

GOVERNMENT ACCOUNTABILITY PROJECT

1555 Connecticut Avenue, N.W., Suite 202

Washington, D.C. 20036

(202) 232-8550

October 28, 1984

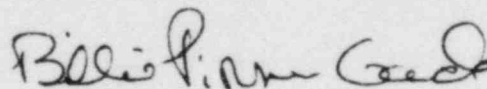
Vincent Noonan
Director
Technical Review Team
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: CASE's Brief in Opposition to TUGCO's
Request for Non-Disclosure of Relevant
Lipinsky Documents and Request for OI
Investigation

Dear Mr. Noonan:

Enclosed is a copy of the Government Accountability letter dated today to Mr. Ben Hayes, Director of the Office of Investigations (OI) requesting an investigation into the actions of TUGCO in suppressing and substantially modifying the opinions of Mr. J. Lipinsky about the paint coatings quality assurance/quality control program at Comanche Peak. I have also enclosed a copy of the brief and attachments for your information. (I have sent the letter to Mr. Hayes to the service list, but I have not docketed this memorandum.)

Sincerely,



Billie Pirner Garde
Citizens Clinic Director

Enclosures

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October 29, 1984

HAND DELIVERED

Mr. Ben Hayes
Director
Office of Investigations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Comanche Peak

Dear Mr. Hayes:

Within the past week, remarkable evidence has been disclosed in the Comanche Peak licensing proceedings from the O. B. Cannon Company. This evidence necessitates our request for an OI investigation.

As you know, O. B. Cannon Company was the subcontractor hired by Texas Utilities Generating Company (TUGCo) in 1983 to help TUGCo get its paint coatings program on course. Stemming from that contract came a memorandum by one of its employees, Mr. J. J. Lipinsky, whose sharp criticisms of the program has prompted several NRC, IE, OI and NRR inspections and investigations.

As you are also aware, in the context of those investigations, Mr. Lipinsky entirely recants his previous criticisms of the plant's protective coatings program. Lipinsky's 180° turn has been unexplained until now.

We believe that OI must open an investigation into the actions by TUGCo officials to influence Mr. Lipinsky through coercion, pressure or some other measures to change his statement about Comanche Peak to the NRC investigators/inspectors. It is still unclear whether that investigation should include Mr. Lipinsky's supervisors as target or sources.

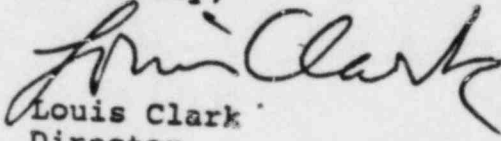
Attached to this letter is a brief filed by the intervenor Citizens Association for Sound Energy (CASE) through its counsel, in which some of the evidence of coverup and coercion are summarized. The brief itself is not intended to detail the evidence recently disclosed through the hearing process. A review of that material will itself provide the best demonstration of the actions and the efforts by TUGCo to prevent the various officials from the O. B. Cannon Company to testify honestly to the Nuclear Regulatory Commission about the nature of the problems discovered in the paint coatings department.

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A Government Accountability representative will be glad to meet with any of your Washington agents to inform them of the specific nature of the evidence developed to date in the licensing proceedings on this issue, and to also provide them with the names of other personnel who we believe have further evidence regarding this matter.

Sincerely,


Louis Clark
Director

LC:mk

Attachments

copy w/o attachments
to Service List

GOVERNMENT ACCOUNTABILITY PROJECT

1555 Connecticut Avenue, N.W., Suite 202
Washington, D.C. 20036

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October 26, 1984

Mr. Harold R. Denton
Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Darrell Eisenhut
Director
Division of Licensing
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Comanche Peak Steam Electric Station,
Units 1 and 2 (Nos. 50-445 and 50-446)
Texas Utilities Generating Company
Program Plan, October 8, 1984

Dear Mr. Denton and Mr. Eisenhut:

This letter serves as preliminary comments, analysis and recommendations of the Government Accountability Project (GAP) and the Citizens Association for Sound Energy (CASE) regarding the adequacy of design, construction and operation of the Comanche Peak Steam Electric Station (CPSES) and the compliance of CPSES with federal regulations and industry standards.

It is clear to us, and we believe should be to the NRC and the public, that the Comanche Peak plant is the victim of a comprehensive quality assurance/quality control (QA/QC) breakdown.

Since the scope of the Technical Review Team (TRT) is limited, it is understandable why Texas Utilities Generating Company's (TUGCo) response is equally narrow. Such an approach is extremely imprudent by both the agency and applicant, at this juncture.

Based on our review of the October 8, 1984, proposal by TUGCo or applicant, we make the following recommendations:

1. Reject the October 8, 1984, proposal (Revision 0) as submitted.
2. Require TUGCo to hire an independent contractor to develop and implement any subsequently approved re-inspection or corrective action proposal.

~~PDR 8/11/85 201~~

3. Require TUGCo's response to include a "vertical slice" re-inspection program of at least three safety systems.^{1/}
4. Expand the NRC's TRT's efforts to include those expanded items in Section II of this letter, including a total inspection and documentation review of either one major safety system or one separate area of the plant (similar to the major Diesel Generator Building inspection at the Midland nuclear power plant in October, 1982).
5. Expand the official agency review of the adequacy of TUGCo's response effort to include a review by a panel of former employees.

At this time, we remain skeptical of the plan being provided by TUGCo to allay legitimate NRC and public concerns about the safety of the CPSES project.

I. BACKGROUND

Comanche Peak Steam Electric Station is a two-unit power reactor under construction near Glen Rose, Texas. It is owned by a consortium of six utility companies. Texas Utilities Electric Company (TUEC), through its subsidiary TUGCo, retains responsibility for design, construction and operation.

