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A F F I D A V I T

My name is James L. McDermott. I am submitting this affidavit freely and voluntarily to Mr. Thomas Devine, who has identified himself to me as the legal director of the Government Accountability Project and who serves as my attorney for disclosures to the Nuclear Regulatory Commission. I have instructed Mr. Devine to add my name to the petition submitted by Mr. Timothy O'Neill on July 27, 1984 with Mr. O'Neill's permission, which he has supplied. This affidavit is in support of the joint petition. My own case provides a clear illustration of the need both for reinspections and systematic retraining of all personnel at Diablo Canyon.

On Saturday, July 28, I was laid off from my job as a welder for Pullman Power Products at Diablo Canyon, two days after I refused to sign three statements certifying my participation in retraining programs on various matters. I refused because I would have been engaging in a false statement if I had signed. In one case, I was asked along with others to sign a blank form <sup>JMS CERTIFYING MY PARTICIPATION IN AN UNIDENTIFIED TRAINING SESSION THAT H'O NEVER OCCURRED</sup> To show how badly things have deteriorated, 15 other employees signed the form.

Since January 1984 I have been a witness in the ongoing Nuclear Regulatory Commission (NRC) investigation at Diablo Canyon. During that time I have submitted five affidavits and

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met with the NRC on three occasions, including twice with the Office of Investigations (OI). Earlier this month I settled a Department of Labor lawsuit which had charged retaliation in an earlier layoff. I was a confidential witness, until the NRC technical staff blew my cover by turning over a copy of my affidavit to Pacific Gas and Electric (PG&E). Although my name was whited-out, the issues in my statement were traceable back to me since I had challenged the same violations on-site. PG&E promptly published my name in a licensing brief. With my cover already blown, there was no reason to hold back and my wife began serving as a public spokesperson for the Consumers in Defense of Energy Safety (CODES). PG&E claimed that my continued employment at Diablo Canyon helped rebut charges of harassment for NRC whistleblowers. PG&E's licensing brief is enclosed as Exhibit 1.

The events surrounding my layoff began last Thursday, July 25, when four handouts were distributed to personnel in the shop. Each handout was for retraining through the "Steps to Prevent Recurrence" (STPR) corrective action program. We were all supposed to sign that we had been retrained on each problem, after studying each handout. I signed one of the forms but I had to refuse to sign three others. The other three STPR forms involved problems with -- 1) flowmeters to control the release of gas in Gas Tungsten Arc Welding (GTAW); 2) falsified traceability records for certain plates; and 3) cutting of crushable bumpers.

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The STPR on flowmeters contained the crudest falsification. It is enclosed as Exhibit 2. In essence we were asked to sign a form certifying our attendance in a retraining program that was never conducted. The form was blank<sup>JMC</sup> for all the spaces describing the retraining, including "Nature of Instruction", "Date", "Time", and "Instructor". Further, our signatures certified that we had participated in discussions and reviewed additional information. The discussions never occurred and the referenced information was not included in the handout. Fifteen people signed anyway. I talked with several people about why they signed a blank check. As one explained, he didn't want to have trouble.

This phoney retraining program concerned a generic deficiency highly significant to plant safety. The flow of gas keeps out undesirable atmosphere during the welding process. Too much or too little gas can lead to unacceptable quality such as oxidation, <sup>JMC</sup>porosity, <sup>JMC</sup>cracking, embrittlement and excessive cost. The fraudulent retraining program means that the shoddy welding probably will continue for the thirteenth year in a row.

The STPR on traceability of plates concerned falsified purchase order identification records. It is enclosed as Exhibit 3. I could not sign the form, because the referenced procedures and quality assurance (QA) records were not included.

I had raised this same issue near the end of June with the production foreman. He said that maybe I should remove the phoney Purchase Order <sup>JMC</sup>NUMBER FROM THE PLATE, <sup>JMC</sup> Before that happened, however, a QC

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inspector identified the problem and wrote a Deficient Condition Notice (DCN). The inspector suffered severe harassment for writing the report, including a public dressing down from the craft superintendent and construction workers who shook their fists in his face. Based on his experience, I believe that my initiative in raising the same issue to a foreman helped lead to my layoff.

The third STPR concerned the improper cutting of crushable bumpers, which are thin-gauged tubing welded to resemble square honeycombs. They are used to absorb the impact in the event of a ruptured pipe. The STPR is enclosed as Exhibit 4. I could not sign this form, because the referenced procedure was not attached.

The training continues to be inadequate on a generic basis. For example, the recent "training" on harassment basically was to pass out a memo saying that we could be disciplined up to termination if we harassed QC. The memo itself was a signal that management was pulling its punches: harassment would not necessarily cost a worker his job if he were caught. There were not any classes, or even discussions about a problem that has been getting out of control.

In other cases the handouts were inadequate as retraining documents, because the craft workers had never been trained sufficiently the first time to understand the terms in the QA reports. I know, because various welders asked me what the documents meant. They came, because I was a former QC inspector.

On Thursday, July 26th, after reviewing the STPR handouts, I sought out the QC inspector. I told him this was bull, because we would be signing for documents and events that were not there. He agreed and said he would notify the Resident Inspector.

At the end of the shift, the foreman asked me to sign the STPR forms. I refused on three out of four. He asked me to point out to him what was the matter, which I did. He said he saw my point and agreed with me that a good training program should have begun 13 years ago.

