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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20155

RELATED CORRESPONDENCE

DOCKETED  
USNRC

November 20, 1984

'84 NOV 23 11:55

Anthony Z. Roisman, Esq.  
Trial Lawyers for Public Justice  
2000 P Street, N.W., Suite 611  
Washington, DC 20036

OFFICE OF CLERK  
DOCKETING SERVICE

In the Matter of  
Texas Utilities Electric Company, et al.  
(Comanche Peak Steam Electric Station, Unit 1 and 2)  
Docket Nos. 50-445/2 and 50-446/2

Dear Mr. Roisman:

The Staff has reviewed CASE's "Motion to Compel Production of Documents From NRC Staff," in which CASE seeks disclosure of five documents withheld by the Staff pursuant to the work product doctrine. The Staff cannot agree with CASE that the withheld documents are not within the scope of the work-product privilege. These documents, which in several respects reflect the mental impressions, opinions, and thought processes of NRC Staff counsel, were generated in the course of preparing the EG&G Report. Since it was contemplated that upon completion, the EG&G Report would be made part of the record of these proceedings, it is the Staff's view that the EG&G Report and documents generated in connection with that Report constitute materials prepared in "anticipation of litigation."

Nevertheless, in order to assure that all information arguably relevant to the adequacy of the EG&G Report is made available to CASE, Staff has elected not to interpose its privilege claims for the five withheld documents and therefore is, under cover of this letter, producing those documents to CASE.

Sincerely,

*Stuart A. Treby*  
for Stuart A. Treby  
Assistant Chief Hearing Counsel

Enclosures: As stated

cc w/o encls.: Service List

B411260004 B41120  
PDR ADOCK 05000445  
G PDR

DS07

TELEPHONE CONFERENCE - 11/17/77 -

ST. TREBY, MARK WILLIAMS, GARY MILLER,

CAR. OBEIDMAN, BRUCE KARLOW, BILL STROTTON

MORE PAPER COMING - ADDITIONAL TESTIMONY EXP. BY APPLICANT - 1000 PAGES

"CLIMATE OF INTIMIDATION" NOT CASES OF INTIMIDATION = EMPHASIZE

REPORT -

PER STUART TREBY - EXEC. SUMMARY + EQUAL APPEALED SUPPLEMENTS

PREPARE PER BRUCE'S JUDGMENT - CHECK WITH TREBY -

IVE - AUG. 29TH - GET EARLY DRAFT TO THEM / IN A PHONE CONVERSATION

ANDREWS - HIS INVOLVEMENT - NOT IN FINAL MEETING -

SEND REPORT TO TREBY, WILLIAMS, + I:ROKITO EXPRESS MAIL IN WASH. D.C.

STUART TREBY  
DELD - MNBB - 9604  
7735 OLD GEORGETOWN ROAD  
BETHESDA, MARYLAND 20814

↳ TO ADDRESS ONLY



TELEPHONE CONFERENCE - 8/16

8:40 AM -

1

8/16/84

IPPOLITO, TRESY, MIZUNO, SIMONE, BARHAMAN  
OBERLOAN, KAPLAN, LEACH, RICE, ANDOGWINI, STRATTON

1. THEY HAVE NOT SEEN BOWERS REPORT - YES THEY HAVE -
2. WHO DID WHAT PARTS OF REPORT -
3. WHY SEEM TO TREAT 1983 + 1984 ONLY? -

[NO DOCUMENTATION PRIOR TO 1983 - REC'D "PAPER TRAIL" YESTERDAY.

WOULD BE TROUBLED IF ONLY CONCERN IS EVANCO IN 1983/84 -

MIZUNO - 79 QUESTIONNAIRES - INTERVIEW OR SUMMARIES OF INTERVIEW -

... CERT ANONYMOUS ...