The plant has been plagued by a lengthy history of allegations of inadequate design, improper construction, and a flawed QC program. These allegations have come to the attention of the NRC primarily through the citizens intervenor organization; however, throughout the seven to eight years of construction, employees have independently contacted the NRC to report design and construction deficiencies.

The project has undergone a number of special NRC inspection efforts, as well as the regulatory program.

The plant has not yet received an operating license. There are currently two ongoing licensing dockets, both actively involved in hearings.

In March, 1984, GAP announced an independent investigation of CPSES. GAP filed an emergency request pursuant to 10 C.F.R. 2.206 requesting an immediate stop work order, an independent audit of the project, and a major investigation by the Office of Investigations (OI). That request was subsequently granted in part and denied in part.

^{1/}A similar request is pending in front of the Licensing Board (ASLB or Board) both in the technical contentions docket (Docket 1) and the harassment and intimidation docket (Docket 2).

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On March 12, 1984, William J. Dircks, Executive Director for Operations (EDO) announced the reorganization of NRC resources for the Waterford III and CPSES projects. This reorganization was to coordinate all agency actions on these projects under one office--the Office of the Director of the Division of Licensing. The stated purpose of this unusual organization was to resolve the remaining issues before the staff could make the licensing decision.

The initial focus of this coordinated "task force" approach, used previously at Diablo Canyon, was to "expeditiously" resolve all existing and new issues "so as not to delay the licensing decisions." (March 12, 1984, Memorandum to John T. Collins, et al., from William J. Dircks, EDO, re: Completion of Outstanding Regulatory Actions on Comanche Peak and Waterford.)

In early April, a coordinated team of NRC management officials, inspectors and investigators arrived on the CPSES site to conduct a preliminary review of the adequacy of construction at the project. The report of this effort was issued July 13, 1984.

On September 18, 1984, a second report was issued which highlighted some of the issues which had been identified by the TRT in its inspection and review effort conducted during July and August, 1984.

On October 8, 1984, TUGCo responded to the findings of the TRT by announcing the establishment of a Comanche Peak Response Team (CPRT) and a complimentary response effort to the NRC's findings.

On October 19, 1984, a meeting was held in Bethesda to discuss the TUGCo response to the TRT findings. (That meeting was completed at a second meeting on October 23.)

Additionally, on October 19, 1984, the NRC staff submitted to the ASLB its projected schedule for completion of outstanding ASLB issues. Although the ASLB schedule outlines the schedule for the items necessary for resolution before the ASLB, it does not incorporate all items requiring NRC review, inspection and resolution prior to licensing. (Those additional items, or a timetable for resolution, are not addressed in the staff submittal.)

Following the release of the latest schedule, the original instructions from Mr. Dircks, EDO, to his staff, that is, the expeditious resolution of open issues to meet the utilities' timetable, seems inappropriate.

Outlined below are what GAP and intervenor CASE believe to be a more prudent and regulatory-efficient approach.

II. PROPOSED NRC ACTIONS

The following outline is submitted as a proposed modification to the ongoing TRT efforts: (see Attachment A)

1. Expanded field inspection effort
 - a. "Whole system" or "vertical slice" approach;
 - b. As-built inspection with final design paper;
 - c. Audit of documentation to field to vault for in-process construction.
2. Incorporation of source review
 - a. Appointment of allegations source response coordinator;
 - b. Field visits by allegation sources;
 - c. Review panel for former employees.
3. Allegations recruiting program
 - a. Establishment and promotion of information "hot line;"
 - b. Publication of a summary of unanswered questions to the workforce;
 - c. Establishment of an NRC interview program;
 - d. Structured "debriefing" program.

III. MODIFICATION IN THE CPSES RESPONSE TO THE TRT

The current proposed Revision 0 of the Program Plan and Issue-Specific Action Plan ("Program Plan") has several fundamental flaws in its structure, scope and methodology. Essentially, we believe that TUGCo needs to completely revamp the programmatic basis and philosophical approach upon which the Program Plan is based.

These flaws are summarized below:

- No organization independence.
- Inherent conflict of interest of personnel involved in the Senior Review Team, review team members, issue leaders, etc.

- Fundamentally inadequate program objectives and principles.
- Inadequate and unacceptable program processes and QA (methodology).
- Insufficient program record plans and tracking systems.
- Overly-narrow and restricted scope.

Because of the overall inadequacy and fundamental flaws of the TUGCO proposal, we do not think it is a prudent expansion of our efforts to provide a line-by-line analysis of this revision. We will, however, delineate our principle objections and recommendations below.

1. Any analysis or re-inspections which are responsive to the TRT's findings should be done by an independent contractor.

This contractor should be chosen according to all of the criteria for independence. Those criteria are outlined in a February 1, 1982, letter from Chairman Palladino to Congressmen Dingell and Ottinger. The three elements necessary are:

- a. Competence: "Competence must be based on knowledge of and experience with the matters under review."
- b. Independence: "Independence means that the individuals or companies selected must be able to provide an objective, dispassionate technical judgment provided solely on the basis of technical merit. Independence also means that the design verification program must be conducted by companies or individuals not previously involved with the activities they will now be reviewing."
- c. Integrity: "Their integrity must be such that they are regarded as respectable companies or individuals."

We have reviewed the independence criteria as it has been applied by the NRC to the independent contractors at the Diablo Canyon, Midland and Zimmer nuclear power plants in preparation for this response. There is no question, given that criteria, that Ebasco, Inc.--evidently selected by TUGCO to perform the independent review--does not qualify to perform an independent audit or analysis of Comanche Peak problems under any of the three criteria.

