Yin stated that he also wanted to review the IDVP records of the Reedy firm which had not found serious quality assurance/quality control (QA/QC) problems. Since Mr. Yin had found a QA breakdown, he wanted to see what happened at Reedy, but Mr. Vollmer denied his request.

Mr. Yin wanted to review the new reorganization on-site, which was instituted in response to his inspection findings. The Onsite Project Engineering Group (PEG) had been abolished, and Mr. Yin wanted to inspect if the new program were an improvement. Again, Mr. Vollmer denied his request.

Mr. Yin also questioned the staff's evaluation standards for engineering calculations. He expressed his belief that calculations must be clean, or free from errors. He said that NRR was accepting many errors after deciding that they were not individually significant to safety. Mr. Yin expressed concern that this would send a message to the industry that errors are acceptable, and the standards for engineering work would suffer.

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He rebutted the staff's conclusion that the errors are not safety-significant, because there are so many for such a small sample. He said that with a large number of errors, the sample would have to be expanded to draw any conclusions about whether there is a safety problem. He said, for example, that the staff does not yet know how badly the geometry is off, or the effects. But from what he could tell, the geometry was gross. TD

Mr. Yin expressed serious concerns about the Diablo Canyon management. He said that the basic problem was that management had intentionally violated the requirements. To illustrate, he said that for large bore piping, they Quick Fixed 70% of what they touched. He emphasized that management was intentionally screwing QA.

Mr. Yin revealed that there were many more deficiencies found than were listed in the Interim Technical Reports. The Pacific Gas and Electric Company's (PG&E) excuse was that the missing deficiencies were not significant, but Mr. Yin said that he thought many were significant. He added that if all the small errors were combined, their effect would be significant.

Overall, Mr. Yin assessed both the Diablo Canyon management and NRR responses as a big Quick Fix. He explained that they are trying to do in a few months what they could not do in two years, and that's asking for trouble.

Mr. Yin stated that NRR members exhibited their bias by speaking as if their work were done before they had finished their reviews or had heard the licensee's presentation to the staff at a meeting in Washington, D.C., then scheduled for June 29. He TD



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said that he already had declined to attend the scheduled ^{TD} Washington, D.C., meeting because he did not want to put up with another dog and pony show.

I suggested that Mr. Yin should consider filing a differing professional opinion as a proper channel to express his disagreement. He responded that he had expressed a differing professional opinion in March to the Commission, and it had led to his current situation. He did not want to repeat that.

I told Mr. Yin that if he quit, it could cause whistleblowers at the plant who wanted to disclose their evidence to him to quit. He said that he had not been able to touch any followup to employee allegations. He explained that if management did not want him to look, he could not look. He said that when he was allowed to see records, he was always watched.

I asked Mr. Yin, if he were allowed to do his job without obstruction, would he come back and see it through. He answered yes, but that it was a bit "if." He said in the region he goes out and inspects, and writes up his reports. But with NRR he couldn't see the records. He concluded that unless he had the freedom to do his job, it was silly to try.

I have read the above four-page affidavit, and it is true, accurate and complete to the best of my knowledge and belief. I also read the affidavit to Mr. Yin, and he confirmed the verbatim accuracy of the contents as typed above.

DISTRICT OF COLUMBIA

Subscribed and sworn to before me this

11th day of July, 1984.

Walter H. Dadek
Notary Public, D.C.

Commission Expires 3-14-86

Thomas Devine
Thomas Devine

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100-100000
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

