



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

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May 23, 1994

MEMORANDUM FOR: *JL* James L. Milhoan, Deputy Executive Director  
for Nuclear Reactor Regulation, Regional  
Operations and Research

FROM: *BH* Ben/B. Hayes, Director  
Office of Investigations

SUBJECT: ALLEGATIONS TEAM CHARTER FOR REVIEW OF ALLEGATIONS  
REGARDING THE SOUTH TEXAS PROJECT

In response to your memorandum dated May 6, 1994, a team consisting of Daniel D. Murphy, of my staff, and Lawrence E. Kokajko, NRR, will take the following actions to address the concerns of Congressman John Dingell and his staff, regarding allegations raised by whistleblowers at the South Texas Project.

1. Obtain a list of all Department of Labor complaints filed by whistleblowers at STP. Determine the disposition of each of the cases and, if possible, the safety concerns they raised to place them in a "protected activity" status. (OI)
2. Contact Leo Norton, NRC Inspector General's Office, and obtain a list of all names and addresses of individuals they have interviewed regarding allegations at STP. (OI)
3. Contact members of Congressman Dingell's staff and obtain a list of all the names and addresses of individuals they interviewed regarding allegations at STP. This could involve contacting the attorneys who represent a segment of the whistleblowers. (OI)
4. With the information obtained from these three sources, compile a list of potential interviewees. (OI)
5. Once the list has been compiled, determine how many, if any, have submitted allegations to the NRC and how the allegations have been dispositioned. In addition, obtain copies of Transcripts, Reports of Interviews, Sworn Statements, or any other document outlining their concerns. (OI)
6. Review any inspection report or OI investigative report which resulted from these allegations. Attempt to determine if the allegations were substantiated. If substantiated, what action was taken by the NRC or licensee. (OI)
7. Attempt to determine, without disclosing the identity of the individual, if

they had submitted an allegation through STP's Speak Out/Employee Concern Program. In those instances where an allegation was submitted to STP, determine the disposition of the allegation. (OI)

8. Review the major NRC inspection efforts and Regional/NRR allegation records for the years since NUREG 1306, (the Calvo Report) was completed. Attempt to determine if allegations by any of the potential interviewees were addressed by the inspection or allegation review. Determine if the allegations were substantiated. (OI/NRR)
9. Once all of these activities have been completed, and a list of interviewees has been compiled, take action to set-up dates and location for the interviews. If the interviewee is represented by an attorney, notify the attorney of the tentative date and location of the interview. (OI)

NOTE:

It would clearly be more efficient and cost effective if all the interviews were conducted at the same location. This would probably be in the vicinity of STP. Any special logistic or administrative problems would have to be addressed as they surface. Based on past experience, the availability of the interviewee's attorney has constantly created delays in the process. Hopefully this can be overcome by addressing the issue early on with the respective attorneys. All arrangements for court reporters and space to conduct the interviews will be accomplished by OI.

10. Interview all of the whistleblowers and obtain sworn transcribed interviews. Allow each interviewee the opportunity to openly discuss their concerns. In addition, obtain any documents or other forms of evidence which might substantiate their allegations. (OI/NRR)
11. Brief the DEDO of status of investigative activities on or about a weekly basis. (OI/NRR)
12. From the information obtained during these interviews, attempt to establish which allegations are new and not previously addressed by the NRC. (OI/NRR)
13. Send a letter to each whistleblower expressing our appreciation for their taking the time to apprise us of their concerns and informing them, when possible, of the action taken or to be taken by the NRC. (OI)
14. Present all new allegations to the Allegations Review Board (ARB) for review and evaluation; the ARB will recommend appropriate action, if necessary; NOTE: Allegations may be provided to the ARB in "groups" as the interviews are completed and allegations screened. When possible, they will be grouped by technical discipline. (OI/NRR)
15. Prepare a summary report to DEDO documenting the activities of the team. A copy of the report and all the testimony and documentation should be sent to the NRR Allegations Coordinator. The report should outline all the concerns of the whistleblowers, both technical and wrongdoing, and the

disposition of these concerns. (OI/NRR)

16. Review and evaluate the allegations, and compare them to the information contained in the Special Inspection Report, NUREG 0948, the Calvo Report, NUREG 1306, and the 1993 STP DET Report to identify any common problems identified in the reports. For all new allegations, assess resource needs and conduct on-site inspection or transmit requests for information to licensee, as appropriate, to complete evaluation. (NRR)
17. Maintain a data base (separate from AMS) of allegations and provide status periodically to DEDO. (NRR)
18. Provide written results of technical evaluation back to alleger. (NRR)
19. Plan and schedule a future inspection(s) of the STP Employee Concern Program. (NRR)