ANDOGWINI  
WILL DO -

PEOPLE HAVE WORKED AT SITE OVER A PERIOD OF TIME -  
 LIVE AT DEMAND TIME ON THE JOB - WHAT TIME PERIOD IS  
 REFLECTED IN THEIR COMMENTS - (ACCENTS TO TROUBLE ALSO)  
 HOW MUCH OF THE REPORTS A VIEW OF CONDITIONS OVER THE ENTIRE  
 CONSTRUCTION CYCLE OF THE PLANT - STATE WHAT IS COVERED,  
 RELATIVELY LITTLE DISCUSSION OF THE DEFICIENCIES ~~THEMSELVES~~ - MORE OF  
 THE STORIES - WHY? HOW WAS A REASON REC'ED WHAT IT'S BASED ON?  
 REPORT = EXECUTIVE SUMMARY - MAKE SURE IT ACTUALLY RECOVERS THE  
 FOUR INPUTS.

= REPORT DOES NOT ~~REVEAL~~ WHAT FINDINGS BASED ON!

ES. ORG. BEH. DATA NOT THERE -

I BE AWARE OF - WANT TO ACHIEVE HIGHEST DEGREE OF CREDIBILITY -

PEOPLE SUSPICIOUS OF THEIR WIRETAP IN NUCLEAR INDUSTRY -

NEED INDIVIDUAL INPUTS/CONCLUSIONS CLEARLY IDENTIFIED -

RICE/ANDOGWINI, BOWERS, MARSHALL, STRATTON/KAPLAN

Wanted deal  
with this.

[DO THE SITUATION RESULT IN A "OH THE HELL WITH IT" ATTITUDE.  
 GENERAL DISREGARDMENT, CARELESSNESS.

OI REPORT = HOW IMPORTANT WERE THESE? -

FILE - INDIRECT EVIDENCE -

QUESTIONS TO MAKE ~~NOT NECESSARY~~ Why

NAMES CROSSED OUT TO PREVENT CONFIDENTIALITY OF IN -

HAD TO CROSS OUT OTHERS ALSO TO PREVENT AVOIDANCE OF THE FEW REQUESTING IT.

STU - CAUTION IN USE OF "IN CAMERA"

WHO IS "QA/QC SUPERVISOR" & "QA/QC MGMT" -  
(QC SUPERVISOR: HARRY WICKLAND & ADIVE)

[ \* ] Spent time on agent style - de-emphasize it.

\* Exec Summary

\* Four IDENTIFIABLE SECTIONS/CONTRIBUTIONS  
29 TH

revised information

FARM MOUNT :

- ORG. BEHAVIOURIST - MESSY OF DATA - OZ - DECISIONS - SUBJECTS
- CRUCIAL FRAMEWORK FROM OB SECTIONS - (ADMINISTRATIVE NOTES)
- MANAGEMENT STYLE

APPLICANT POSITION - NO HARASSMENT, INTIMIDATION, OR THREATS - "HITS"  
- OR FOR THE ISOLATED INSTANCES.  
↳ ONLY + A NUMBER OF MAJOR CONTRACTORS + COMPANIES INVOLVED

~~(REDACTED)~~

INTERVIEWS - 8 WITNESSES TO DATE

- "PERSUASIVE ATMOSPHERE OF INTIMIDATION"

INTERVIEW GUY - CABE (CLERK) FOR SAFE ENERGY -

ARRIVED FOR A LONG TIME; INVOLVED AT OPERATION STAGE,  
WELDON SINCE HE WAS TOLD TO WELD IMMEDIATELY -

GAP - GOVERNMENT ACCOUNTABILITY PROJECT - ALSO INVOLVED

TAKE TO RECALL TOWARDS END OF PROJECT - FIRM THOSE WHO ARE DISSATISFIED  
FRIDAY - 18-30 QC INSPECTORS LET GO - NOW TESTIFYING

↳ LATER AS JOB APPROXIMATED COMPLETION

INTERVIEWEES TRYING TO BRING IN NRC STAFF TO PROBLEM

CLAIM NRC STAFF NOT REAL ENTHUSIASTIC ABOUT BRINGING TO PROBLEM

SEE ARC AS A GOOD IT GAVE TO APPLICANT,

• STATEMENTS FOCUS IF INTIMIDATION,

• PERSPECTIVE - LOOK AT # OF ALLEGATIONS

\* CATOWNA PLANT - DIKE INVA - PRECEDENT CASE -

(APPROX 15 CASES OF ALLEGATIONS - REMIND NOT TO BE A MISDEMEANOR)

STN'S CONCERNS - BASED ON DEPOSITIONS

\* 1. MAY HAVE BEEN COMMUNICATION MISSEN

STN'S CHARGES + RC INSPECTORS NOT TOLD WHY; JUST TOLD TO FOLLOW ORDERS.