Despite his agreement with my criticisms, the foreman said that the superintendent would still want me to sign. He also said that maybe we should fill in the blanks on the training form for flowmeters. I said maybe we shouldn't. I believe that raising this problem of false statements internally, refusing to participate, and refusing to cooperate with a coverup contributed to my layoff.

On Friday the QC inspector told the NRC's Resident Inspector, Mavin Mendonca, of the STPR problems. *JMN*

*JMN*  
On Friday Tim O'Neill also filed his petition and held a press conference. Tim is a friend of mine, which was well-known

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on-site. We ate lunch together regularly, where in plain view I often reviewed or helped him to prepare reports of QA violations. We ate lunch together on Tuesday, July 24, the day Tim resigned. I believe that my layoff the day after his press conference in part was further retaliation due to guilt by association.

On Saturday, July 28 I was laid off, along with one other welder out of around 15 in our shop. The other employee was a traveler -- a member from another local outside of this union's jurisdiction, with a travel card. Although it is not a formal rule, travelers usually are laid-off first. In fact, another brother said to me that he should of been laid off because he was a travelcard holder and that I was a local member.

I believe that my layoff was retaliatory for three reasons: 1) The time lag was two days after I refused to sign three false statements and one day after my friend Tim went public on a series of QA violations including some which I had openly helped him to prepare at the job site. 2) Over half the rest of the crew were travelers. 3) Two of the travelers were welders hired about two weeks earlier. They had only passed the basic gate, or entry, test. By contrast, I had been certified to unlimited thickness after passing the heavy wall test. In fact, I had just trained these two welders, to replace me as it turned out.

When I was laid off the foreman said that it was not just his decision; that management also was involved. He denied that

there were any "politics" involved, however. A Bechtel supervisor told me that he was sorry to see me go, because I never missed anytime, was always working and was better qualified as a welder than those who kept their jobs. He said that didn't make sense from an economic standpoint. He added that he had made the same point to Pullman and Bechtel management, without any success.

I am familiar with the conclusions in the 1977 Nuclear Services Corporation (NSC) audit about a quality assurance breakdown. I can state without question that it is continuing without letup. If there has been corrective action, the effects have been invisible. The QA breakdown continues, because those of us who try to uphold the NRC laws are either ignored; harassed until they resign as with Tim; or laid-off like myself. I am joining Tim's petition, because the NRC must crack down to restore respect for its rules at Diablo Canyon. If the Commission licenses the plant instead, it will be a clear message that the Atomic Energy Act no longer is worth the paper it is written on.

I have read the above 7 page affidavit, and it is true, accurate and complete to the best of my knowledge and belief.

James L. McDermott  
James L. McDermott

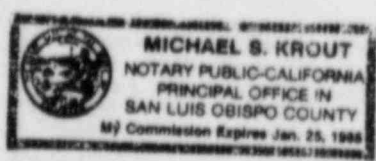
STATE OF California  
COUNTY OF San Luis Obispo

ON 30 July 1980  
before me, the undersigned, a Notary Public in and for said State, personally appeared James L. McDermott  
known to me by satisfactory evidence  
to be the person James L. McDermott whose name is subscribed to this written instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Michael S. Krout  
Notary Public in and for said State.

ACKNOWLEDGMENT—General—Notarys Form 631—Rev. 3-64



50-275

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of )  
PACIFIC GAS AND ELECTRIC COMPANY ) Docket Nos. 50-275 O.L.  
(Diablo Canyon Nuclear Power ) 50-323 O.L.  
Plant, Units 1 and 2 )

APPLICANT'S REPLY TO JOINT INTERVENORS'  
MOTION FOR PROTECTIVE ORDER

The Joint Intervenors, by motion dated June 11, 1984, have sought a protective order for Exhibits 3, 4, 7, and 10 which were submitted in support of their reply to PGandE and Staff responses to the Joint Intervenors' latest motion to reopen.

Neither the Staff nor PGandE were served copies of those exhibits, and the Joint Intervenors by their motion have requested that access to the substance of the exhibits be denied to the Staff and PGandE (JI motion pp. 5-6). It is PGandE's understanding that this Board has received such exhibits but in an edited form with the names of affiants and other identifying material removed. On receipt of the motion for a protective order, this Board issued an order

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1 requesting response to the motion and certain questions by  
2 June 19, 1984.<sup>1</sup>

3 I. DISCUSSION

4 Joint Intervenors' motion for a protective order  
5 is predicated on two points. The first is that the informa-  
6 tion given in each subject exhibit is conditioned by the  
7 affiant that it not be released to the Staff or the Appli-  
8 cant. The second is that the withholding of the substance  
9 of the exhibits is necessary to protect the anonymity of the  
10 affiants.<sup>2</sup>

11  
12 <sup>1</sup>The order requested Staff and PGandE to answer the  
13 following:

- 14 (1) What documents were served on the applicant and the  
15 staff as joint intervenors' reply?
- 16 (2) If the same documents, in the same form, as those  
17 served on the Appeal Board were received by the  
18 applicant and the staff, is there any need for a  
19 protective order?
- 20 (3) Is the Commission's policy statement of August 5, 1983,  
21 48 Fed. Reg. 36,358, applicable to joint intervenors'  
22 request for a protective order? If so, with what  
23 result?
- 24 (4) If the Commission's policy statement is not applicable,  
25 is the protective order sought by joint intervenors  
26 appropriate in the circumstances presented?
- (5) If the protective order sought by joint intervenors is  
not appropriate, is a less encompassing order suitable?