First, we do not find that Ebasco is competent. We draw the attention of the NRC to its own recent findings about the significant

Mr. Harold B. Denton
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QA breakdown at the Waterford nuclear power plant. In the September, 1984, Supplement to the Safety Evaluation Report (SSER No. 7), on page 15, the NRC made the following conclusion in the summary of a review of 350 allegations:

2. Quality Assurance activities during most of construction were principally delegated to the major contractor, EBASCO, by the utility. The lack of a fully staffed and effective utility QA program, along with EBASCO's failure to fully carry out the QA responsibilities delegated to them, led to quality problems during construction.

Documentation available to both GAP investigators and the NRC clearly indicates that Ebasco was willing--and in fact did--shortcut compliance of its work to federal regulations.

We also understand that Ebasco is currently under investigation by OI for its activities at Waterford nuclear power plant.

However, it is not necessary to leave Comanche Peak to make general assessments about Ebasco's lack of competence. Both TUGCo and the NRC are well aware of the lengthy trail of misjudgments made by Ebasco's lead employee on the Comanche Peak site. Perhaps the most notable incident currently in front of all parties is the liner plate mishap. (This incident is described in detail in a CASE pleading, September 27, 1984, CASE's Evidence of a Quality Assurance Breakdown.) Mr. Thomas Brandt, senior Ebasco employee, has attempted since the issue came to the attention of the ASLB, to explain the basis for his personal conclusion that the stainless steel liner plates are installed in an indeterminate condition. This position by the senior Ebasco employee is evidence under both the integrity and competence section. It is indicative of the same type of sloppy attitude that has led the Waterford NRC team to reach its conclusions about Ebasco.

Second, Ebasco simply does not meet the independence standard. Ebasco personnel have been involved in every aspect of the construction, inspection, litigation and re-evaluation of the Comanche Peak project.

Even if Ebasco brought in personnel who have had no previous involvement with the project, the company would not have any corporate independence.

We hope that TUGCo has recognized that organizational independence is impossible for Ebasco to achieve.

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Finally, the history of Comanche Peak's Department of Labor record and its Waterford evaluation are full of Ebasco's demonstrated lack of integrity. We draw the attention of the NRC once again to the Secretary of Labor's finding that Thomas Brandt was not credible in his testimony about the termination of Charles Atchison. (See the Secretary of Labor's Decision, Atchison v. Brown & Root, June 10, 1983, pg. .))

We hope that TUGCo has the foresight to voluntarily withdraw Ebasco as its nominee and resubmit a set of three nominees to the agency for their selection.^{2/}

In choosing the companies to nominate for this independent review, we request that the utility be required to adhere to both the independence criteria (discussed above) and the following process recommendations:

1. Do not "hire" any contractor until the NRC has the opportunity to review the nomination for competence, integrity and independence.
2. Arrange for the public (intervenors, former employees, lay persons) to comment on the selection prior to entering into any contract.
3. Be prepared to have the contract for the independent contractor publicly available.

Our specific recommendations regarding the contract of the independent auditor are noted below:

1. The independent contractor should be responsible directly to the NRC, submitting all interim and final product simultaneously with TUGCo and the NRC.
2. The independent contractor should do a historical assessment of TUGCo's prior work.
3. The contract should ensure that, once hired, TUGCo cannot dismiss the independent contractor from the project without prior notice to the NRC

^{2/}This process of nomination, selection and a public meeting on the selection was used at Midland, Zimmer, Diablo Canyon and LaSalle (partial HVAC audit).

and an NRC-sponsored public meeting to justify the decision.

4. The contract should require that each auditor subcontract any services for which its direct personnel are not qualified.
5. The contract should require that the proposed methodology be disclosed: specifically selection criteria and size of the samples for inspections and testing.
6. The contract should require the auditors to provide calculations demonstrating that it is possible to adequately complete its work during the proposed timeframe.
7. The contract should require the auditor to support its proposed methodology through references to established professional codes (i.e., ASIM, ASME, ANSI, AWS, etc.).
8. The contract should require all auditors to report all safety-related information directly to the NRC.
9. The employees and auditors should demonstrate that the personnel assigned to the project are free from conflicts of interest.
10. The auditors must recommend corrective action, and then control its implementation.

We are extremely alarmed that TUGCo has provided such sketchy details about the persons or organizations that will be performing the detailed review of the Comanche Peak deficiencies.

We request that first the NRC delineate in writing to TUGCo what it expects in a nomination of a third-party/independent re-review to respond to the findings of the TRT (including instructions to TUGCo to not hire a contractor without NRC approval).

2. Inherent conflict of interest of personnel involved in the Senior Review Team, review team members, issue leaders, etc.

This item is, in actuality, dealt with through the independence section above. However, any analysis of the TUGCo Program Plan would be incomplete without pointing out that the Plan, as submitted,

contains as the Senior Review Team, issue leaders, and team members, the very people charged by the allegers with causing the problems in the first place.

This flaw is incredulous.

In reality, the situation without modification, results in the following typical scenario:

Inspector "A" identifies problems on the Comanche Peak site with System X to Supervisor "B." Supervisor "B" and Manager "C" prevent Inspector "A" from pursuing his concerns. Inspector "A," believing he has been harassed and intimidated, either quits or is fired and reports his concerns to the NRC TRT.

The TRT substantiates Inspector "A's" concerns and requires TUGCo to respond to those concerns. TUGCo assigns Supervisor "B" and Manager "C" to resolve the concerns initially raised to them by the alleger.

Obviously, the supervisor and management were neither capable nor willing to solve the problems in the first place. They are certainly even more incapable of now indicting their own previous decisions and lack of action.

Any credible response must be done by an independent team.
(See Item 1 above.)

3. Fundamentally inadequate program objectives and principles.

The three sections of the Program Plan describe TUGCo's objectives (§II) and principles (§III).

