



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

MAR 20 1990

VIA TELECOPIER

Billie Pirner Garde, Esq.
103 East College Avenue
Appleton, Wisconsin 54911

Re: John Corder

Dear Ms. Garde:

This letter is to advise you that the NRC Staff agrees to your request as conveyed to me by Ms. Ellen Hartzheim of your office to delay the deposition of Mr. John Corder until 1 p.m. on Tuesday March 27, 1990. The deposition had originally been scheduled by the NRC subpoena issued on March 9, 1990 to commence at 9 a.m. All other aspects of the subpoena remain unchanged. It is also my understanding that you and your client would be willing to continue the deposition into the evening of March 27, 1990 to compensate for the lost morning hours. If this arrangement does not comport with your understanding, please contact me immediately.

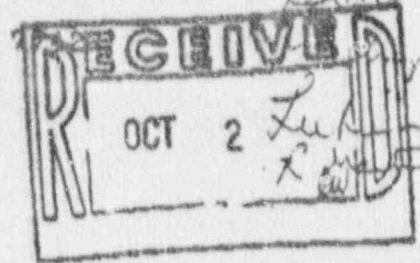
Sincerely,

A handwritten signature in cursive script that reads "Richard K. Hoefling".

Richard K. Hoefling
Senior Attorney
Office of the General Counsel

cc: John Corder

September 14, 1989
Rt. 4, Box 4158
Brazoria, Texas
(409) 798-7293



The Honorable John Breaux
Chairman, Subcommittee on Nuclear Regulation
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

RE: CORDER vs. BECHTEL, DOL CASE No. 88-ERA-9 - NRC "Proposed Rule"; Preserving the Free Flow of Information to the United States Nuclear Regulatory Commission

Dear Senator Breaux:

I humbly pray for your attention and response to my comments on the NRC "Proposed Rule" of Preserving the Free Flow of Information to the Commission, as identified in the Federal Register, Vol. 54., No. 136, dated Tuesday, 7/18/89.

It is with integrity and sincerity that I submit my comments, and as I submit my comments, I pray that I shall not be found at financial risk due to the Secret Agreement that my employer, BECHTEL, obtained from the U.S. Department Administrative Law Judge in my Whistleblower case. But firstly, the following is a summary of the true experiences that I have endured as I have tried to correct errors at the South Texas Nuclear Plant (STNP):

Aiden Yates, President of the Bechtel Group of Companies, excused himself and sent me to the Client, concerning plant errors

Leo Davis, Bechtel Site Construction Manager, excused himself and sent me to Jim Hurley concerning plant errors

Jim Hurley, Bechtel Site Engineering Manager, excused himself and went home, and later excused himself from site inspections with me by reporting to the Project Engineering Manager concerning plant errors we listed

Adrian Zaccaria, Bechtel Project Manager, excused himself from going with me to inspect the plant errors, after reviewing the facts with Hurley and myself

OGC FOR APPROPRIATE ACTION-----CRC-89-1019

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Leo Davis, Bechtel Site Construction Manager, excused himself from making inspections with me and turned the findings of plant errors, by Hurley, O'Hair and myself, over to the Houston Lighting & Power Quality Assurance Manager and by direction prohibited me from inspecting the plant further

Donald D. Driskill, Director Office of Investigations Field Office; NRC- Region IV, excused himself from making inspections with me on the plant errors, but sent Dan Carpenter and Terrance Reese, Site NRC Operations personnel, to investigate the errors with me

Dan Carpenter and Terrance Reese, NRC Site Operations, excused themselves to get back to their regular duties, and to call Region IV about the errors found after a short period in the plant with me, but made arrangements to meet on another inspection trip

Dan Carpenter and Terrance Reese, NRC Site Operations, excused themselves to inspect the plant errors on the planned inspection trip; which was to follow up the first inspection trip, because they stated that they were too busy with their own work, but Dan Carpenter contacted George L. "Les" Constable, Chief, Reactor Project Section C, Region IV, by telephone at that time instead of inspecting - I talked to Mr. Constable

George Constable, NRC - Region IV, Chief, excused himself from coming to the site and making an inspection that Dan and Terrance would not make, because he was short of manpower and that he was too busy himself, but he was to keep in touch - He did not

George Constable, NRC & Region IV, Chief, one year later excused himself from not having made investigative inspections and subsequent contact with me concerning the plant errors because Donald D. Driskill, NRC - Director of Investigations, had not started his investigation on my complaints. It was through my senator, The Honorable Lloyd Bentsen and my attorney, Billie P. Garde, of the Government Accountability Project, that Mr. Constable and Mr. Driskill was forced to meet with me and report to me of their non-existent investigation of my findings that I had reported to the NRC a year earlier. Attorney Garde made arrangements with NRC, Washington, to get Driskill to report to me, and to

have Constable there for the report on his technical review of my findings. It's three (3) years now and I have never heard from them since