<sup>2</sup>Although Joint Intervenors claim the informers  
privilege, this Board has previously acknowledged that the  
privilege may be claimed only by the government. Houston  
(Footnote Continued)

1 Joint Intervenors seek to reopen the record based  
2 in part on new affidavits, the substance of which they seek  
3 to keep from Applicant. Fundamental to the acceptance of  
4 such affidavits as evidence upon which this Board may rely  
5 is the underlying truthfulness and veracity of the affiants  
6 and the factual basis for establishing that the affiants  
7 possess the necessary expertise to offer opinion testimony.  
8 By the requested terms of their motion for a protective  
9 order, Joint Intervenors attempt to restrict this Board in  
10 its function by not allowing the substance of the affidavits  
11 from seeing the light of day. Such a process, if allowed,  
12 would be extremely prejudicial to Applicant and approaches a  
13 trial in absentia.<sup>3</sup>

14  
15 (Footnote Continued)

16 Lighting and Power Company (South Texas Project Units 1 and  
17 2), ALAB-639, 13 NRC 469, (1981), footnote 26 at 478. See  
18 Roviaro v. United States, 353 U.S. 53, 59 (1957). In this  
case, rather than advancing the interest of the government  
in its investigation of the truth, Joint Intervenors seek to  
use the privilege to thwart such investigation.

19 <sup>3</sup>With this unexamined evidence, Joint Intervenors claim  
20 that a "cloud" hangs over the adequacy of the safety-related  
21 design and construction at Diablo Canyon citing Commonwealth  
22 Edison Company (Byron Nuclear Power Station Units 1 and 2)  
23 ALAB 770. That case is distinguishable from the instant  
24 proceeding. First, the "cloud" there was not  
25 unsubstantiated claims which had not even been examined, but  
rather the Licensing Board's findings made after hearing and  
Staff determinations over a period of years. In this case,  
Joint Intervenors seek to manufacture a "cloud" with  
anonymous affidavits which they refuse to expose to  
Applicant or Staff. The uncertainty that existed in Byron  
was that which was the result of findings, not merely

(Footnote Continued)

1           s to the first point, every citizen has an  
2 obligation to provide evidence, when necessary, to further  
3 the system of justice. Consumers Power Company (Midland  
4 Plant, Units 1 and 2) ALAB 764, Slip Opinion March 30, 1984.  
5 Houston Lighting and Power Company (South Texas Project,  
6 Units 1 and 2) ALAB 639, 13 NRC 469, 473 (1981). Wright v.  
7 Jeep Corp., 547 F.Supp. 871, 875 (E.D. Mich. 1982). See  
8 Branzburg v. Hayes, 408 U.S. 665, 688 (1972), Roviaro v.  
9 United States, 353 U.S. 53, 59 (1957). Since every citizen  
10 has such a duty which arises from his citizenship, he  
11 cannot, on his own, condition his civic obligation. Thus,  
12 affiants cannot tell this Board that they will give it  
13 information only if the Board agrees, contrary to  
14  
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17 (Footnote Continued)  
18 unsubstantiated allegations in support of a motion to  
19 reopen. Second, this is not a case where there has not yet  
20 been a hearing on the Applicant's verification program as  
21 was the case in Byron. Here, an extensive hearing on Design  
22 Quality Assurance and the adequacy of the verification  
23 program which was established pursuant to Commission order,  
24 has already been held. In Byron, Applicant argued that a  
25 hearing was not necessary even while the verification  
26 program was not complete. The Appeal Board remanded the  
case to take evidence on the completed verification program.  
Here the verification program has been completed and has  
been already subjected to hearing. Finally, in Byron, the  
Appeal Board found a hearing was necessary because one of  
the principle deficiencies that existed was the established  
absence of adequate certification procedures for quality  
control personnel. Such fundamental absence of proper  
certification is not present here.

1 requirements of law, not to relay it to a party whose rights  
2 or duties are being litigated.<sup>4</sup>

3 As to the second point, Joint Intervenors claim  
4 that because of inadequate editing of prior affidavits by  
5 the NRC Staff, Applicant was able to identify three of the  
6 anonymous alleged. As to these three alleged, they claim  
7 in an unsupported allegation that, "Since February 16, all  
8 three individuals have been laid off or suffered harassment  
9 on-site" (6/7/84 Devine Aff. at 3). Curiously, the docu-  
10 ments executed by the anonymous alleged which disclosed  
11 identifying material were not released to Applicant until  
12 April 26, 1984. No person was laid off or harassed as a  
13 result of his allegations (Exhibit 1, attached). As a part  
14 of normal reductions of force, two of the three were laid  
15 off earlier this year, but each was rehired by April 9,  
16 1984, prior to the date of release of the affidavits to  
17 Applicant. All three are currently employed at the site,  
18 and there have been no reports of harassment by any of these  
19 individuals from any source whatsoever. Consequently the

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21 <sup>4</sup>While GAP and Joint Intervenors may consider  
22 themselves as chartered to ensure that the NRC satisfies its  
23 statutory duties, they cannot sua sponte substitute  
24 themselves for the governmental body which Congress charged  
25 with the duty to regulate, investigate, and license nuclear  
26 power plants. Consequently, the investigative arm of the  
Commission, its staff, cannot be deprived of the substantive  
information contained in Exhibits 4, 5, 7, and 10 or the  
names of the informers.

