



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

Enclosure 5

JUL 18 1980

MEMORANDUM FOR: Dudley Thompson, Executive Officer for Operations Support, Office of Inspection and Enforcement

FROM: *Roger A. Fortuna*  
Roger A. Fortuna, Assistant Director for Investigations  
Office of Inspector and Auditor

SUBJECT: INVESTIGATION INTO ALLEGATIONS OF CONSTRUCTION DEFICIENCIES - SHOREHAM NUCLEAR POWER STATION

Reference is made to your June 24, 1980, memorandum to me, same subject as above, with enclosures that included (1) a May 20, 1980, letter from Leighton K. Chong to Deputy Director James Allan, Region I, commenting on the subject investigation and (2) a June 13, 1980, memorandum from Director Boyce Grier, Region I, to IE Director Victor Stello, suggesting that the Office of Inspector and Auditor (OIA) conduct a full investigation of the charges in Mr. Chong's May 20 letter that Region I "investigators were under pressure to produce a whitewash for LILCO...."

Based on your memorandum to me and in accordance with Mr. Grier's suggestion, OIA investigators made contact with Chong to arrange to meet him to personally discuss his charges regarding a "whitewash." It should be noted, however, that although Mr. Grier's June 13 memorandum concludes that "Mr. Chong charges on page 8 of his May 20, 1980, letter that the investigators were under pressure to produce a whitewash for LILCO....", this conclusion is not entirely accurate. What Mr. Chong did state is that upon his reading of Investigation Report No. 50-322/79-24, "The shallowness of the findings suggests to me that perhaps the investigators themselves were under pressure to produce a whitewash for LILCO."

Mr. Chong, upon being contacted by OIA and told of the purpose for the requested meeting, explained that he did not have evidence of a willful and knowing effort on the part of any NRC person(s) to produce a "whitewash" but, rather, was of the opinion that the methodology utilized by the NRC to explore allegations was stilted and narrow, and that NRC either failed to, or lacked the ability to, appreciate the significance of many of its findings. He expressed the belief that such deficiencies tended to result in what, in effect, may be an unplanned and unorchestrated whitewash of fact finding efforts. He said that he thought that his May 20 letter to Allen reflected this concern but said that he would send OIA a letter (see attached), dealing with only five specific issues,

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which he hoped would more clearly and narrowly delineate or exemplify his concerns about methodologies and the utilization of findings. He said that this letter could serve as an addendum to his letter of May 20.

It was mutually agreed by both Chong and OIA that since Chong's reference to a whitewash was of a generic nature, rather than indicative of an internal security/misconduct problem, there was no need to continue with any plans for a personal meeting. Accordingly, no further action by OIA is contemplated.

In assessing the significance of the five (5) issues contained in Mr. Chong's attached July 10 letter, you may find the following comments of benefit:

Issue 1 - Mr. Chong apparently fails to recognize the fact that Dr. Gallina expended considerable effort to provide ways for potential alлегers and sources of information to establish and maintain contact with NRC in a manner designed to assure their anonymity. Whether or not such steps were effective or adequate is, at best, subjective.

Issue 2 - Although Mr. Chong claims that Dr. Gallina breached "his agreement to preserve in confidence the identity of" an alлегer, no evidence was provided to show that Dr. Gallina did, in fact, do anything which resulted in the alлегer being identified. On the contrary, Dr. Gallina denies that he was in any way responsible for surfacing the identity of the alлегer.

Issue 3 - Mr. Chong claims that Dr. Gallina told him that a majority of the allegations could be confirmed as having occurred. Dr. Gallina told OIA that, in substance, he told Mr. Chong that many of the allegations had merit and that they appeared worthy of investigation. Dr. Gallina claimed that as a result of investigation, however, none of the allegations was substantiated. Dr. Gallina went on to state that "two minor items of noncompliance" (unrelated to any of the allegations) were found. He maintains that at no time did he give any impression that any of the allegations was substantiated.

It would seem that the discrepancy between the recollections of Mr. Chong and Dr. Gallina may be based, in part, on a communication problem.

Issue 4 - OIA does not have the technical expertise on which to base a meaningful comment on this issue.

Issue 5 - This issue again simply reflects the subjective opinion of the writer.

Dudley Thompson

- 3 -

To assure that our file reflects all relevant activity on this matter, OIA would appreciate copies of any correspondence initiated by IE in response to the attached, or any correspondence which relates to Mr. Chong's letter of May 20.

cc: H. Thornburg, IE  
R. Shewmaker, IE