MEMORANDUM FOR: Harold R. Denton, Director
Office of Nuclear Reactor Regulation

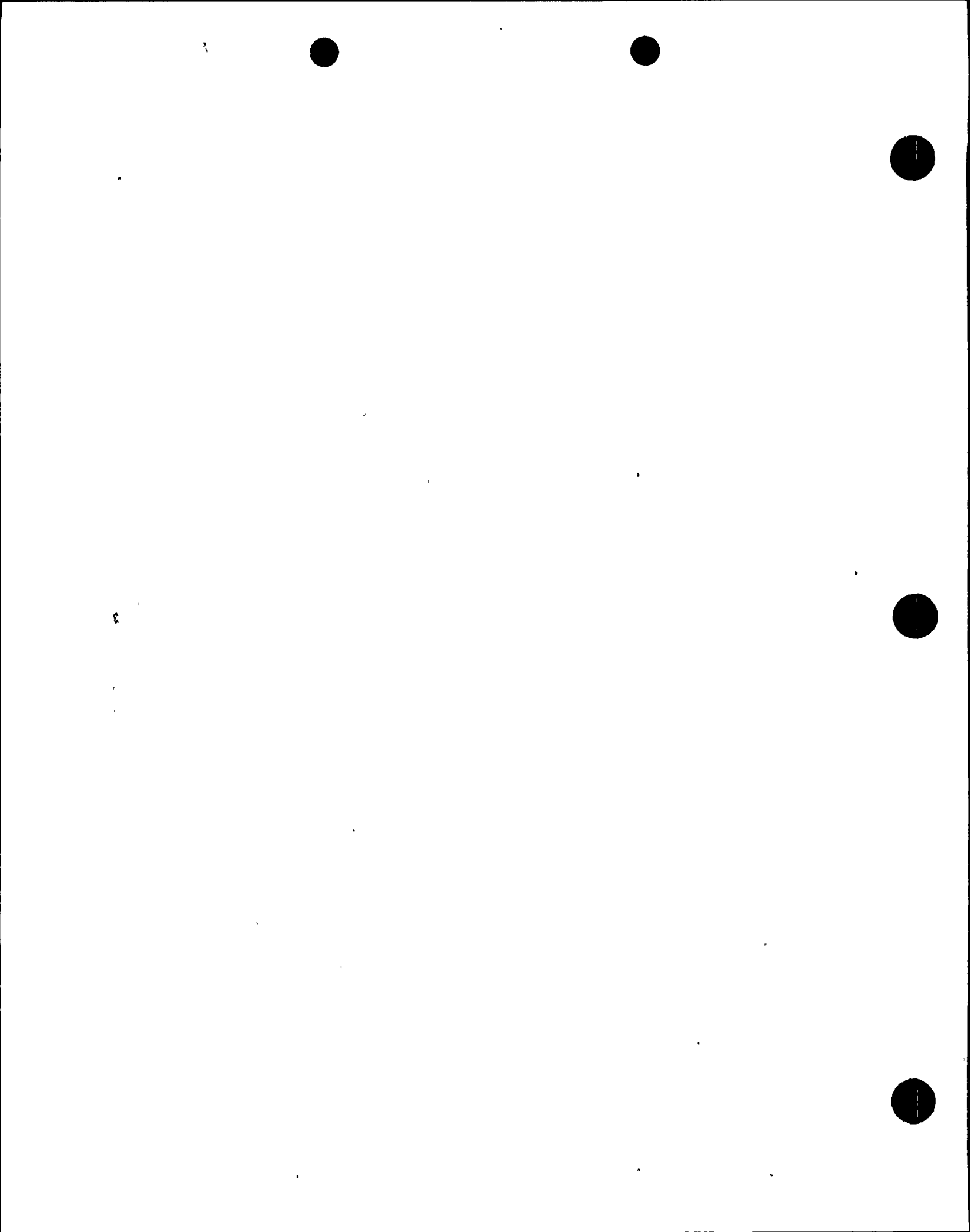
FROM: Richard H. Vollmer, Director
Division of Engineering

SUBJECT: GAP LETTER TO COMMISSIONERS DATED JULY 11, 1984

The subject letter from the Government Accountability Project (GAP) and the affidavit attached to the GAP letter raise a number of issues concerning the reliability and integrity of the Peer Review Group (Group) effort to investigate Isa Yin's concerns on Diablo Canyon. This memo and attachments will describe the Group's effort and mode of operation and will provide details on my communications with Mr. Yin.