1 pivotal grounds for the request for the protective order are  
2 based, 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 allegers which is of importance to Applicant,  
12 Staff, and this Board.

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14  
15 <sup>5</sup>This pivotal allegation should give the Board cause to  
16 question the veracity and forthrightness of Joint  
17 Intervenors' 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  
the release of their affidavits. It is also clear that  
there is an absence of harassment as a result of their  
allegations. Given such inclination to stretch the facts,  
this Board must scrutinize all claims of Joint Intervenors.

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

1           Accordingly, should the Board be able to determine  
2 qualification of the affidavits, the Board should release  
3 Exhibits 3, 4, 7, and 10 in the form they have without a  
4 protective order.

5           II. RESPONSE TO BOARD CERTIFIED QUESTIONS

6           A. As indicated above, PGandE did not receive  
7 Exhibits 3, 4, 7, and 10 with Joint Intervenors' reply. If,  
8 in fact, it is the case that this Board received the exhib-  
9 its without the names or other identifying material as  
10 edited by anonymous allegers, it would appear that consis-  
11 tent with protection of informers' interest, this Board  
12 could release the substance of the exhibits to the Staff and  
13 Applicant, and no protective order would be necessary.

14           B. Applicant does not see that the Commission  
15 policy statement of August 5, 1983 (48 Fed.Reg. 36358),  
16 applies since the subject information is not in the pos-  
17 session of or originated by the Staff in its ongoing inves-  
18 tigation or inspection.

19           C. The protective order sought by Joint  
20 Intervenors far exceeds what is required to protect the  
21 interest of the anonymous informants and if granted as  
22 requested would prejudice Applicant and Staff and interfere  
23 with the Board's obligation to ascertain the truth of the  
24 matters placed before it.

25           E. As acknowledged by the Board in Consumer  
26 Power Co. (Midland Units 1 and 2) ALAB 764 supra., a

1 protective order which provides for deletion of names and  
2 other identifying material is appropriate for protection of  
3 informers' interests.

4 Applicant would suggest, however, that the Board  
5 should be presented with unedited versions of the Exhibits  
6 in camera so that it can ascertain that the affidavits are,  
7 in fact, of persons other than those who have previously  
8 provided affidavits. Thereafter, upon qualification of the  
9 affidavits, the Board should determine if the edited version  
10 protects the informers identity or whether, on weighing of  
11 the interests of the parties, a further modification should  
12 be made prior to release to Staff and the Applicant.<sup>7</sup>

13 Alternatively, if the Board determines that the affidavits  
14 cannot be accepted, then they should be rejected outright.

15 Applicant would like to point out that while Joint  
16 Intervenors are seeking extraordinary relief from this  
17 Board, they do not approach the Board with altogether "clean  
18 hands." The allegations they submit, beyond being repeti-  
19 tious, have been tortiously dragged through the licensing  
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21  
22 <sup>7</sup>If Exhibits 4, 5, 7, and 10 contain new materials,  
23 obviously Applicant should be afforded the opportunity to  
24 respond since they constitute a new motion and not a reply  
25 to Applicant's prior response to Joint Intervenors Motion to  
26 Reopen. Applicant is in the process of responding, inter  
alia, to the new material contained in the June 11, 1984,  
"Reply" of Joint Intervenors and will submit its responses  
to the Board by June 29, 1984.

1 process over in excess of six months time. Affiant  
2 Thomas Devine has stated under oath that "for the previous  
3 seven months," he has "been conducting an investigation of  
4 alleged illegal or improper practices at the Diablo Canyon  
5 nuclear powerplant" (6/7/84 Devine Aff. at 1). It is not  
6 inconceivable that Joint Intervenors and their associated  
7 representatives would continue this pattern of conduct over  
8 the next several months even though they have been inves-  
9 tigating the matter for over at least six months. Applicant  
10 would submit, therefore, that if Joint Intervenors seek  
11 equity, they must do equity. That should certainly extend  
12 to providing the substance of their claims.

13 III. CONCLUSION

14 Applicant submits that consistent with due process  
15 and in the interest of fair play and justice, it is vitally  
16 necessary that it have access to the substance Exhibits 3,  
17 4, 7, and 10. Applicant requests that Exhibits 3, 4, 7, and  
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1 10 be released to Staff and Applicant, or alternatively be  
2 rejected by the Board if they fail to meet minimal  
3 requirements for affidavits.

4 Respectfully submitted,

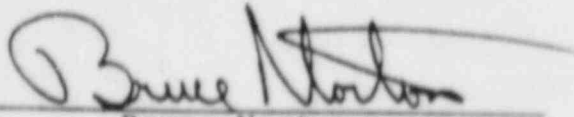
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(602) 955-2446

17 Attorneys for  
18 Pacific Gas and Electric Company

19 Dated: June 18, 1984

20  
21  
22  
23  
24  
25  
26  
By   
Bruce Norton

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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

(Construction Quality Assurance)

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.