Meanwhile, still in 1986, Jim Calligar and his assistant, Doug, of the Houston Lighting and Power SAFE-TEAM inspectors, excused themselves after two (2) inspection trips with me because they stated that I was taking up all their time writing and photographing the errors that I was identifying to them, and that they had to get to others who were finding errors

Having been terminated since I reported my concerns to Alden Yates, President of the Bechtel Group of Companies, I contacted Chuck Halligan, Bechtel Vice President, who had oversight of the Houston Office and STNP for Bechtel, and he excused himself from going on an inspection trip with me after I got him to promise to go with me. He said he had to meet with the client and had no time to investigate

On my last day of employment, both HL&P and the NRC wanted me to make inspection trips with them. It takes four (4) hours of paper work and then quite a while of manual checkout time to get terminated with Bechtel, but I went with each group separately and tried to point out very detailed errors and have them list the findings as they grumbled that that they had to go with me - they said it was a procedural exercise

After being terminated by Bechtel, Chuck Halligan, Bechtel Vice President, called me at home and wanted me to make a tour with him. I gladly agreed. I was at the jobsite early. It was about mid-morning when the vice president showed up. He had invited the Bechtel Project Manager, Adrin Zaccaria, and Engineering Manager, Mr. Hess to go with us.

I was instructed to conduct the tour with the Bechtel Executives and within a short period of time after the inspection began the Vice President, Project Manager and Engineering Manager excused themselves to go to a meeting and declaring they had seen enough - they dismissed me, but I pleaded for the errors to be recorded and I asked for someone to continue with me to inspect my findings. I was assigned Ernie Raumbaugh.

Ernie Raumbaugh, Bechtel Chief Retrofit Engineer, went with me into the plant and within an hour Mr. Raumbaugh excused himself to catch a chopper to return to Houston, Texas. He never took any notes on the trip with me. He left.

There I was; unemployed, unescorted and errors to discuss.

What did I do? I continued to inspect and write up errors alone as I went freely through out the units. No one really cared.

Mr. Gilisppi, HL&P SAFETEM Manager excused himself from informing me of the status of correction of the errors that were written up with his inspectors and myself because he had turned his listings over to HL&P.

Mr. Don Jordan, Chairman of the HL&P Company, excused himself from going with me to the site to inspect the errors because he listened to the site engineers

Mr. Ed Molnar, Bechtel Construction Manager for Bechtel Energy, wished me a Merry Christmas, but excused himself from responding to my letter when I offered to correct the plant errors

Mr. Steve Bechtel, Jr., Chairman of the Board and Owner, did not even respond to his veteran (27 yrs.) employee's concern about the plant errors when I wrote to him.

Jim Boyle was head of the Texas Office of Public Utility Counsel in Austin, Texas, so I went to see him, but he excused himself because the Governor, Bill Clements, had let him go - it was his last day

Godffery (Jeff) Gay was to act as the Head Counsel, so I discussed the plant errors with him. Mr Gay excused himself as not being able to respond to my concerns, but he introduced me to two (2) organizations which are interested in people who are concerned about nuclear plant safety and the people who report errors. One of the organizations was the Government Accountability Project

Peggy Rosson, Chairman of the Texas Utility Commission, said that she would meet me, but she sent a lawyer out to tell me that she would not listen to my concerns or discuss the errors I had found, so she excused herself when I tried to drop a few facts

Walton A. Eoscker, Public Utility Commission Manager - Power Plant Engineering, let me discuss some of the electrical problems with him, but he excused himself from being able to get on the project; without a

written invitation from HL&P, so I could not show him any errors at the plant

Mr. Mike Hunter, U.S. Department of Labor - OSHA, filed on Mr. Jerry Goldberg, Vice President - Nuclear, with HL&P, about my concerns at the plant, but Mr. Hunter excused himself for not being able to assist me because the NRC took the filed claim from him

Mr. Cooke, Mayor of Austin, Texas, met with me, but excused himself from hearing any specifics of the errors at the STNP, because he was trying to get HL&P to buy the City's share of the nuclear plant back

I sent letters to the Attorney General, Edwin Meese, of the U.S. Justice Department and to the Attorney General, Jim Maddox, of the Texas Attorney General's Office, but they excused themselves from answering my pleas for help