2. NO ALLEGATIONS CLAIM THEY DIDN'T DO THEIR JOBS CORRECTLY;

SIMPLY CLAIM THEY FELT HARASSED IN THE PROCESS.

3. ONE PERSON IN THE GLOFF SIDE - MAY HAVE CONTRIBUTED TO PROBLEM

STU TRUB: - 7-15-84

\* DEF. OF INTIMIDATION: INCIDENT, ACTION OR STATEMENT BY THE UTILITY WHICH CAUSE A QC INSPECTOR TO VIOLATE A WRITTEN PROCEDURE w/r QC.

\* SUBJECT: INTIMIDATION OF QC INSPECTORS, NOT INTIMIDATION OF CRAFT PEOPLE IS THE ISSUE. INSPECTORS MAY BE INTIMIDATED BY THE CRAFT PEOPLE.

(DATA SOURCE)

\* SURVEY - REQUESTED BY COMPANY - "WHITE PAPER REPORT" - REPORT AS THIS.  
- TENDS TO INDICATE COMMUNICATION PROBLEM  
- CONVICTION & INTERVIEW

INTERVIEW REP. - IRWIN GOLDSTEIN - UNIV. OF MARYLAND } DO NOT COMMUNICATE DIRECTLY WITH HIM.  
HE MAY DO THEIR EXPERT TESTIMONIAL -

ALLEGATIONS - PATTER - 8-10 FROM ARIZONA 1982  
- AT NEW BUNCH NOW -

~~██████████~~ - ~~██~~

QUINLAN - PAINTING -

(DATA SOURCE)

\* INSPECTION REPORT ON INTERVIEWS ONE FROM ONE MARY FIRM - WEST (A. M.) SAID "NO", WAS NOT INTIMIDATED BY HIS FIRM.

TEXAS - MARY STATE - ~~IS~~ WAS ASKED - "ARE YOU INTIMIDATED?"  
MAY SAID "NO".

- DCC -

NEXT WEEK - WHEN IN DOCUMENT CONTROL SYSTEM WILL BE INTERVIEWED  
w/r APPROVAL OF DOCUMENTS THAT SHOULD APPROVE - DATE OF THE INTIMIDATION ISSUE.

APPLICANT CLAIMS THEY HAVE CPT. PROGRAM TO EMPHASIZE QUALITY.

- SIMS, PAT ENVELOPE INSERTS, etc. [Originally started late in 1983]?

BILL DIRKS - EXECUTIVE ~~OFFICE~~ <sup>DIC. OF OPERATIONS</sup> - (IN NRC)

ASUB - ATM/S SAFETY + LICENSING DIRS - 3 people, 1 lawyer + 2 TECH.

OFFICE OF INVESTIGATION -

REPORT TO COMMISSION - REPORT TO EXEC. OFFICE OF OPERATIONS

DATES - DEPOSITIONS - WILL FINISH UP WORK OF JULY 30 - APR 3

APR. 20 - MUST FILE FINAL OF FACT

APR. 27 - HEARING WILL START

∴ MUST SUBMIT OUR REPORT BY APR. 20 - FINAL VERSION

MAY HAVE TO FILE MODIFIED FINAL OF FACT FOLLOWING HEARING -

WE WANT TO INVOLVE IN THIS PROCESS,

PROBABLY WANT OUR INITIAL REPORT BY APR 10 OR SO.