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

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

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 )  
PACIFIC GAS AND ELECTRIC COMPANY ) Docket No. 50-275  
 ) Docket No. 50-323  
Diablo Canyon Nuclear Power Plant, )  
Units 1 and 2 )  
\_\_\_\_\_ )

CERTIFICATE OF SERVICE

The foregoing document(s) of Pacific Gas and Electric Company has (have) been served today on the following by deposit in the United States mail, properly stamped and addressed:

Judge John F. Wolf  
Chairman  
Atomic Safety and Licensing Board  
US Nuclear Regulatory Commission  
Washington DC 20555

Judge Glenn O. Bright  
Atomic Safety and Licensing Board  
US Nuclear Regulatory Commission  
Washington DC 20555

Judge Jerry R. Kline  
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Atomic Safety and Licensing  
Appeal Panel  
US Nuclear Regulatory Commission  
Washington DC 20555

Secretary  
US Nuclear Regulatory Commission  
Washington DC 20555

Attn: Docketing and Service  
Section

\*Lawrence J. Chandler, Esq.  
Henry J. McGurren  
US Nuclear Regulatory Commission  
Office of Executive Legal Director  
Washington DC 20555

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San Jose CA 95125

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\*Judge Thomas S. Moore  
Chairman  
Atomic Safety and Licensing  
Appeal Board  
US Nuclear Regulatory Commission  
Washington DC 20555

\*Judge W. Reed Johnson  
Atomic Safety and Licensing  
Appeal Board  
US Nuclear Regulatory Commission  
Washington DC 20555

\*Judge John H. Buck  
Atomic Safety and Licensing  
Appeal Board  
US Nuclear Regulatory Commission  
Washington DC 20555

Commissioner Nunzio J. Palladino  
Chairman  
US Nuclear Regulatory Commission  
1717 H Street NW  
Washington DC 20555

Commissioner Frederick M. Bernthal  
US Nuclear Regulatory Commission  
1717 H Street NW  
Washington DC 20555

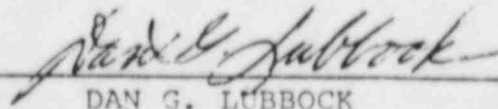
Commissioner Victor Gilinsky  
US Nuclear Regulatory Commission  
1717 H Street NW  
Washington DC 20555

Commissioner James K. Asselstine  
US Nuclear Regulatory Commission  
1717 H Street NW  
Washington DC 20555

Commissioner Thomas M. Roberts  
US Nuclear Regulatory Commission  
1717 H Street NW  
Washington DC 20555

Date: June 18, 1984

\*Via Sky Courier Network

  
DAN G. LUBBOCK

96059

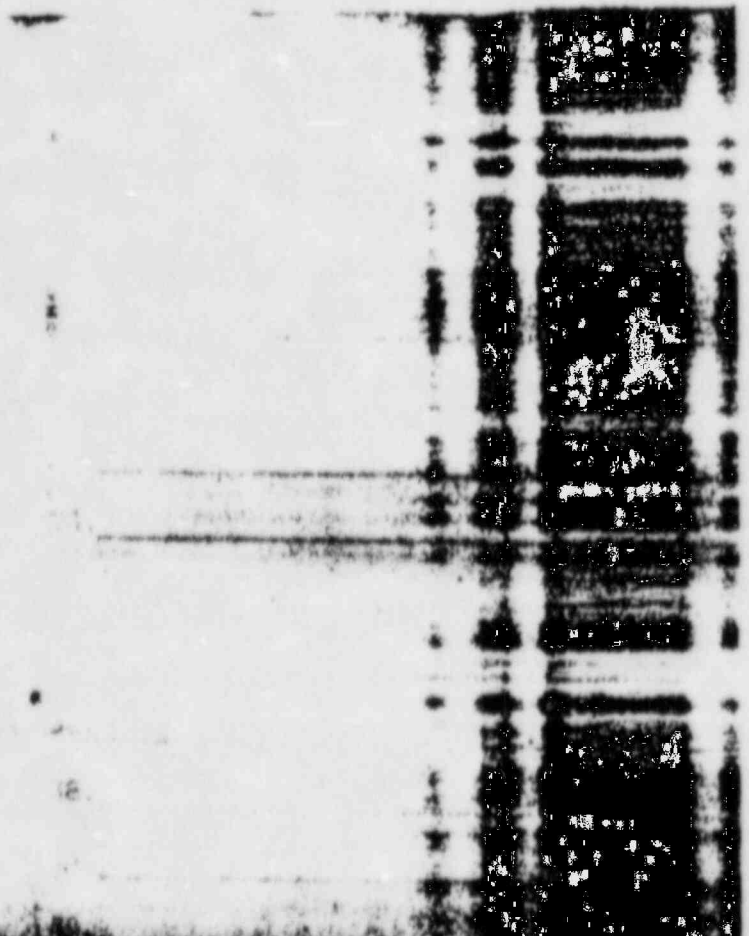
Bukanan  
STIEGER

7-24-84

...  
...  
... must be completed promptly and correctly with  
... documentation. Return to me by ASAP - Tim Roberts  
Box in m.c.

