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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of  
PACIFIC GAS AND ELECTRIC COMPANY  
(Diablo Canyon Nuclear Power  
Plant, Units 1 and 2)

Docket Nos. 50-275  
50-323

AFFIDAVIT OF D.A. Rockwell

STATE OF CALIFORNIA )  
CITY & COUNTY OF SAN FRANCISCO ) ss

The above, being duly sworn, deposes and says:

I, D.A. Rockwell, am Special Projects Engineer for the Pacific Gas and Electric Company at the Diablo Canyon Nuclear Power Plant. In such capacity, I work directly with management of Pullman Power Products and the H.P. Foley Company who are contractors on site at the Diablo Canyon Nuclear Project. In such capacity I am informed of personnel shifts and force changes of each organization. I have caused that the employment files be reviewed of the three individuals who were identified in the May 17, 1984 submittal of PGandE: Mr. J. McDermott, Mr. T. O'Neal, and Mr. J. Phillips. I have also investigated the possibility of the existence of any claims of harassment made by any of these three individuals as a result of the affidavits. Contrary to the representation of Thomas Devine, no harassment or reprisal by PGandE or its contractors against any of the three individuals has resulted from their anonymous allegations.

B406200321 B4062  
PDR ADOCK 05000275  
E PDR

Mr. J. McDermott was hired by Pullman on May 13, 1983. In a scheduled force reduction on January 13, 1984, Mr. McDermott was let go by Pullman. He was rehired by Pullman on April 9, 1984. He currently works for Pullman.

Mr. J. Phillips was originally hired by PTGC on March 31, 1983 and, as part of a scheduled force reduction, was let go on March 23, 1984. His ranking in March 1984 was 143 out of 147. Subsequent to his layoff by PTGC he was hired by Pullman on April 9, 1984. He currently works for Pullman.

Mr. T. O'Neal was hired by Pullman as a QC inspector on July 5, 1983 and currently is working for Pullman in that capacity.

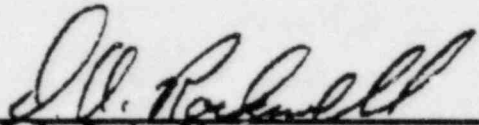
The two individuals who were laid off were let go as a result of legitimate reduction of force, and not as the result of any allegation or affidavit they may have signed. Both were let go prior to April 26, 1984, the date when NRC first released the affidavits to PGandE.

Investigation has revealed no reports of harassment by any of these three individuals as a result of their allegations. There have been no reports to their supervisors. There have been no hot-line reports, and there have been no reports by union representatives regarding these individuals.

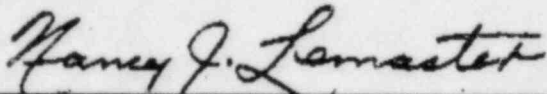
Mr. T. O'Neal did for the first time come to my office on June 12, 1984, the day after the Joint Intervenors motion was filed, to speak to me about his alleged quality concerns. He demanded my written response to his concerns.

He did not inform me of any physical threats, social harassment or reprisals of any kind resulting from his allegations.

Dated: June 19, 1984

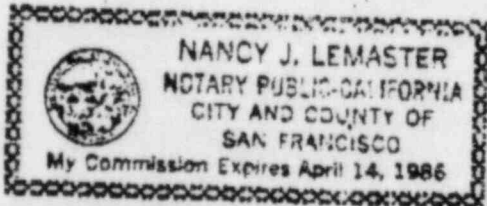
  
D.A. Rockwell

Subscribed and sworn to  
before me this 19th day  
of June, 1984



SEAL

Nancy J. Lemaster,  
Notary Public in and for the  
City and County of San Francisco  
State of California.  
My commission expires  
April 14, 1986.



1 pivotal grounds for the request for the protective order are  
2 based on, at best, a misleading affidavit.<sup>5</sup>

3 As acknowledged by this Board in the case of  
4 Consumers Power Company (Midland Units 1 and 2) ALAB-764,  
5 supra., the informer protection extends only to the identity  
6 of the informer and not to the substance of the information  
7 provided.<sup>6</sup> See Roviaro v. United States, supra. at 60.

8 Applicant has no other means of access to the  
9 allegations which are contained in Exhibits 3, 4, 7, and 10.  
10 It is the substance of those allegations and not the identi-  
11 ty of the allegeders which is of importance to Applicant,  
12 Staff, and this Board.

13  
14  
15 <sup>5</sup>This pivotal allegation should give the Board cause to  
16 question the veracity and forthrightness of Joint  
17 Intervenor's allegations. While the allegation in the  
18 affidavit is that the three individuals were either laid off  
19 or suffered harassment since February 16, 1984, it is clear  
20 that the layoffs were not related to their affidavits and  
21 that the individuals involved were even reemployed prior to  
22 the release of their affidavits. It is also clear that  
23 there is an absence of harassment as a result of their  
24 allegations. Given such inclination to stretch the facts,  
25 this Board must scrutinize all claims of Joint Intervenor's.

26 <sup>6</sup>As in the Consumers Power case ALAB 764 supra., there  
is no issue of privilege involved here. Any confidentiality  
that may have existed between Thomas Devine, affiant, and  
the anonymous allegeders was clearly breached when disclosure  
was made to Joint Intervenor's and their counsel. While  
Thomas Devine has acted, in other matters, on behalf of  
Mothers for Peace, one of the Joint Intervenor's, he is not  
counsel of record on behalf of all Joint Intervenor's in this  
action.