In §II, Program Plan Objectives, TUGCo states that it is "committed to the safe, reliable, and efficient design, construction and operation of CPSES...." We think this initial statement is illustrative. TUGCo is committed under the law to a code of federal regulations and industry standards. In the past, TUGCo has ignored the former commitment and embarked on an uncharted journey while paying lip service to the latter commitment.

No one questions the intent of TUGCo to ultimately safely operate the Comanche Peak project. That commitment, however, must be to the unique programs and processes which it agreed to through its FSAR commitments.

The five objectives outlined in §II are the correct broad goals. Unfortunately, the Program Plan Project is not capable of fulfilling those objectives.

Section III, Program Plan Principles, uses ten basic elements for each question raised by the NRC. These are listed below, with the primary flaw of each category beside it.

1. Specific Questions - Is limited to only those identified by the NRC TRT.
2. Expanded Reviews - Provides for expanded sample size which can erase the problem.
3. Generic Implications - Only a "forward look"/horizontal approach as opposed to assessment of systematic implications
4. Thorough Reviews - Potentially a "Rube Goldberg" search for an acceptable, instead of legitimate answer.
5. Root Cause - Does not concede that breakdowns in the implementation of the system inherently indicate a defective system.
6. Corrective Action - Lack of comprehensiveness. First, TUGCo should receive centralized and controlled NRC approval for corrective action.
7. Collective Significance- A totally useless category in its present form; only potential use is internal management tool
8. Future Occurrences - Must be controlled by independent auditing firm.
9. Personnel Training/
Qualifications - All personnel doing any work on this project must be independently qualified for tasks, since the qualifications of personnel involved, or the procedures they were qualified to originally may have been totally inadequate.

10. Records
- Narrative format too complicated. Any data submitted to the NRC must also be publicly available, not only "NRC auditable."
4. Inadequate and Unacceptable Program Processes and Quality Assurance (Methodology).

Section IV, Program Process (pages 11 through 15) and Attachments 1-4 of \$V, are the extent of the detailed implementing procedures offered by TUGCo.

The abbreviated "bullets" of TUGCo's plan do not provide the level of detail necessary for the public (or the NRC) to have any confidence in the TUGCo Program Plan.

We suggest that Section V be completely rewritten, utilizing a subcontractor with experience in development and implementation of program processes. If TUGCo does bring in a consultant to redevelop this section, we would request permission to provide them comments on the reorganization prior to submission to the NRC.

As a guideline, we include the following list of inadequacies:

1. Program has no organizational independence. (See pages 4 through 9).
2. Program does not include any assumption or acceptance of error as a serious possibility; in other words, the approach is backwards.

For example, a concern substantiated by the TRT and submitted to TUGCo for evaluation and resolution, should be approached from the "ground up." The response team (or independent reviewer) must first gather the appropriate standards and procedures used, review and audit the processes followed by design and construction, identify deficiencies in the craft and QA accomplishment of their tasks from a historical documentation perspective and, finally, audit the as-built condition of the system or component against a final design document.

Then, once the cause of the as-built deficiency has been identified, evaluated and tracked for similar discrepancies, the safety significance of the item can be separately evaluated.

The reverse process--identification of the safety significance, has the very real potential of failing to diagnose a multitude of

generic causes necessary to understanding the QA/QC breakdown,

Quality Assurance/Quality Control Program

The QA/QC program for this effort should be a completely separate function. Their program and procedures should be submitted to the NRC prior to the start of any program. Currently the QA effort for their response is to come from the existing QA program. If that were actually implemented Mr. Antonio Vega would not only wear the hat of the Senior Review Team in which he is going to audit and review his own work as both a team leader and an issue leader, he will also head up the QA effort to audit his own work while wearing the other three hats.

5. Insufficient Program Record Plans and Tracking Systems

All audit records should be disclosed simultaneously to the public, the ASLB and the utility company. These records should include any and all basis--including calculations and judgments which the TRT was given by TUGCO, as well as all data described in the "Project Working Files Section." (see pg. 13)

More specifically, the record format described in Attachment 2 and 3 should be revised from a narrative form to a one page (with continuations, if necessary) form. (We have found that the format used by the TERA Corporation for the Midland IDVCP project was particularly useful and flexible.)

The narrative approach is simply too subjective, very difficult to work with, and unreliable. As currently proposed, almost each line item of the Action Plan Format includes an interjection of opinion, conjecture and, ultimately, inaccuracies.

Program Process Steps

Attachment 4 to the implementing steps is in chronological order. Our own analysis of the Comanche Peak problems lead us to believe that change in the order of tasks is more sensible.

We propose that Step Eight, Identification of Root Cause and Potential Generic Implications, follow Step Four. Further, we propose that additional steps to review as-built verses final design be included after Step Eight.

We resist the Motion that any rework or corrective action can be taken by TUGCO or any of its contractors prior to any resolution of the concerns itself being approved by the NRC.

Finally, we strongly object to the TUGCO plans to not forward the new information to the NRC until after it is a completed work project.

6. Overly Narrow and Restricted Scope

Due to schedule constraints on intervenors who were required to submit several motions last week, as well as attend NRC meetings with the new TRT management and the late receipt of the TUGCO Program Plan, this letter will have to be supplemented as it pertains to this section. We anticipate submitting this item within the next two days under separate cover.

VII. Conclusion

The evidence of noncompliances, improprieties, QA breakdowns, misrepresentations, false statements, waste, corporate imprudence and massive construction failures repeatedly meets the general NRC and Region IV criteria for suspension of a construction permit or the denial of an operating license.