Train area 10  
... (unclear)

Paul Stieger



TRAINING SHEET

NATURE OF INSTRUCTION: ESD 201, PARA 3.2; OAT 152 PAR 11.5;  
+ RFP-10 par 10.15 E

DATE: 7-04-84

NAME: \_\_\_\_\_

INSTRUCTOR: \_\_\_\_\_

ATTENDED BY:

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OFFICIAL USE ONLY

NO TEST Pkg 1 OK

DATE: 6-29-84 COL/LINE: ELEV. 10 MAG 5000

ON 6-29-84 AT APPROXIMATELY 11:00 AM. I NOTICED A PECULIARITY ON SOME 1" THICK PLATES LYING ON DUNNAGE INSIDE THE NORTH END OF THE CAB SHOP AT AREA 10 - CONT. - K. Christy

RECOMMEND DISPOSITION: INSPECT APPROPRIATE CRAFT AND DC INSPECTORS AS TO THE NECESSITY FOR E.S.D. REQUISITEMENTS

FIELD NUMBER: 76-84 DATE: 6-29-84 TIME: 7:08 PM '84

FIELD OFFICER: [Signature] SUPERVISOR: [Signature]

CHIEF OF POLICE: [Signature] DATE: 7-22-84

APPROVED BY: [Signature] COMMENTS: [Blank]

FIELD NO. TO BE MAINTAINED EVALUATION: [Blank]

CONTROLLED COPY FOR CRAFT STPRS

DATE: 7/22/84

REGULATORY AGENCY REPORT NO.: [Blank]

THIS IS PRESENT REQUIREMENT: [Blank]

NOT LATER THAN: [Blank]

NON-APPLICABLE: [Blank]

TO REPUBLICAN GOVERNMENT HAS BEEN SUBJECTS IN PARTICULAR 25-D-201, para 3.2

GA-102, para 11.5 (1984) and 11.5.2 (1984)

DCN 96-059

PLUS 2 OF 3 ATTACHMENTS

ONE OF THE PLATES WAS MARKED "RR" IN BLUE SPRAY PAINT, A METHOD COMMONLY USED IN AREA 10 FOR DEVOTING MATERIALS TO BE USED FOR RUPTURE RESTRAINTS ONLY. ON THE SAME PIECE OF PLATE THE NUMBER 14423 WAS MARKED WITH NISSEN METAL MARKER. THE 14423 MARKING WAS MARKED ON SEVERAL OF THE PLATES IN A MANNER WHICH WOULD NORMALLY INDICATE THAT THE NUMBER WAS DESIGNATING A PURCHASE ORDER NUMBER. I RECOGNIZED 14423 AS A PURCHASE ORDER NUMBER FOR 1" X 16" TYPE A-36 CARBON STEEL AS WELL AS TWO OTHER SIZES AND TYPES OF STEEL, NONE OF WHICH WOULD NORMALLY BE USED FOR RUPTURE RESTRAINTS. PLEASE NOTE THE ATTACHED FIELD REQUISITION, PURCHASE ORDER, AND RECEIVING REPORT DOCUMENTS.

THERE WERE NINE PLATES TOTAL AND THEY ARE DESCRIBED AS FOLLOWS:

- 1.) ONE PLATE 1" X 16" X 4'0"  
MARKINGS - 14423 (ON THE EDGE) - "RR" IN BLUE SPRAY PAINT NEAR ONE EDGE
- 2.) ONE PLATE 1" X 16" X 4'0"  
MARKINGS - 14423 (ON THE EDGE) - "RR" IN BLUE SPRAY PAINT
- 3.) FOUR PLATES 1" X 16" X 16"  
MARKINGS - NONE
- 4.) ONE PLATE 1" X 16" X 16"  
MARKINGS - 14423 - CLASS I, STANDS
- 5.) ONE PLATE 1" X 16" X 16"  
MARKINGS - 14423 (ON ONE EDGE)
- 6.) ONE PLATE 1" X 16" X 16"  
MARKINGS - 14423

THE MATERIAL HAD BEEN FRAUDULENTLY MARKED WITH THE 14423 P.O. #. THE MATERIAL SHOULD HAVE BEEN MARKED FOR

DCN 96-059

3 OF 3  
PLUS ATTACHMENTS

CLASS E USE ONLY. ESD VIOLATIONS  
INCLUDE 201 3.2 AND 277 5.0 (AS APPLICABLE).  
PLEASE FIND THE NIGHT SHIRT PPA C.C.  
INSPECTOR'S NOTES AS TO HIS KNOWLEDGE  
CONCERNING THIS MATTER.

RCM 1/96

FOR INFORMATION

SWING  
6-28-84

CRAIG

CONCERNING plates ON THE FLOOR AT THE NORTH  
END OF FAB SHOP, THAT YOU HAVE A HOLD TAG ON.  
ON SWING 6-27-84 ONE OF THE NEW HIRES WAS  
CUTTING BASE PLATES FOR: PULLMAN MATERIAL STORAGE AREA  
STANDS. HE LOCATED THE PLATE IN THE CLASS E STORAGE  
AREA, THE PLATE HE GOT WAS PLATE THAT HAD LOST  
TRACEABILITY NO POS HTS STAMPS ETC. THE FOREMAN  
HRS HAD A TALK TO HIM AND, TOLD HIM HE SHOULD  
HAVE WRITTEN CONSTRUCTION AD & SCRAP ON  
THEM, HOPE THIS HELPS YOU ~~IN~~ SO IT DOES NOT  
HAVE TO GO <sup>ANY MORE</sup> ~~ANY~~ FURTHER.

