

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
TEXAS UTILITIES GENERATING COMPANY) Docket Nos. 50-446
(Comanche Peak Steam Electric) 50-447
Station, Units 1 and 2))

AFFIDAVIT OF DONALD D. DRISKILL AND RICHARD K. HERR

Q.1. Please state your names and by whom you are employed.

A.1(a) My name is Donald D. Driskill. I am employed by the United States Nuclear Regulatory Commission as a Criminal Investigator at the Region IV office, Arlington, Texas. A copy of my professional qualifications is attached hereto.

A.1(b) My name is Richard K. Herr. I am employed by the United States Nuclear Regulatory Commission as Acting Director, Dallas Field Office, Office of Investigation, at the Region IV office, Arlington, Texas. A copy of my professional qualifications is attached hereto.

Q.2. Please state whether you have reviewed and are familiar with NRC Investigation Reports 80-22, 81-12, and 82-10/82-05 (admitted into evidence in this proceeding as Staff Exhibits 123, 178, and 199, respectively)?

A.2. Yes.

Q.3. Have you attempted to contact the individuals identified by letter in NRC Staff Exhibits 123, 178, and 199, in an effort to determine whether any of them object to the Staff's disclosure or confirmation of their identities? If so, please describe your efforts in this regard.

A.3. Yes. Contacts were made with Individuals B through F of the NRC investigative report identified as NRC Staff Exhibit 123. Contacts were also made with Individuals B through K of the NRC investigative report identified as NRC Staff Exhibit 199. Efforts were made to contact Individuals C through L of the NRC investigative report identified as NRC Staff Exhibit 178. Six of these persons were contacted.

Q.4. Please state whether any of the persons you so contacted objected to the NRC Staff's disclosure or confirmation of their identities.

A.4. Yes.

Q.5. What reasons, if any, were provided by those persons who objected to the Staff's disclosure or confirmation of their identities as grounds for their objection.

A.5. With regard to NRC Staff Exhibit 123 one individual requested confidentiality. With respect to NRC Staff Exhibit 199, two individuals requested confidentiality. With respect to NRC Staff Exhibit 178, all of the six contacted requested confidentiality. Each of the individuals contacted, who objected to the NRC staff's disclosure of their identities, as set forth above, described their objections somewhat differently; however, in general, each expressed that such a disclosure could possibly place their present and/or future employment in jeopardy. It appears to be a common belief among them that their simple cooperation with NRC investigators may be interpreted as an act of disloyalty by their employers.

Richard K. Herr

Richard K. Herr

STATE OF TEXAS

COUNTY OF TARRANT

On this, the 24th day of August, 1982, personally appeared Richard K. Herr, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes therein expressed.

Subscribed and sworn before me on the 24th day of August, 1982.

Gloria Brown
Notary Public in and for Gloria Brown
said County and State

My Commission Expires: 10-30-84

Donald D. Driskill

STATE OF TEXAS

COUNTY OF TARRANT

On this, the _____ day of _____, 1982, personally appeared Donald D. Driskill, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes therein expressed.

Subscribed and sworn before me on the _____ day of _____, 1982.

Notary Public in and for
said County and State

My Commission Expires: _____

DONALD D. DRISKILL

Organization: Nuclear Regulatory Commission, Region IV

Title: Criminal Investigator

Birthdate: 01/05/46

Education: B. S. Criminal Justice, Sam Houston State University, 1973

Experience:

1980 - Present Criminal Investigator, Region IV - Plan and conduct investigations concerning alleged or suspected violations of NRC regulations and/or Federal laws which occur or are related to NRC licensed facilities and activities. (NRC)

1975 - 1980 Special Agent - Naval Investigative Service/Naval Intelligence - Responsible for the conduct of major criminal and counterintelligence investigations within the Department of Navy. Investigations included those concerning narcotics, larceny, fraud, conflict of interest, arson, rape, homicide and security related matters.

5/75 - 8/75 Special Agent, Hughes Markets, Inc. - Workload in retail security department with responsibility for conducting internal investigations of employee crimes including larceny, fraud and drug abuse. (Los Angeles, California)

1/75 - 5/75 Special Agent, Ralph's Grocery Co. - Workload in retail security department conducting internal investigations of employee crimes. (Los Angeles, California)

7/74 - 1/75 Assistant Director of Investigations, Bureau International Security Services, Southern California - Contracted to conduct investigations within various firms and supervised the conduct of contracted undercover investigations within numerous firms.