In recent months, Comanche Peak has been the subject of repeated revelations and accusations of construction flaws, coverups, and negligence. The evidence already on the record is indicative of a significant failure on the part of TUGCO to demonstrate respect for the nuclear power it hopes to generate, or the agency which regulates its activities.

TUGCO has taken repeated risks with its stockholders' investments, its corporate credibility and its regulatory image. In each of these risks it has lost. It is too much to expect citizens to accept TUGCO's arrogant disregard for the public's health and safety.

GAP recognizes the steps forward by the NRC--establishing a special team to review Comanche Peak's problems and the request for an independent audit, however, this must only be the beginning.

TUGCO has numerous problems to worry about, and it is clearly not in its own best interest to put the strictest possible construction on the regulations under which they have agreed to build this nuclear facility. It is for just this reason that the nuclear industry is regulated, but even regulation, fines, extensive public mistrust, and corporate embarrassment have not humbled Texas Utilities. If Comanche Peak is ever going to be a safe nuclear facility, someone else is going to have to put their professional credibility on the line. This independent auditor, paid by TUGCO, must be given strict guidelines for accountability and responsibility in order to justify its hard line recommendations.

Mr. Harold R. Denton
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GAP hopes that both the Office of Nuclear Reactor Regulation and the Region IV office of the NRC will give serious consideration to GAP's concerns and recommendations set forth above, and implement a system whereby there is a truly independent system of auditing the extensive problems with the Comanche Peak plant.

copy to service list

Sincerely



Billie Pirner Garde
Director, Citizens Clinic for
Accountable Government

RECOMMENDATIONS FOR TRT REORGANIZATION

Our recommendations incorporate the best of the various Nuclear Regulatory Commission (NRC) inspection and review programs which the Government Accountability Project (GAP) has worked with since 1980. We believe that with successful implementation of the current Technical Review Team (TRT) plans along with the modifications described below, the NRC should be able to ascertain the actual condition of Comanche Peak, resolve all pending allegations, require the appropriate utility review or reinspection program, and provide assurance that all concerns of the workforce have been found by the NRC now instead of on the eve of licensing. 1/

1. Expanded Field Inspection Effort

We have previously explained this item in our September 26 letter to Darrell Eisenhut regarding the inadequacies of the TRT effort to date. In short, our concern is that the TRT effort will only pursue allegations. We know that the NRC's concept for these special inspection efforts is to follow an allegation until it is confirmed or substantiated and then turn it over to the utility for such things as "root cause evaluation," etc. Such an effort is incomplete when the objective of the special inspection effort is to determine "root cause."

Admittedly there is a large number of allegations and allegers at Comanche Peak. However, it is not acceptable for the agency to depend upon the willingness of plant workers to independently report all significant violations. Such an attitude would be dangerously optimistic.

We also recognize that the NRC does not have unlimited resources. Therefore we suggest that the agency conduct either a "whole building" or "vertical slice" inspection as a means of determining the validity of the projects design and construction status.

We suggest that such an inspection be conducted of an area or system that is completed. This will enable the NRC to check the accuracy of the final design documents. Such an inspection must, of course, be unannounced if it is going to have any legitimacy.

¹As the NRC well knows it is an unfortunate, but predictable phenomena that members of a nuclear plant workforce wait until the last possible minute before making their concerns about plant safety known. This is a result of a combination of factors-including the belief that the problem will be resolved before start-up and fear of losing their job.

Further we propose that the QA TRT personnel conduct a documentation audit of a sample of construction work in progress. To assess the extent that documentation problems invalidate ongoing construction and inspection work.

2. Incorporation of Source Review

Our recommendations in this area stems from our disappointment about how the TRT effort has failed to utilize the knowledgeable members of the workforce who brought the problems to the attention of the NRC. (See also September 26, 1984 letter to Darrell Eisenhut from Billie Garde).

We suggest that the TRT appoint a coordinator to deal specifically with the allegers in order to both utilize their experience and expertise to the fullest extent. Further, the coordinator would insure that the NRC inspection is of the same deficiencies the allegger identified.

We have found in the past that taking the allegers on the site one of the best ways to take advantage of the level of detail and assistance which they can provide. That approach would be particularly helpful at Comanche Peak, especially among those personnel with experience in documentation.

Finally, we propose that the NRC establish a methodology which provides equal time (including preparation time) to the allegers to review the responses proposed by TUGCO to the TRT findings.

This could best be accomplished through the establishment of a review panel composed of members of the public, former CPSES employees, intervenors and any experts which were retained by the intervenors to review the adequacy of the resolutions proposed by TUGCO.

This process would institutionalize much of the time consuming effort of recontacting the various members of the public or allegers for their comments on a particular response. Further, it would provide a process in which the NRC staff - rather than a single representative - could direct questions at the intervenors or allegers who raised the concerns. These types of meetings have been going on informally at plants where there are allegations and disputes over resolutions, however these types of meetings have rarely been institutionalized. If such a procedure is considered GAP will provide the mechanism for setting up the meetings, contacting the appropriate group of allegers, and insuring that the personnel have the questions and materials necessary to adequately prepare for the meeting.

Obviously such meetings would, by financial necessity, have to be held in Texas. By efficiency we expect that the meeting, would be broken down by either discipline or by particular systems (i.e. problems in start-up, documentation deficiencies)

3. Allegation Recruitment Program

GAP has been inundated with requests for help by alle- gers and intervenors at nuclear power plants accross the country. The primary reason cited for contacting us for help in investigating prob- lems is a deep distrust in the Nuclear Regulatory Commission.

We have determined that this distrust among intervenors stems from a history of broken promises by the agency officials, un- professional and often rude treatment by the agency lawyers, and blatant agency-industry "hob-nobbing" on technical issues and legal arguments. Intervenors soon learn that the agency is rarely on the side of the public.