Since the inception of the Group's activities on March 30, 1984, an emphasis was placed on including Mr. Yin in all of the Group's activities and providing him all the documentation received by the Group. A chronology is attached (enclosure 1) which indicates the time and place of the specific meetings and audits conducted by the Group, also showing the NRC staff and consultants present. More communication took place between Mr. Yin and the Group than is indicated in enclosure 1 because of individual meetings on specific technical subjects, phone calls to keep him apprised of developments, and discussion of reports. Mr. Yin was routinely sent all material received by the Group from the licensee and was sent memoranda and draft reports prepared by the Group. He was an active participant in meetings with full and unobstructed access to all documents at meetings and audits. Because Mr. Yin took approximately two weeks annual leave shortly after PG&E initial responses were made to the license conditions, we deliberately scheduled audits to resolve the license conditions so that Mr. Yin could be in attendance. Nevertheless, Mr. Yin did not attend any of the audits.

When I was informed by Billie Garde of GAP that Mr. Yin was being denied documents, I called Mr. Yin and asked him. That conversation is documented by my memo to you dated July 5, 1984, and is included as enclosure 2. As indicated in that memo, the real concern appears to be that Mr. Yin did not see the detailed calculational and audit packages reviewed by the Group in those audits in which he did not participate.



Referring to page 2, paragraph 1, of the subject affidavit, the Group task force assigned to the IDVP issues met at the office of R. L. Cloud and Associates (Cloud) on the afternoon of June 18, 1984 (which was spent discussing IDVP issues between the Group and Mr. Yin), and for the full days of June 19, 20, and 21. Five task force members were present at these audits. The affidavit statement that two days were spent in this review is incorrect. Mr. Yin participated in this audit from the afternoon of June 18 through June 20. I participated for the afternoon of June 20 and 21. Before Mr. Yin left on personal business on June 20, despite my request to stay with the audit team, I discussed with him the future review of the IDVP work and the Reedy issue. Regarding the former, Mr. Yin expressed concern over the IDVP process and procedures as well as the rationale and judgments used as a basis for IDVP findings and conclusions. He stated that he wanted to probe both of these issues. I stated that the IDVP process and procedures had been the subject of staff and Commission review and approval and subsequent litigation and that I would not reopen the issue unless he had a specific finding of merit or unless the Group found procedural or technical deficiencies. He also stated that he wanted to come back the following week to further audit IDVP. I stated that, if the Group's findings did not disclose any problems, I saw no further need for additional audits and would not approve his return. Further, I pointed out that Region III management had indicated need for his services and a return to his normal inspection duties.

The Group effort spent on the IDVP review, including the inspection and audit at Cloud and the July 2 meeting in Bethesda with the licensee and IDVP personnel, exceeded one staff month.

Regarding the Reedy issue, Mr. Yin stated that he could not understand how Reedy could have done a QA review and not found the issues he discovered during inspection at the site. I told Mr. Yin that I would look into the issue. On June 21 I met, at my request, with Mr. Howard Friend at his office at Bechtel, and Roger Reedy, Bruce Norris (Reedy Inc.), George Maneatis (PG&E) and Ted Sullivan (NRC). At this audit, I pursued the question raised by Mr. Yin and was told by Mr. Reedy that, although the time frames of his inspection and the emphasis thereof were different, many of his findings would confirm those of Yin, e.g., training. The detailed audit records of Reedy were in storage but they felt that an initial perspective on this issue could be gained by review of the IDVP Interim Technical Report 41 and QA portions of the IDVP summary report. On June 25, 1984, I transmitted these to Jim Taylor of IE and requested a review of these documents (enclosure 3).

Mr. Yin also questioned his role in the pursuit of further allegations. I indicated that after closing out current activities in resolving license conditions, that he would return to Region III duties. I recently discussed the use of Mr. Yin to hear further allegations with GAP. This is documented in my July 11, 1984, memo to you (enclosure 4).



