

AFFIDAVIT

My name is Thomas Devine. I am the Legal Director of the Government Accountability Project of the Institute for Policy Studies. I am preparing this affidavit for the Nuclear Regulatory Commission (NRC) Commissioners to summarize my September 19, 1983 discussion with Mr. Chuck Weaver about the summary of his interview in the Torrey Pines Report on the Zimmer Nuclear Power Station. On September 19, 1983 I spoke with Mr. Weaver for approximately one half hour to discuss whether his interview with Torrey Pines was reported fully and accurately in the report. Mr. Weaver had serious challenges to the completeness of his interview summary on page 8-5 of the Torrey Pines Report. He agreed to provide an affidavit, but his phone has since been disconnected. On September 23 I sent him a draft affidavit prepared as a result of our discussion and will forward it to the Commission upon receipt. JD

Mr. Weaver informed me of the following issues which were not included in the summary of his interview: 1) Serious organizational weaknesses existed in the Quality Confirmation Program. 2) There was widespread use of In-Process Deficiency Inspection Reports (IIDR) as a substitute for Nonconformance Reports at Zimmer. He described the weaknesses in the IIDR system. 3) Level I quality assurance (QA)/quality control (QC) personnel handled the more difficult Level II assignments, without adequate supervision. 4) In many cases unqualified Level I personnel were ordered by supervisors to sign off on work or they would be JD

"sent down the road." 5) Structural steel was purchased on the basis of design sketches instead of approved Design Document Changes (DDC), because the DDC program was too far behind to be utilized for the purchases. Inspectors were not ordered to challenge this improper practice. 6) Inspectors were restricted to limited work areas and ordered not to inspect or report deficiencies uncovered in any other location, even for a general surveillance. 7) There was a severe shortage of qualified managers and experienced inspectors. They jokingly referred to the unqualified substitutes as "hamburger flippers." 8) Construction frequently overruled quality control inspectors' decisions. 9) There was no formal program, such as an open door policy, to engage in constructive dissent. 10) The function of Cincinnati Gas and Electric (CG&E) inspectors in the dual inspection program appeared to be generation of statistics, rather than thorough verification of quality. Sometimes the CG&E inspectors literally were asleep and signed off on items without looking at them. On other occasions they wrote up irrelevant Nonconformance Reports to make it appear that problems had been identified, while ignoring serious safety violations. He informed Torrey Pines of specific examples where this practice occurred, such as with hangers and in the primary containment. All of the above practices occurred during the summer and early fall of 1982, when he was on-site as a QC inspector.

With respect to retaliation against himself, the holes in the Torrey Pines report made it inaccurate. The version in the report is that "Weaver alleged reprisals only regarding reassignment

of duties...." In reality, he informed me that he told Torrey Pines ^{TD} that Kaiser attempted to fire him on pretextual charges after learning that he had made disclosures of QA violations to investigators from the Federal Bureau of Investigation, the NRC and the Government Accountability Project. Until he received intensive support from those and other organizations, it appeared that he was going to be dismissed. Even with all of these resources, he was put on "furlough" and prevented from working or even going on-site, although he continued to draw his salary.

When the NRC suspended construction, Mr. Weaver informed me that he was laid off along with many other experienced inspectors who had challenged program violations and were aware of the most serious problems at Zimmer. Although the excuse was the shutdown order, the NRC had not stopped QA work. The fact that the excuse was not accurate was obvious, because simultaneous with the "layoffs" Kaiser was rehiring inexperienced personnel.

Mr. Weaver told me that he had discussed the above issues with Torrey Pines. There was no question in his mind that the Torrey Pines investigators understood what he was talking about.

I have read the above three page affidavit, and it is true, accurate and complete to the best of my knowledge and belief.

Thomas Devine
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Phyllis J. Bode Sept. 26. 1982
PHYLLIS J. BODE
Notary Public, State of Ohio
My Commission Expires Oct. 19, 1984