Workers who contact us, however, usually have either little or no prior experience with the NRC or have only "heard" that the agency can not be trusted.

Most workers (except those in Region IV) have no pre- determined attitude against the NRC. They think that the agency wants to make sure a plant is safe and the rules are followed, they turn to GAP as a way to get their concerns to the agency.

Our program for flushing out allegations has been tre- mendously successful at almost every plant. We believe a similar pro- gram should be adopted by the agency as part of final agency re- view at each plant to preclude last minute allegation crises. We sug- gest that Comanche Peak be the place to start.

Outlined below are the steps we think should be taken at this time at Comanche Peak plant to preclude a deluge of allegations throughout the remainder of the plant construction.

1. Establishment of an NRC "hotline" for Comanche Peak workers to report their concerns.
2. An on-site NRC information program in which the TRT, its purposes, and the conditions of confidentiality are explained
3. Publication and availability of the TRT's unanswered questions to those members of the workforce who can supply the answers.

4. Establishment of a separate NRC exit interview and information sheet for all departing employees, explaining their Department of Labor rights and their rights and obligations under the law to report problems.
(GAP will be glad to provide a copy of the form we use during our major investigations)
5. A structural "debriefing" program which is conducted by skilled interviewers as opposed to technical inspectors.

GAP representatives will be glad to meet with any or all members of the TRT to discuss in more detail any of our proposals described in this attachment.

October 26, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
TEXAS UTILITIES GENERATING) Docket Nos. 50-445-2
COMPANY, et al.) and 50-446-2
)
(Comanche Peak Steam Electric)
Station, Units 1 and 2))

CASE BRIEF IN OPPOSITION TO APPLICANT REQUEST
FOR NON-DISCLOSURE OF RELEVANT LIPINSKY DOCUMENTS

In a letter to the Licensing Board dated October 18, 1984, Applicant refused to provide the parties with relevant documents regarding O.B. Cannon and J.J. Lipinsky, asserting that those documents were privileged because prepared in anticipation of litigation. (See letter to the Board, October 18, 1984) CASE opposes the assertion of privilege and requests that the Board order production of all of the withheld documents.

CASE and Applicant agree that if the materials sought represent attorney-work product then the standard to apply in deciding whether to produce them is:

A party may obtain discovery of documents and tangible things otherwise discoverable under paragraph (b)(1) of this section and prepared in anticipation of or for the hearing by or for another party's representative (including his attorney, consultant, surety, indemnitor, insurer, or agent) only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of this

~~PDR 84-10300128~~

case and that he is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of such materials when the required showing has been made, the presiding officer shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the proceeding.

10 C.F.R. §2.740(b)(2).

At the outset it is crucial to place the information being withheld into the context of the issue involved. The issue is whether, as the result of pressure brought to bear by Applicant or its counsel on Mr. Lipinsky and/or O.B. Cannon, Mr. Lipinsky modified his previously held opinions regarding the adequacy of the paint coatings, and QA/QC related to it, at CPSES. A part of that issue is whether Mr. Lipinsky had what he had indicated and believed was a reliable basis for changing his opinion. What is not at issue at this point is the adequacy of the paint coatings program as such, an issue to be fully explored in the other phase of the hearings. (It was apparently in preparation for the former issue that Mr. Lipinsky was preparing testimony.)

In summary, CASE believes that Mr. Lipinsky was pressured, coerced, or influenced into recanting and changing the conclusions that he originally reached about coatings and related quality control at Comanche Peak. In his original report of August 8, 1983 about his trip to Comanche Peak on July 26-28, 1983, Mr. Lipinsky expressed a number of serious concerns about the adequacy of the coatings quality control program at Comanche Peak. Nonetheless, over time Mr. Lipinsky recanted those concerns, ultimately culminating in an affidavit filed with the Board on September 28, 1984. CASE believes that numerous factors

point to the very real possibility that Mr. Lipinsky was improperly pressured or influenced into changing his conclusions about quality control at Comanche Peak, and indeed may have been coerced into participating in a "cover-up" of serious quality concerns.

Because CASE has a substantial need of any evidence of pressure on Mr. Lipinsky to recant the concerns that he expressed in his August 8, 1983 trip report and because any evidence of such pressure is clearly relevant to these harassment and intimidation proceedings, Applicant should be compelled to produce all of the relevant documents which it has until now withheld. The withheld information apparently contains draft testimony proposed by Applicant's counsel representing what they wanted Mr. Lipinsky to testify to regarding the adequacy of the paint coatings at CPSES; the information also apparently contains Mr. Lipinsky's reaction to that proposed testimony. Meeting notes and letters apparently further memorialize the exchanges between Mr. Lipinsky and the Applicant's counsel on exactly what Mr. Lipinsky would and would not say. Thus the withheld information will likely provide important evidence of any actual attempt to pressure Mr. Lipinsky and of any evolution of his testimony or views thereby potentially proving that such pressure had been brought to bear.

A number of factors point very strongly to the likelihood that Mr. Lipinsky was pressured, coerced or influenced into changing his appraisal of the coatings program at Comanche Peak. First, Mr. Lipinsky never undertook any audit of Comanche Peak

subsequent to the July, 1983 trip on which he based his initial trip report. At least as late as four months after that initial trip, Mr. Lipinsky noted in his "diary" (produced in discovery by O.B. Cannon) on November 17, 1983, that any full audit of coatings at Comanche Peak "would or might confirm JJL's concerns". The only "data" that Mr. Lipinsky received on the quality control program at Comanche Peak subsequent to his initial visit was the information he received during the November 10-11 meetings with Ron Tolson, John Merritt and others (meetings which took place prior to the November 17 diary entry cited above, and in which Lipinsky indicated that his concerns might be confirmed by a full audit). Nonetheless, by the time he met with NRC inspector Hawkins in January, 1984, and certainly by the time of his September, 1984 affidavit, Mr. Lipinsky, without the benefit of any new information, had reached radically different conclusions about the quality of the coatings program at Comanche Peak.