Regarding paragraph 3 of page 2 of the affidavit, the licensee rescinded the authority of the Onsite Project Engineering Group (OPEG) to do final safety-related engineering work. Although this action by the licensee was effective immediately, procedures were in development to redefine the scope of authority and activities for OPEG. I do not specifically recall Mr. Yin expressing desire to inspect the revised onsite organization. When I became aware of the licensee's decision on OPEG, I decided that it would be appropriate to review the onsite organization and redefined responsibilities and I identified a task team to carry out this effort. If Mr. Yin had requested such an inspection I would have answered that a task team would be formed to carry out this activity. My letter to the Peer Review Group dated June 29, 1984, (enclosure 5) approved by Mr. William V. Dircks, Executive Director for Operations, formed an additional task team to carry out this review.

Regarding the remainder of the subject affidavit, it alludes to the acceptance of flawed work by the licensee, the IDVP, NRR staff, and the Group. It further makes charges against the licensee, which I will not respond to, and against the "NRR members" (which I presume to be the Group) of "bias by speaking as if their work were done before they had finished their reviews...." It was the very process of our peer review, that is, sharing with Mr. Yin our pre-decisional work and how our conclusions appeared to be shaping--to keep him informed, make him feel part of the peer review process and to foster mutual trust and cooperation--that apparently led to this charge. The Group treated Mr. Yin with professionalism and trust and sought to resolve each issue on a technical basis. The report of the Group reflects that approach.

Finally, with regard to the alleged acceptance of flawed work by the licensee, IDVP, the NRR staff, and the Group, many of the issues under current consideration have been reviewed by a number of parties. The review by the Group was not intended to recount the already documented QA deficiencies and design errors which have been dealt with before but to look at the plant hardware and final design packages to make judgments in the areas kept open by license conditions. It also looked into the IDVP to assess the adequacy of judgments made during that process. To accomplish this, highly qualified NRC staff and consultants; particularly rich in practical design and hands-on experience, were selected for the Group. Except for two members of the Group, none had been intimately involved in Diablo Canyon or the issues at hand prior to the formation of the Group. Their collective and individual judgments have been reflected in the Group report. The work of the Group represents over two professional staff years of effort, between March 30, 1984 to present.

Richard H. Vollmer, Director
Division of Engineering

Enclosures: See next page



Harold R. Denton

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Enclosures:

1. Chronology
2. Memo to Denton from Vollmer dtd 7/5/84
3. Memo to J. Taylor from Vollmer dtd 6/25/84
4. Memo to Denton from Vollmer dtd 7/11/84
5. Memo to Peer Review Panel from Vollmer dtd 6/29

cc w/enclosures:

W. Dircks
R. DeYoung
Peer Review Group
J. Keppler, R-III
J. Martin, R-V
G. Cunningham
I. Yin
D. Eisenhut
L. Chandler
H. Schierling



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Chronology of Peer Review Group Meetings and Related Activities

| <u>Date</u> | <u>Place</u> | <u>Activity</u> | <u>Group Attendees*</u> |
|-------------------|-----------------|---|--|
| 3/30/84 | Bethesda | Staff mtg with I. Yin to discuss draft inspection report | RV, JT, IY, JK, RB, DA, RH, ES |
| 4/2/84 | San Francisco | Transcribed mtg to discuss inspection findings | RV, JT, JK, RB, RH, DA, BF, IY, KM, ES, BS, HS |
| 4/3/84 | Diablo Canyon | Site tour to observe examples of piping and supports in inspection report | RV, JK, RB, ES, BS, KM, RH, DA, HS |
| 4/3/84 | San Luis Obispo | Interview with C. Stokes to discuss allegations | RV, JK, RB, ES, BS, KM, RH, DA, HS |
| 4/3/84 | | Draft inspection report issued in Board Notification No. 84-071 | |
| 4/5/84 | Bethesda | Peer Review Group meeting to discuss review group findings | JK, RB, BS, ES, KM, IY |
| 4/6/84 | Wash., D.C. | Transcribed meeting with ACRS | RV, JK, JT, RH, RB, DA, ES, KM, IY |
| 4/9/84 | | ACRS letter on Diablo Canyon low power license issued | |
| 4/10/84 | Bethesda | Transcribed mtg with C. Stokes to further discuss technical issues | JK, RH, RB, BS, KM, IY, MH, ES, HS |
| 4/11&12/84 | Bethesda | Staff meetings to plan and program work to resolve issues | RV, JK, RB, ES, BS, KM, MH |
| 4/18/84 | | Order to modify facility operating license | |
| 4/30/84 to 5/2/84 | San Francisco | Audit on procedures, calculations and license conditions (L.C.) | BS, RH, IY |
| 5/9/84 | Bethesda | Transcribed meeting with PG&E to discuss April 27, 1984 submittal | RV, JK, RB, TB, MH, KM, PC, ES |
| 5/14-18/84 | San Francisco | Audit on L.C. Items 1 and 7 | MH, KM |