JOHN EDGTON

FOR INFORMATION  
ONLY

5946

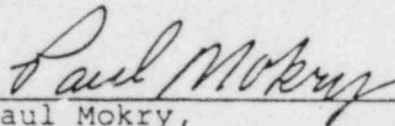
INTEROFFICE CORRESPONDENCE

EXHIBIT 3

DATE July 21, 1984  
TO PPP Superintendents  
FROM Paul Mokry  
SUBJECT Craft STPR's on DR 5946

Discuss with your Craft about flow meters and their proper use. Cover the information contained on the attached sheet.

After this information has been discussed, the Superintendents are to sign the memo and attached training sheet and return to Carolee at Trailer 61 or return to Tim Roberts box in the Main Office. Please do not return with the daily time sheets as this will cause unnecessary delay in the processing of the DCN's and DR's.



Paul Mokry,  
General Construction Superintendent

- |              |             |
|--------------|-------------|
| M. Andrews   | B. Madron   |
| D. Buhanan   | H. Reed     |
| J. Callahan  | E. Jordan   |
| J. Rowley    | C. Bolinger |
| C. Borra     | B. Parmley  |
| R. Martin    | L. Bailes   |
| F. Impastato |             |
| L. Longo     |             |
| S. Tucker    |             |
| T. Justen    |             |
| J. Williams  |             |

TRAINING SHEET

NATURE OF INSTRUCTION: \_\_\_\_\_

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

INSTRUCTOR: \_\_\_\_\_

ATTENDED BY:

- 1. Steven Mallory
- 2. Paul Mallory
- 3. ~~Samuel Mallory~~ #1301
- 4. Paul Mallory #46
- 5. Raymond D. Edger #2408
- 6. David Jones 2811
- 7. J. Brown #30
- 8. J. Waiters 261
- 9. Felix Johnson 1728
- 10. Robert Dean 3847
- 11. J. Huff 3607
- 12. M.F. Brown 2158
- 13. Curtis Page 2978
- 14. Rick Johnson 2716
- 15. J. Miller 2603
- 16. \_\_\_\_\_
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PG&E QUALITY CONTROL

REVIEWED

*[Signature]*

DATE 7/14/84

**ORIGINAL**

PG&E GAS & ELECTRICITY POWER PRODUCTS

D.R. No. 5946

Iss. No. \_\_\_\_\_

Unit No. \_\_\_\_\_

Code No. \_\_\_\_\_

Inspector's Sig. \_\_\_\_\_

Submitter 7-14-84

INSPECTOR WESLEY

Project Public Canyon Job No. 7177 DATE 7-14-84

PROJECT USE OF FLOWMETERS PGP 304 20-100

DESCRIPTION OF DISCREPANCY:

During weld monitoring, the following conditions were noted:

1. Flowmeters were in use which are not permitted in ESD-213 and ESD-219. These ESDs permit only the Linde L-32 (20 psi inlet type). The following additional devices are in use:
  - A. Linde L-32 (50 psi inlet) - This device is identical to the L-32 (20 psi inlet) except it is designed for an inlet pressure of 50 psi.
  - B. Victor FM 371: This device is similar in appearance to the Linde L-32. It is designed for an inlet pressure of 25 psi.

Continued - Page 2

RECOMMENDED DISPOSITION: INDICATE APPROVAL BY CIRCLING THE APPROPRIATE "RECOMMENDED DISPOSITION"

- A) Revise ESD-213 & ESD-219 to permit the use of the additional types of flowmeters.
- B) Revise ESD-213 to delete regulator calibration requirements.
- A) Withdraw all types of flowmeters from use which are not permitted in ESD-213 and ESD-219.
- B) Revise ESD-213 to delete regulator calibration requirements;

3) PG&E to disposition. ACCEPT AS IS; REVISE ESD 213 & 219 AS DIRECTED BY UNIT II DR # 8657. (SEE MEMO FROM J. MILLER TO R. MEREDITH / G. THOMAS DATED 7.10.84. CLOSE DR UPON SUBMITTAL OF REVISED ESD'S TO PG&E FOR REVIEW & APPROVAL.

*[Signature]* Date 6/29/84 Customer Out of town Date 7-14-84

AL DISPOSITION:  In Accordance With Above  Other (specification and approval required)

Completed Insp: \_\_\_\_\_ Date: \_\_\_\_\_ Work Completed Insp: \_\_\_\_\_ Date: \_\_\_\_\_

EXPLANATION IF NECESSARY: Added statement on page 2 per PG&E request. Clarified history

Field CA Manager \_\_\_\_\_ Date \_\_\_\_\_ Customer \_\_\_\_\_ Date \_\_\_\_\_

MEASURES TO PREVENT RECURRENCE  Not Applicable

**RAFT** QC weld monitoring to be instructed to monitor for flowmeter conformance.

Additional info on STKs (attached) 7-16-84 Field CA Manager Wesley Date 6/29/84 ME

RESOLUTION:  Master CA File  Audit Insp.  Engineering Cost  Other \_\_\_\_\_

Customer  Receiving  Field Inspector \_\_\_\_\_

**ORIGINAL**

OR No. 5946 Page 2  
ISS No. 712  
UNIT No. 7  
CODE No. 7

SA Pacific Gas & Electric SPEC NO. 8711 DATE 5 25 84  
Gladis Conyon JOB NO. 7177 DIRECTOR (REGISTRATION)

EXPLANATION OF Discrepancy (Continued from Page 1)

- C. Victor HRF 2325: This is a similar flowmeter with a built-in pressure regulator.
- D. Victor AF 250: This is a regulator with the low pressure gauge graduated in CFH. This device is not a true flowmeter.