Further evidence that Mr. Lipinsky was improperly pressured into changing the conclusions that he had reached in his August 8 trip report can be found in numerous other entries in Mr. Lipinsky's diary. On a number of occasions after the November 10-11 meetings (in which his initial report was "discussed" by Tolson, Merritt and others), Lipinsky made entries in his diary which indicate that an attempt was being made to cover-up the concerns voiced in the August 8 trip report. For example, Mr. Lipinsky was clearly concerned that he might be pressured into perjuring himself: on November 14-15 he wrote at least three

times that he would not commit perjury, and felt the need to express that feeling to Norris, Roth, and Trallo. On November 17, Mr. Lipinsky wrote that O.B. Cannon President Roth was demanding that he sign a changed version of his original trip report; Lipinsky did not. In refusing to sign the modified report, Lipinsky expressed a concern that "the more JJN/RBR [Norris/Roth] talk to the utility or try to cover-up, the deeper OBC gets -- OBC could have serious problems if federal agencies perceive OBC committing fraud." (See Lipinsky 11/17 diary entry; received from Applicant in discovery) (Emphasis added)

Lipinsky further wrote on November 17 that:

JJL pointed out [to Roth] that JJL has problem in signing a changed trip report (may be thought of as fraud). RBR (Roth) became flush and said that was not fraud, but final copy of memo/trip report, and JJL was to sign the changed trip report and place a copy in the blue three ring binder today. JJL said "yes sir" but did not sign the changed trip report. JJL drafted a memo from RBR for RBR signature (telling JJL to sign the changed trip report), if RBR forces JJL to sign the changed trip report.

Lipinsky was clearly feeling pressure to cover up and ignore his concerns. The pressure he felt was so intense that he felt the need to protect himself by drafting a letter in Roth's name detailing that he had been forced to alter the report and to sign the changed copy against his will. CASE has no way of knowing to a certainty why Roth was pressuring Lipinsky -- i.e., CASE cannot be certain that Roth was himself being pressured by the Applicant or their counsel. Clearly, other correspondence between Lipinsky, O.B. Cannon, the Applicant and their counsel, and any draft testimony prepared during this period for Lipinsky will shed light on the degree to which Lipinsky was pressured and

coerced into ultimately completely recanting the very real concerns that he strongly felt after the November 10-11 meetings at Comanche Peak.

Mr. Lipinsky's diary contains numerous other indications that the recantation of his concerns was not completely voluntary, indications that will almost certainly be further evidenced if the documents that Applicant has refused to produce are in fact produced. For instance, in notes on his November 22 meeting with TUGCO attorney Nicholas Reynolds, Lipinsky wrote: "JL [Lipinsky] asked attorney (NSR) whose side they represented. Indications are that OBC [Cannon] is not getting all info." The next day, Lipinsky wrote that he pointed out to Trallo "that 2 out of 2 meetings were not what JL had been led to believe -- what is going on, someone is not above board." These diary entries by Lipinsky are compelling evidence that the concerns that he voiced in his August 8 trip report were recanted because he felt coerced or was in some other way influenced to change his position. (See Exhibit 1)

Additional evidence that Lipinsky was pressured into changing his story about the adequacy of coatings and related quality control at Comanche Peak lies in the fact that at the November 10-11 meetings at Comanche Peak, officiated by John Merritt and attended by Tolson, Lipinsky, Trallo, Norris and four others (see CHI Exhibit 4 of CASE's Preliminary Proposed Findings of Fact), Lipinsky said almost nothing. At that meeting, Tolson, Merrit and sometimes others characterized Lipinsky's concerns and purported to "address" them, but Lipinsky himself apparently did

not feel comfortable enough himself to say much of anything. By either his own admission or the recognition of someone else at the meeting (contained in notes appended to the diary produced by O.B. Cannon in discovery), there was a "lack of JJL talking on tape" (of the November 10-11 meeting). Those meetings could hardly have convinced Lipinsky that his concerns about coatings and quality control at Comanche Peak were unfounded.

The likelihood that Lipinsky was coerced into participating in a "cover-up" of his concerns is lent additional support by the fact that O.B. Cannon President Roth was extremely sympathetic to the concerns of TUGCO and even hostile to the concerns voiced by Lipinsky. This "motive" for Roth to cover-up is evidenced not only by the diary entries cited above, but also by Roth's own categorization of Cannon's concerns. In a November 3, 1983 meeting with Joe George, Dave Chapman, John Merritt, Billy Clements, Tony Vega, J.J. Norris and himself, Roth "apologized again for the lack of security at OBC, in that an in house memo 'leaked out' and had caused our client such consternation and new additional exposure to intervenors" (from Roth memo to file, dated 11/4/83, Exhibit 2). In a November 28, 1983 letter to Nicholas Reynolds, Roth wrote that "Cannon's posture is to support TUGCO/TUSI with whatever objective and honest effort we can render". When these professions of support for and apology to "their client" are viewed in the light of the intense pressure applied by Roth to Lipinsky to sign an altered version of his trip report, the clear inference arises that the O.B. Cannon president, the Applicant, and/or their attorneys may have been seeking to paper over and cover up Lipinsky's concerns.