APPLICANT

BILL CLEMENTS - VP

<sup>H</sup> SAJMAL - QA <sup>PERSON</sup> REPORTS TO CLEMENTS -

DEFINE THE ATMOSPHERE IN WHICH THE FACTS ARE DEVELOPED - BY REVIEWING -

- TRANSCRIPTS OF DEPOSITIONS

- OI REPORTS

- SURVEY FORMS

- THE QA PROGRAM MONITORED BY NRC (IT'S QUALITY)  
(INCLUDES I/O TRANSCRIPTS)

7-19-84

7-17-84 - ... + ... AT ...

DISCUSSION OF DEF. OF ATMOSPHERIC CONTAMINATION

IMPACT + TRESBY

IN PROCESS OF TRANSITION - FROM 2 UNIT CONSTRUCTION SITE TO 1 UNIT.

∴ LAYOFFS ARE IN PROCESS

SO, EVERYTHING A SHOP, SAYS HAS CONTAM, OR CAN HAVE THEM, OR

DO IT IN ELSE - YOU'LL FIND TOXICITY ON THE RIF LIST.

CRITERIA FOR LAYOFFS SEEMS, ON THE SURFACE TO BE ABSENCE +

TAXY RECORD. DON'T KNOW IF THIS IS ACCURATE OR NOT.

\* [ DATA ON MGMT. ACTIONS MUST BE GATHERED VIA DEPOSITIONS -  
• FEED INCOMES TO STU TRESBY

TO WHAT EXTENT HAVE DEPOSITIONS PROBED THE HISTORY OF QC.

PATTERN OVER 8 YEARS - 1976-1983 -

STU - 8pt. program started Sept. 1983

- prior to that had another program - RESEARCH DEPT  
UNREGISTERED IT - <sup>APPROX</sup> thought it needed to be explained +  
new program started -

(FSAR DESCRIBES THE PROGRAM)

↳ [SEE CLEMENTS DEPOSITION OF 7-18]



\* - STU. WILL SEND/DO FOR US.

7-19-84

DO - MTH W/ IPIILITO - THURSDAY AM - 7-19-84

... ..

Agree on definitive statement of mission - "CLIMATE OF ATMOSPHERE OF INTIMIDATION"

STU #2

SEND DEPOSITIONS DAILY - TO STRATTON & RICE

3

EXTRA COPIES OF CONFIDENTIALITY AGREEMENTS - retain also

4

CAN WE COPY DEPOSITIONS FOR OTHER CONTRACTORS - YES, AFTER AN CONTRACT

5

[OFFICE SPACE - A CONFERENCE ROOM? - (A RICE'S HOUSE?)] + SIGNATURE OF CONTRACTOR AGREEMENT.

6

WHAT IS THE RESULT? + AFFIRMATIVE CASE? WILLIAM FORD GET FOOT FORWARD -

7

GET CONSULTANT - TO OBSERVE DEPOSITION PROCESS + VISIT SITE (NR OF JULY 30)

8

GET SCHEDULE ON DEPOSITIONS - WHAT DATES WILL THEY BE TAKEN THEN + WHERE

9

IS THE 8 PT. QA PROGRAM PRESENT IN DEPOSITIONS? -- YES - STU

(OR OTHER MGMT. AGENCIES/POLICE/ etc. FOR RESOLUTION (AGENTS))

10

GET DATA ON SURVEY ADMINISTRATION - PROCEDURES -

(NAME OF person TO CALL TO GET THIS) BRANT - QC - STU  
contact only through STU TREBY - DO NOT TALK DIRECTLY -  
(SIMPLE SELECTION - QUESTIONNAIRE DISTRIBUTION + COLLECTION, RESULTS REPORTING  
WRITE QUESTION UP TO ASK BRANT - GIVE TO STU -  
WHAT DECISIONS TAKEN FROM FINDINGS)

11

CATAWBA PLANT - DUKE POWER CASE - GET COPY ASB BULKING STAFF LIST - FINALLY FROM MR.

12

10 CFR APPENDIX B - GET FROM EG&G

13

WE IMPOSE TO PROCESS CONFID. FORMS THROUGH DOE LEGAL, IF NO!

