

AFFIDAVIT

My name is Thomas Devine. I am the legal director of the ^{TD} Government Accountability Project. I am submitting this affidavit to the Nuclear Regulatory Commission to fulfill my duties as a citizen. It is necessary to disclose recently-learned information which raises serious questions about the reliability and integrity of the oversight of the Diablo Canyon nuclear power plant by the Nuclear Regulatory Commission's Office of Nuclear Reactor Regulation (NRR). Unless the information is mistaken or drastic corrective action is imposed immediately, the disclosure suggests that the staff will not be able to offer reasonable assurance that Diablo Canyon is legally ready for commercial operation.

On Monday, June 25, I called Mr. Isa Yin in an attempt to schedule interviews with Diablo Canyon witnesses. I called Mr. Yin directly, because my attempts to schedule interviews through NRC management had been fruitless. Mr. Yin told me that he was about to tender his resignation from the Diablo Canyon case, because he was being asked to compromise his integrity. I urged him to reconsider, because he was a motivating force for whistleblowers who otherwise were wary of disclosing evidence to the NRC. Mr. Yin agreed that I could call him in the morning.

The next evening, Mr. Yin informed me that he had resigned from the case and was going back to work in Region III. He said that he couldn't do his job under the conditions. I inquired who was preventing him from doing his job. He responded by identifying Mr. Richard Vollmer, head of the peer review team assigned to Mr. Yin's inspection and the ensuing remedial program.

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I asked Mr. Yin how Mr. Vollmer was obstructing him. Mr. ^{TD} Yin began by referring to his work in the Cloud offices the week before. He said that due to all the meetings and presentations, he only had one-and-a-half days to review records necessary to resolve his ongoing concerns about the Independent Design Verification Program (IDVP). He said that he needed more time and wanted to return the next week, but Mr. Vollmer denied the request. Mr. Yin later added that he had waited two months to see the records. He said the entire review team only spent two days on work that should have taken a few weeks.

Mr. Yin stated that he also wanted to review the IDVP records of the Reedy firm which had not found serious quality assurance/quality control (QA/QC) problems. Since Mr. Yin had found a QA breakdown, he wanted to see what happened at Reedy, but Mr. Vollmer denied his request.

Mr. Yin wanted to review the new reorganization on-site, which was instituted in response to his inspection findings. The Onsite Project Engineering Group (PEG) had been abolished, and Mr. Yin wanted to inspect if the new program were an improvement. Again, Mr. Vollmer denied his request.

Mr. Yin also questioned the staff's evaluation standards for engineering calculations. He expressed his belief that calculations must be clean, or free from errors. He said that NRR was accepting many errors after deciding that they were not individually significant to safety. Mr. Yin expressed concern that this would send a message to the industry that errors are acceptable, and the standards for engineering work would suffer.

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He rebutted the staff's conclusion that the errors are not safety-significant, because there are so many for such a small sample. He said that with a large number of errors, the sample would have to be expanded to draw any conclusions about whether there is a safety problem. He said, for example, that the staff does not yet know how badly the geometry is off, or the effects. But from what he could tell, the geometry was gross. TD

Mr. Yin expressed serious concerns about the Diablo Canyon management. He said that the basic problem was that management had intentionally violated the requirements. To illustrate, he said that for large bore piping, they Quick Fixed 70% of what they touched. He emphasized that management was intentionally screwing QA.

Mr. Yin revealed that there were many more deficiencies found than were listed in the Interim Technical Reports. The Pacific Gas and Electric Company's (PG&E) excuse was that the missing deficiencies were not significant, but Mr. Yin said that he thought many were significant. He added that if all the small errors were combined, their effect would be significant.

Overall, Mr. Yin assessed both the Diablo Canyon management and NRR responses as a big Quick Fix. He explained that they are trying to do in a few months what they could not do in two years, and that's asking for trouble.

Mr. Yin stated that NRR members exhibited their bias by speaking as if their work were done before they had finished their reviews or had heard the licensee's presentation to the staff at a meeting in Washington, D.C., then scheduled for June 29. He TD

said that he already had declined to attend the scheduled ^{TD} Washington, D.C., meeting because he did not want to put up with another dog and pony show.

I suggested that Mr. Yin should consider filing a differing professional opinion as a proper channel to express his disagreement. He responded that he had expressed a differing professional opinion in March to the Commission, and it had led to his current situation. He did not want to repeat that.

I told Mr. Yin that if he quit, it could cause whistle-blowers at the plant who wanted to disclose their evidence to him to quit. He said that he had not been able to touch any followup to employee allegations. He explained that if management did not want him to look, he could not look. He said that when he was allowed to see records, he was always watched.

I asked Mr. Yin, if he were allowed to do his job without obstruction, would he come back and see it through. He answered yes, but that it was a bit "if." He said in the region he goes out and inspects, and writes up his reports. But with NRR he couldn't see the records. He concluded that unless he had the freedom to do his job, it was silly to try.

I have read the above four-page affidavit, and it is true, accurate and complete to the best of my knowledge and belief. I also read the affidavit to Mr. Yin, and he confirmed the verbatim accuracy of the contents as typed above.

DISTRICT OF COLUMBIA

Subscribed and sworn to before me this

14th day of July, 1984.

Richard H. Dadek

Notary Public, D.C.

My Commission Expires 3-14-86

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