* Key to abbreviations on last page of enclosure.



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| <u>Date</u> | <u>Place</u> | <u>Activity</u> | <u>Group Attendees</u> |
|-------------|---------------------------------|---|--|
| 5/21-25/84 | San Francisco and Diablo Canyon | Audit on L.C. Items 2, 3, and 6 | RB, BS, DKM, TB |
| 5/21-25/84 | Diablo Canyon | Audit on L.C. Items 4 and 5 | ES, ER, PC, HF |
| 5/22/84 | San Francisco | Transcribed meeting with anonymous allegor | RV, JK, RB, BS, DKM, TB, IY, HS |
| 5/23/84 | Diablo Canyon | ACRS site tour with I. Yin to observe examples of his concerns | RV, JK, HS, IY |
| 5/29-6/1 | San Francisco | Audit on L.C. Items 1 and 7 | MH, KM, PC, HF, JB |
| 6/5/84 | Bethesda | Staff meeting with I. Yin to discuss L.C.s | RV, JK, JT, RB, BS, ES, KM, MH, RH, DA, IY |
| 6/12(?)/84 | Wash., D.C. | Briefing of Henry Meyers and other Congressional staff | RV, IY |
| 6/14/84 | Wash., D.C. | Transcribed meeting with ACRS on L.C.s | RV, JK, MH, KM, BS, RB, ES, IY |
| 6/14/84 | Wash., D.C. | Udall hearing | RV, JK, IY |
| 6/18-21 | Berkeley, CA | Audit of IDVP | RV, RB, KM, BS, ES, MH, IY |
| 6/20-21 | Berkeley | Audit on L.C. Items 2 and 3 | BS, DKM, TB, MH, RB |
| 6/21/84 | San Francisco | Audit of IDVP related to Reedy issues | RV, ES |
| 7/2/84 | Bethesda | Transcribed meeting with PG&E to discuss L.C.s and programmatic issues associated with OPEG | RV, JK, ES, RB, MH, BS |
| 7/11/84 | Wash., D.C. | Transcribed meeting with ACRS Subcommittee on Diablo Canyon | RV, JK, RB, ES, BS, MH, KM, ER, IY |



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Key to Abbreviations

RV Richard Vollmer, NRR
JT James Taylor, IE
JK James Knight, NRR
BF Bobby Faulkenberry, R-V
IY Isa Yin, R-III
RB Robert Bosnak, NRR
RH Robert Heishman, IE
DA Dennis Allison, IE
MH Mark Hartzman, NRR
BS Bernie Saffell, Battelle Columbus Laboratory
ES Edmund Sullivan, NRR
KM Kamal Manoly, R-I
DKM Keith Morton, EG&G Idaho
TB Thomas Burr, EG&G Idaho
PC Paul Chen, Energy Technology Engineering Center
HF Hank Fleck, Energy Technology Engineering Center
JB John Brammer, Energy Technology Engineering Center
ER Everet Rodabaugh, ECR Associates
HS Hans Schierling, NRR

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