

*file*

# GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies  
1901 Que Street, N.W., Washington, D.C. 20009

(202) 234-9382

December 12, 1982

PRINCIPAL STAFF			
RA	<i>pac</i>	OI	
D/PA		IE	
A/RA		<i>UP</i>	<i>010-2</i>
DEPRP		PAO	<i>0</i>
DEPRON		ISLO	
DECTP			
ML			
DL		FILE	<i>112</i>

Mr. Wayne D. Shaffer  
Midland Section Chief  
Special Inspections Division  
U.S. Nuclear Regulatory Commission  
799 Roosevelt Road  
Glen Ellyn, Illinois

Dear Mr. Shaffer,

This letter is to clarify the discussions that we had on Friday, December 10, 1982 in regards to the site tour of one of the GAP witnesses. Unfortunately that site tour was not able to take place. Hopefully by the time that there is another visit to the site by an Office of Investigations investigator we will have all worked out these details.

Clearly it is entirely inappropriate for the utility to accompany a protected and anonymous witness on a site tour. The witnesses are being protected FROM the licensee, in most cases because of actions that the licensee took against the worker for bringing serious problems to the attention of the NRC and, in this case, the Government Accountability Project (GAP).

A review of the law by GAP's staff counsel reiterates our view of the authority vested in the NRC to take a nuclear whistleblower on a site tour without having a licensee representative present. Certainly in the case of this licensee it seems a little incredible that they are taking the position of noncooperation with the nuclear witnesses. They have been extremely vocal about wanting the NRC investigation to be completed, and also to be made aware of the allegations being made. The quicker that the OI investigation is completed the sooner that they will be made aware of the problems identified by the GAP whistleblowers.

As we discussed on Friday, this particular witness is willing to take an additional risk. He has agreed to attend the site tour with a licensee representative if that is the only way that it can be arranged. Obviously there are further measures that the NRC could take; however, since all parties wish to avoid this type of confrontation I am surprised that the licensee will not agree to the two conditions which we have requested on behalf of this witness.

If the licensee is not willing to allow this witness to go on site with OI and IE investigators, but insists on having a representative than our witness must also have a representative. It does not have to be one of his lawyers, although that is the preferred choice. Our witness has suggested a local minister, another former employee, an aide to an elected official, or one of the other GAP witnesses who is already public. (Mr. E. Earl Kent for example.)

8406040406 840517  
PDR FOIA  
RICE84-96

PDR

DEC 16 1982

Mr. Wayne D. Shaffer

-2-

December 12, 1982

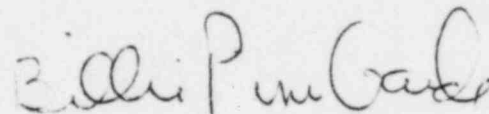
Additionally if our witness is to give up his anonymity to the licensee he requests that the utility guarantee that they will not divulge his name publicly, through the hearing process, or within the documents which become part of the public record.

This individual and his family are a part of the Midland community. Public exposure could do an incredible amount of damage to his personal life and that of his family and children. It is certainly both reasonable and understandable that this individual make the request for continued protection from public identification. If the above conditions can be resolved he is anxious and willing to cooperate fully with the NRC investigation.

Please keep in mind that this person contacted the NRC independently of GAP prior to any actions being taken on his allegations. It is not his responsibility that the investigation has been delayed until two weeks prior to the announced target date for completion. Further, it is not the responsibility of his children to bear the brunt of ridicule or isolation because of the NRC being unable to enforce their rights under the Atomic Energy Act.

I hope that this problem can be resolved in the near future.

Sincerely,



Billie Pirner Garde  
Citizens Clinic Director

cc: Witness  
Mr. Don Lukens, attorney  
Mr. James Cook, CP  
Mr. James E. Keppler