

September 2, 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 74074

Dr. Richard Cole
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

In the Matter of
Texas Utilities Generating Company, et al.
(Comanche Peak Steam Electric Station, Units 1 and 2)
Docket Nos. 50-445 and 50-446

Dear Administrative Judges:

Enclosed is a copy of the signed, notarized affidavit of Donald D. Driskill and Richard K. Herr. As the Staff stated in "NRC Staff's Response To Order To Show Cause and Motion For Reconsideration," August 24, 1982, (at 1), Mr. Driskill was not available to sign the affidavit on that date. Also enclosed is a copy of the statement of professional qualifications of Richard K. Herr, as revised to indicate that Mr. Herr is in the Dallas Field Office, Office of Investigation, Region IV, and not the Office of Inspection and Enforcement, Region IV. A copy of the statement of professional qualifications of John T. Collins will be filed shortly.

Sincerely,

Marjorie Rothschild
Counsel for NRC Staff

Enclosures:
as stated

cc: w/enclosures: Service List

DESIGNATED ORIGINAL
Certified By AS
DS07

OFC	: OELD	: OELD	:	:	:	:	:
NAME	: MURothschild:	SATreby	:	:	:	:	:
DATE	: 09/02/82	: 09/2/82	:	:	:	:	:

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- 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: 6-30-84

Donald D. Driskill

Donald D. Driskill

STATE OF TEXAS

COUNTY OF TARRANT

On this, the 27th day of August, 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 27th day of August, 1982.

Gloria Brown

Notary Public in and for Gloria Brown said County and State

My Commission Expires: 6-30-84

PROFESSIONAL QUALIFICATIONS

OF

RICHARD K. HERR

DALLAS FIELD OFFICE
OFFICE OF INVESTIGATION
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.