9/70-6/74 Student, Sam Houston State University

1/66 - 3/70 Captain, Military Police Corps, US Army - Served in various supervisory and command capacities involving various police, security and confinement missions.

PROFESSIONAL QUALIFICATIONS

OF

RICHARD K. HERR

OFFICE OF INSPECTION AND ENFORCEMENT, REGION IV
UNITED STATES NUCLEAR REGULATORY COMMISSION

Mr. Herr is the Acting Director, Dallas Field Office, Office of Investigation located at Arlington, Texas. In this position, he is responsible to plan and conduct investigations concerning alleged or suspected violations of NRC regulations and/or federal laws, which occur at or are related to NRC licensed facilities and activities that are under Region IV jurisdiction. Mr. Herr has been an investigator with the NRC since September 1979, and has held his present position since July 1982.

Mr. Herr received his Bachelor of Arts degree in Economics/Political Science from Westminster College in 1961.

Prior Work History

After Mr. Herr graduated from college, he joined the U. S. Navy and was commissioned an officer in 1962, and remained on active duty until honorably discharged in 1965. He served as an Assistant Air Intelligence Officer aboard an amphibious landing carrier off the coast of Vietnam and later as an Assistant to the Officer in Charge of a Naval Security Group on the east coast. Mr. Herr presently holds the rank of Commander in the U. S. Naval Reserve (Intelligence Unit - NAS, Dallas).

In 1966, Mr. Herr joined the Office of Naval Intelligence (ONI) as a Civilian Special Agent, and continued in this capacity until September 1979. During this period, Mr. Herr attended and completed basic and advanced criminal investigation schools by the Naval Investigative Service (ONI). He also attended courses conducted by FBI, U. S. Drug Enforcement Agency (DEA), and the U. S. Secret Service, covering criminal investigation techniques, and counterintelligence. Mr. Herr was responsible for managing, directing, and conducting complex criminal (felony) investigations that were in violation of federal laws; this also included counterespionage, sabotage, and counterintelligence cases. During his career with ONI, Mr. Herr served in various supervisory positions both inside and outside the United States.

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
TEXAS UTILITIES GENERATING COMPANY, <u>et al.</u>)	Docket No. 50-445
(Comanche Peak Steam Electric Station,)	50-446
Units 1 and 2))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO ORDER TO SHOW CAUSE AND MOTION FOR RECONSIDERATION," in the above captioned proceeding have been served on the following by deposit in the United States mail, first class or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 24th day of August, 1982.

Marshall E. Miller, Esq., Chairman*
 Administrative Judge
 Atomic Safety and Licensing Board
 U.S. Nuclear Regulatory Commission
 Washington, DC 20555

Dr. Kenneth A. McCollom
 Administrative Judge
 Dean, Division of Engineering,
 Architecture and Technology
 Oklahoma State University
 Stillwater, OK 70474

Dr. Richard Cole*
 Administrative Judge
 U.S. Nuclear Regulatory Commission
 Washington, DC 20555

Atomic Safety and Licensing Board
 Panel*
 U.S. Nuclear Regulatory Commission
 Washington, DC 20555

Mrs. Juanita Ellis
 President, CASE
 1426 South Polk Street
 Dallas, TX 75224

David J. Preister, Esq.
 Assistant Attorney General
 Environmental Protection
 Division
 P.O. Box 12548, Capital
 Division
 Austin, TX 78711

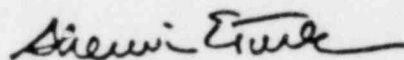
Nicholas S. Reynolds, Esq.
 Debevoise & Liberman
 1200 17th Street, N.W.
 Washington, DC 20036

Docketing Service Section
 Section (1)*
 Office of the Secretary
 U.S. Nuclear Regulatory
 Commission
 Washington, DC 20555

Atomic Safety and Licensing
Appeal Board Panel*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Lucinda Minton, Esq.*
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Lanny Alan Sinkin
838 East Magnolia Avenue
San Antonio, TX 78212



Sherwin E. Turk
Counsel for NRC Staff