All of the flowmeters will accurately measure gas flow rates provided proper inlet pressures are used. The AF 250 will be accurate if the outflow of gas is not restricted.

- 2. L-32 and Victor flowmeters were being used with the AF 250 regulator. Neither device will read accurately in this instance. It is impossible to determine the inlet pressure to the L-32 or Victor flowmeter. While the flowmeter will restrict the gas flow from the AF 250, ESD-219 does not permit this combination.
- 3. An L-32 (50 psi inlet type) was being used with an inlet pressure of 15 psi. This is a violation fo ESD-219. This same flowmeter was set at 15 CFH, a violation of the WPS. The WPS requires 20 CFH.
- 4. Regulators were not calibrated as is required in ESD-213.

Added at FG&E request:

The conditions observed occurred on 6-4-84 in Unit II and the Area 10 Fab Shop. (@ Agueda 1-12-84) A.L.E. 7/12/84



TO: BEN HANAN EXHIBIT 4

FROM: P. STIEGER

DATE: 7-24-84

This DCN/DR is issued for your STEPS TO PREVENT RECURRENCE only. Do NOT use this document to perform any work. Use standard training record form to document STEPS.

This form must be completed promptly and correctly with adequate documentation. Return to me by ASAP - Tim Roberts  
Box in m.o.

*train cell area 10  
fab shop personnel*

*Paul P. Stieger*

6.	_____	26.	_____
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FOR CRP

1058-070

TRAINING SHEET

NATURE OF INSTRUCTION: ESD 243 PAR 512

DATE: 7-24-84

TIME: \_\_\_\_\_

INSTRUCTOR: Bulhanan

ATTENDED BY:

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FOR CREDIT

ORIGINAL

NO TEST PKG.

UNIT # II	AREA CONT	ELEV.. VARIOUS	COL/LINE	DATE: 7-12-84	NOTICE NO. 1058-070
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DEFICIENT CONDITION: DURING CUTTING OF CAUSHABLE BUMPERS TO DESIGN LENGTHS PER DC 2-EC-22616  $\Delta$  CRAFT CUT BUMPERS SHORT (REF ATTACHED LIST OF APPLICABLE RESTRAINTS AND ACTUAL CUT LENGTHS).

NOTE: DG #2240 DATED 6-27-84 ADDRESSED THIS PROBLEM AND PGFE EVALUATION STATED THAT THE SHORT LENGTHS WERE ACCEPTABLE.

ORIGINATOR'S SIGNATURE:  
*[Signature]*

HOLD TAG APPLIED: NO	TAG # N/A	INITIALS N/A	DATE N/A
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RECOMMENDED DISPOSITION:  
 1. ACCEPT AS IS PER DG #2240 DATED 6/27/84 PERFE EVALUATION WAS ACCEPTABLE.  
 (OR)  
 2. PGFE TO DISPOSITION

FIELD ENGINEER  
*[Signature]*

FIELD QC INSPECTOR  
*[Signature]*

CHIEF ENGINEER  
*[Signature]* 7/3/84

LEVEL III  
*[Signature]*

FIELD QA/QC MANAGER  
*[Signature]*

FIELD QA/QC MANAGERS EVALUATION:  APPROVED AS RECOMMENDED  OTHER

- NON-CONFORMANCE - D.R.# \_\_\_\_\_
- REPAIR ORDER
- REWORK/REINSPECT
- INTERNAL AUDIT
- OTHER THIS DCN

COMMENTS:

CONTROLLED COPY

DATE: 7/20/84

FIELD QA/QC MANAGER: *[Signature]*

CAUSE CODE  
3

CORRECTIVE ACTION REQUIRED BY: \_\_\_\_\_ NOT LATER THAN: \_\_\_\_\_

STEPS TO PREVENT RECURRENCE:  NOT APPLICABLE

CRAFT SUPERVISOR TO ASSURE RESPONSIBLE PERSONNEL ARE INSTRUCTED TO APPLICABLE REQUIREMENTS AND PROCEDURES, IN PARTICULAR ESD-243, PARA 5.2

7-2084


FOR CRAFT STPR'S

RESPONSIBLE SUPERVISOR	DATE 7/20/84	FIELD QA/QC MANAGER <i>[Signature]</i>
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DEFICIENT CONDITION CLOSED:	DATE	SIGNATURE:
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# CRUSHABLE BUMPERS

CUT SHORT

DC-2-EC-22616 

RESTRAINT	BUMPER	DESIGN LENGTH	CUT LENGTH
2-1 RR	E	8 <sup>5</sup> / <sub>16</sub> "	8 <sup>1</sup> / <sub>8</sub> "
3-11 RR	A	6 <sup>3</sup> / <sub>8</sub> "	6 <sup>3</sup> / <sub>16</sub> "
6-1 RR	C	6 <sup>1</sup> / <sub>4</sub> "	6 <sup>1</sup> / <sub>8</sub> "
6-1 RR	E	9 <sup>3</sup> / <sub>16</sub> "	9 <sup>1</sup> / <sub>16</sub> "
2046-ERT	7	3 <sup>9</sup> / <sub>16</sub> "	3 <sup>1</sup> / <sub>2</sub> "