

February 15, 1972

POOR ORIGINAL

Note to J. B. Henderson

DAVID A. SIMMONS ALLEGATIONS - DAVIS-BESSEY REACTOR (CONGRESSMAN THOMAS LINCOLN ASHLEY)

Since our discussion this morning concerning the best way to proceed in closing out the subject investigation, I have discussed the case with Dave Low and Boyce Grier, and we have come to an agreement concerning the direction in which to proceed. I will summarize for you briefly what we came up with.

- A. We decided that it is not necessary to direct a letter to Mr. Simmons. Instead, we should write a brief (1 or 1 1/2 pages) reply to Congressman Ashley and let him communicate with Mr. Simmons if he chooses.
- B. The letter to Congressman Ashley should contain the following ingredients:
 - 1. A brief paragraph describing our investigative efforts; i.e., our contact with Simmons, the lack of first hand knowledge on his part, the fact that the information was third hand information, our offers to protect confidentiality and the decision of the informers to not want to pursue the matter any further.
 - 2. A brief paragraph indicating our knowledge of concrete problems at Davis-Besse, our enforcement action in this regard, a statement concerning corrective action being taken, and a statement concerning our continued surveillance of quality control in this area.
 - 3. A reiteration of our position that we will investigate specific allegations concerning specific deficiencies, but that we can do so only if adequate details are provided to conduct an investigation.

In discussing the case with Grier, he informed me that a recent enforcement letter from Region III to Toledo Edison Company did not require a reply. Since the letter refers to tests which were to be conducted by the licensee to determine the cause of the substandard concrete strength, I feel that a reply should have been requested which would provide the results of those tests. Since the letter went without such a request, Boyce said that he would arrange to request a report of the concrete

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test results from the company. In view of the interest in this matter, I feel that it is all the more important to "close the loop" in the public record. Review of the test results by our inspector during a future inspection would not serve this purpose.

Please prepare a draft reply to Congressman Ashley's letter as described above. The final draft of our letter should be read to Hayes to assure that it is factual.

Original signed by
R. H. Engelken
R. H. Engelken

cc: H. H. Grier, CO:III

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