14

SET UP MECHANISM FOR VISITING PLANT - LOCAL NRC RESIDENT INSPECTOR THROUGH IPIILITO

\* 15

SURVEY RESPONSES - WILL SEND TO US - EXPRESS MAIL MON A PRORAY - FOR STU.

~~...~~  
OBERLAND - SUPPORT SERVICES - Typing, copying, computer time, converting SURV, TECHNICAL WRITING  
- OFFICE SPACE -

\* 16

Hearings - AMERICANA HOTEL - FORT WORTH - Aug 27 +  
STU TREBY WILL MAKE ARRANGEMENTS RE 5 OF US -  
LET HIM KNOW IF SHE ASKED FOR SCHEDULED MEETING - I.E. IF SHE CAN BE REACHED

7-19-54  
6

DATA TO REVIEW

DEFINITIONS

3 OI RESULTS

SURVEYS OF CLIMATE

8 POINT QA PROGRAM

CAPITAL/HA PLAN - POLICE PLAN - EMPLOYEES -

SURVEY

NEED DATA ON BACKGROUND - CONDITIONS OF ADMINISTRATION

ANALYZE IN DETAIL - LOOK AT OPEN ENDS PROGRAM

-

7/18

Stu Treble & Tom Jopelita

TC claims re Harassment  
Tugco: Intimidation  
Threat

Integrated Org  
Boo Root  
E Kasco  
A & Hill

"Perhaps one  
or two instances  
One whistle blower  
who has gotten  
support for ~~unproven~~ firing  
Harrison

Intervenor's claim lots of HIT -  
40-60 witnesses -  
7 teams brought in - Used for few days -  
Only 3 witnesses brought forth  
Pervasive  
Atmosphere

@ASE - Ellis

Initially couple people  
Welder & QC wife

Harrison led to several other  
Tony Reisman <sup>DOL</sup> cases  
now involved  
OAP also now

fired for absenteeism

18-30 QC imp.

terminated  
Friday - In court  
claiming this  
week

Interv. claim NRC on  
site (2 inspectors  
Con & Oper)  
been non-responsive,  
conduit to applicants,  
etc.

Concerned @ Applicant  
w/ NRC

Stu Trebe + Tom Spolito

7/18

Recent Board decisions  
Thousands people will be  
some incidents.

Catawba

15-20 previous allegations  
still doesn't say plant  
not built safely.

General Reading  
He has on deposit  
Communications!

Stand's changed  
Nobody knew they  
Never mind just  
do it to this criteria

Intimidation is ~~an~~  
action that results  
in Employer not  
complying @ written  
procedures.

All say did, jobs  
even tho ~~hard~~

One person on  
Bruff side added  
to feeling (w/ figure)

Incident, action or statement  
that caused a QC inspector  
to not comply @ written  
procedures.

Welder only  
excepted  
to QC

<sup>TRC</sup>  
Security shows not intimidation  
but poor communication.

Get Survey

Houston & Dunbar - Catawba

CI investigation after Houston 75 76  
None said intimidate.

Irwin Goldstein  
U of Maryland  
will be in error  
Expert witness

Trube + Ippolito

7/18

Another class of alleged

women in Doc. Cont Sect.

(DCC is in GC)

Approve Doc. shouldn't have.

All Next Week.

I was going to  
allegations but no  
time so got  
write it.

Talk to Resid. Insp.  
Has sent Reps to Wash.  
for duplication etc.

Aug 2 finish depositions

Aug 20 file findings of fact @ Board.

So every body knows other party stand  
27 Hearing starts. - All week - look for credibility  
may interview some people  
" put on experts

Put in Quest + Answers form

Review prefiled testimony of other experts

First Draft by Aug 10<sup>th</sup>.

8 point Quality Program

District Clk - I intended.

Looked over comm. to G

" over survey report -  
supp

" over allegations - not explain  
spec changed. etc.  
not done

Tree & Igfolite

What was the atmosphere in plant

What is interpretation of facts  
& other data?

GA/GC program is good in concept  
How implemented