

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF NUCLEAR REACTOR REGULATION
Harold R. Denton, Director

In the Matter of)	
)	Docket Nos. 50-275
PACIFIC GAS & ELECTRIC COMPANY)	50-323
(Diablo Canyon Nuclear Power)	
Plant, Units 1 & 2))	(10 CFR 2.206)

INTERIM DIRECTOR'S DECISION UNDER 10 CFR 2.206

By petition and supplemental documents, dated July 27, July 29, July 30 and July 31, 1984, the Government Accountability Project (GAP) on behalf of Timothy J. O'Neill and James L. McDermott filed a request pursuant to 10 CFR 2.206 of the Commission's regulations that further licensing decisions on the Diablo Canyon nuclear power plant be deferred until alleged harassment and retaliation onsite is neutralized, organizational freedom for quality assurance (QA) inspectors is restored and all project personnel are retrained in NRC quality assurance and employee protection requirements. In accordance with the Commission's usual practice, the petitioners' request was referred to the staff for appropriate action.

Mr. O'Neill asserts that he was not provided adequate organizational freedom to carry out his quality control responsibilities and that he was harassed and threatened with disciplinary action for attempting to identify certain quality assurance deficiencies. Mr. O'Neill states that it was for these reasons he resigned on July 24, 1984 as a



1968

quality control inspector at the Diablo Canyon site. Mr. McDermott asserts in his affidavit that his lay-off on July 28, 1984 was retaliatory because he had refused to sign forms on retraining which he felt were inaccurate and covered subjects on which adequate training had not occurred.

The NRC staff has had a continuing concern about assertions of intimidation at the Diablo Canyon site which might inhibit workers from adequately completing their work or identifying deficiencies which could have an impact on safe operation of the facility. In order to determine whether a widespread problem existed, NRC inspectors conducted earlier this year structured interviews with approximately 250 workers selected at random onsite. Numerous additional informal inquiries on the specific question of harassment were made. The NRC staff has been continuing inspections at the site throughout the summer which have involved numerous contacts with employees. Based on all of these contacts, the staff has concluded that widespread or pervasive intimidation of employees is not a problem at the site.

That is not to say one way or the other whether Mr. O'Neill and Mr. McDermott were intimidated or improperly terminated. The Office of Investigations (OI) is investigating their assertions. If the petitioners were improperly terminated or harassed, then the NRC staff will consider appropriate enforcement action against the licensee. However, the staff has concluded on the basis of its interviews with employees on their working environment, its own inspections and reviews of the Diablo Canyon facility and its investigations of various allegations of specific deficiencies, that the allegations of harassment and intimidation and possible cover-up of deficiencies identified in this petition do not raise such significant



safety questions that the licensing of the Diablo Canyon facility should be deferred or that the other relief requested is mandated prior to licensing. (See Transcript of Commission meeting, August 2, 1984, pp. 30-31.) Consequently, those aspects of Mr. O'Neill's and Mr. McDermott's petitions are denied. A final determination on the petitions will be made upon completion of the OI investigations.

A copy of this decision will be filed with the Office of the Secretary, pursuant to 10 CFR 2.206(c).



Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Dated at Bethesda, Md.
this 20th day of August, 1984.



2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100