Mr. Calvo, NRC - Washington, D.C., met me at the site for me to identify ten (10) deficiencies (errors) we had discussed on the telephone with Attorney Billie Garde, but when we met at the site of the South Texas Nuclear Project, he excused himself from being able to let me in the unit where I knew of the errors because, even as the number one NRC Manager of the investigation of about six hundred (600) Whistleblower's items of concern, he was given orders to not let Corder in the Number 1 Unit, but even so, I discovered fourteen (14) errors/violations in a forty-five (45) minute inspection trip into Unit No. 2. I wrote the unsafe errors/violations up and sent the report to the U.S. Department of Labor and the NRC. I was instructed by Mr. Calvo to show him about one (1) reported deficiency/error pertaining to fasteners - I walked up to the electrical equipment and put my finger on the problem (area of) his inquiry. I was told not to look for the other nine (9) agreed upon errors - even in Unit 2. The Utility must have more authority than the NRC

These are only a few of the problems I have experienced ---- do you know of anyone who wants to hear them all? Further, just days before the Bechtel "Secret Agreement" was sealed by the Department of Labor Administrative Law Judge, I was on an inspection trip at the South Texas Nuclear Project (STNP) jobsite and observed even more safety concerns, but I am compelled by the DOL "Secret Agreement" ruling to be silent.

My specific comments to the NRC requests on the "Proposed Rule" Issues 1 and 2 are:

ISSUE NO.1 The "Proposed Rule" should have no restrictions on individuals providing any information to the Commission. As long as there are any restrictions and individuals can or can not be confused/aware of 'other avenues' the Commission is going to be manipulated by Commission Licensees, license applicants, and their contractors or subcontractors. Any Commission adjudicatory board that finds it's self confronted by the nuclear industry management resources, is going to continue to be concerned about subpoena(s) maneuvers/strategy, unless the "Rule" applies to all equally.

ISSUE NO.2 The answer to issue no. 2 is:: yes; impose an (the) additional requirements. By now the NRC does not need to ask that question * it needs to get involved in all regulation numbered parts.

My Comments in General on the "Proposed Rule" are:

GENERAL COMMENT NO. 1 If the NRC really wants to prevent a "chilling effect on communications about nuclear safety matters", then have the Commission licensees and license applicants and their contractors or subcontractors impose full and candid disclosure to each employee the Rule of Preserving the Free Flow of Information to the Commission in a mandatory training program - with both instructors and employees signing for verification of the understanding of the "Rule". This 'ol NRC "Commission license shall assure and bla bla" is no longer functional. The NRC has to begin to utilize both the industry management and worker resources, and get out there and 'check it out'.

General Comment No. 2 The NRC needs to get away from it's "any avenues of Access to the NRC". What is wrong with just the plain up-front truth - everyone is really responsible for the safety of the plant - that is the RULE. The problem is not that just some whistleblower cares about plant safety/cost, and pays a dear price for a courage that C E O's lack - its the fact that nuclear plants can remain unsafe and all employees can not suffer the same price because of retaliation

Corder to Breaux, 9/14/89

General Comment No. 3 I have worked under the AEC and NRC Rules and now it is time to reorganize. Why? The NRC just is not getting the safety assurance job done. We in the field think the NRC is a joke. How many whistleblowers, 3-mi. Islands and nuclear defense plants mismanagement/errors does it take to realize that the NRC has to go? Anyone want to hear of my NRC experiences? The NRC has so many sore spots that more band aids will not help any late duck.

General Comment No. 4 When the NRC is reorganized, let OSHA be a viable safety and functional part of the regulatory Program. OSHA is sitting on the sideline with the experience and we need their fresh troops. As it is now, OSHA has to be invited on to the project. Guess how many requests OSHA has received for assistance last year? How about the last five (5) years? The public deserves better. The workers do too.

General Comment No. 5 The (new) NRC should seek public involvement in the nuclear plants. All the answers are fifteen (15) to twenty (20) years old now. What about the new generation of nuclear power plants - any questions? After all, isn't the name of the industry "Public Utility"? I have a bunch of good questions.

General Comment No. 6 I believe that the NRC has determined that a Backfit Analysis would expose too much. Would they find out that the agency has not been listening to the worker's whistles? Would the Chairman find out that more staff was needed years ago, or is the "if you (utilities) do good we do good" still a cop-out? Would it mean that hundreds of workers deserve compensation, restoration of pride and a chance to build America the Great, again? I say Backfit.

In conclusion, I pray with all my heart that truth, safety and employment shall not be jeopardized by:

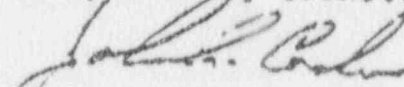
FRIENDS IN HIGH PLACES

EMINENT POSITION STATUS

INVESTMENT/PROFIT PRIORITIES

May God bless you for seeking the truth.

Respectfully submitted,



John A. Corder

Distb: Att.

Order to Breaux, 9/14/89

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Distribution:

FEDERAL EXPRESS:

The Honorable John Breaux
Secretary, U.S. Nuclear Regulatory Commission
Billie P. Garde, Esq.

First Class U.S. Mail:

The Honorable Lloyd Bentsen
The Honorable Elizabeth Dole