Finally, support for the argument that Lipinsky was pressured into retracting his initial concerns is found in the repeated insistence by both Lipinsky and Trallo that the concerns raised in the August 8 trip report would only be either allayed or conformed if a full audit of the plant were undertaken. For example, Trallo wrote in his November 28, 1983 trip report that "Comanche Peak Site Management adequately detailed the program and controls in place, which would relieve or allay the concerns raised in the "Lipinsky Memo". (See Exhibit 4) Cannon has no basis to confirm that these programs and controls are in place and are being effectively implemented. Confirmation could only be provided by a detailed audit." Similarly, Lipinsky wrote in his diary on November 17 that only an audit, which would require four to five weeks could confirm or allay his initial concerns. (See also the October 28, 1983 Lipinsky letter, Exhibit 3) Nonetheless, by the time he met with NRC inspector Hawkins in January, 1984, Lipinsky was much less concerned with the adequacy of coatings at Comanche Peak than he had been only a month earlier. (CASE is also concerned about the possible inferences arising from the awarding to Lipinsky of a raise only one and one-half weeks before his crucial meeting with Hawkins (see Lipinsky's December 23, 1983 diary entry), especially when viewed in the light of Lipinsky's fear for his job only six weeks earlier. (See Lipinsky's November 14 diary entry)

Based on the documents that CASE has received thus far through discovery in these proceedings, there is simply no adequate explanation for Lipinsky's 180 degree about-face with

regard to his feelings about the adequacy of coatings and related quality control at Comanche Peak. It seems incredible that Lipinsky simply accepted the explanations given by Tolson at the November 10-11 meetings and by Brandt in his testimony. On the contrary, substantial evidence exists which gives rise to the inference that Lipinsky recanted his August 8, 1983 conclusions either because of pressure applied to him to cover up or some other reason unexplained and unimaginable. As detailed below, a substantiated belief in the likelihood of a cover-up provides a sufficient showing of necessity to require production of documents that might otherwise be undiscoverable under 10 C.F.R. §2.740(b)(2) or Federal Rule of Civil Procedure 26(b)(3).

10 C.F.R. §2.740(b)(2), adapted from Rule 26(b)(3) of the Federal Rules of Civil Procedure, allows discovery of trial preparation materials upon a showing by the party seeking discovery of "substantial need of the materials in the preparation of his case and that he is unable without undue hardship to obtain the substantial equivalent of the material by other means." The allegations detailed and substantiated above and in Exhibits 1-5 satisfy the requirements of this standard: Applicant should therefore be compelled to produce all of the relevant Lipinsky documents.

As a preliminary matter, CASE notes that no time need be spent on the "undue hardship" prong of this standard: CASE obviously cannot hope to obtain the substantial equivalent of the materials withheld here by other means. The contemporaneous notes and written drafts of positions taken by or proposed to Mr.

Lipinsky are the uniquely superior evidence of what transpired -- possible pressure, coercion, cover-up -- and no similarly reliable evidence exists anywhere else.

CASE's need for the withheld Lipinsky documents is apparent. If Mr. Lipinsky recanted his initial concerns about quality at Comanche Peak only because he was pressured into doing so, and only as part of a larger attempt to cover up the quality control problems at Comanche Peak, then his initial concerns still stand. Indeed, those concerns cast serious doubt over the adequacy of Comanche Peak's coatings program.^{1/}

Claims of necessity very similar to CASE's claim in this motion have been recognized by the Federal courts as a sufficient showing of necessity to justify production of otherwise undiscoverable work-product documents. In In Re Grand Jury Subpoena Dated November 9, 1979, 484 F.Supp. 1099 (S.D.N.Y. 1980), the district court ordered defendant's lawyers to produce withheld documents which the Government (the party seeking discovery) alleged would provide evidence of a cover-up. The court characterized the Government's claim of necessity as compelling, stating that an assertion that documents sought will provide evidence of a cover-up is an even stronger claim of

^{1/} This issue is not moot if, in reality, the sought after documents contain evidence of attempts (regardless of their success) by TUCGO QA management to cover up the seriousness of Lipinsky's initial concerns. On October 19, 1984 Applicant submitted to the NRC its Program Plan responding to the findings of the NRC's Technical Review Team (TRT). Mr. Ron Tolson, the very individual described by several witnesses in this proceeding as the cause of the QA deficiencies in coatings, was named as Project Leader for the resolution of all coatings problems. (See Exhibit 5)

necessity than other claims routinely accepted by courts. 484 F.Supp. at 1103. (The court in In Re Grand Jury applied the standard of Rule 26(b)(3) even though the case before it involved a grand jury case, not a civil suit. 484 F.Supp. at 1102)

The courts in both In Re Grand Jury Subpoena Dated November 9, 1979, 484 F.Supp. 1099, 1105 (S.D.N.Y. 1980) and In Re Grand Jury Investigation, 599 F.2d 1224, 1232 (3d Cir. 1979) recognized that a mere naked assertion of a cover-up does not constitute a sufficient showing of necessity to warrant ordering discovery of work product. However, in this proceeding, as in In Re Grand Jury Subpoena, 484 F.Supp. at 1105, a substantiated claim of a suspected cover-up has been alleged. The requirement of substantiation means only that the party making the assertion of cover-up substantiate its belief -- the party needn't prove its allegations in order to compel discovery. 484 F.Supp. at 1105. CASE has offered a quantum of evidence substantiating allegations of a cover-up. Attached to this brief are the October 31, 1983 memo in which Mr. Lipinsky reconfirmed his initial concerns; a November 28 memo in which Mr. Trallo emphasized that none of the concerns raised in the August 8, 1983 trip report could be completely put to rest unless a full audit was done (and none ever was done); and numerous excerpts from Lipinsky's diary which indicate that he was pressured into recanting his testimony and may have been forced to participate in a cover-up of the concerns raised in the initial report. Further, the record in these proceedings contains the August 8 trip report, a transcript of the November 10-11 meetings, the January interview of Lipinsky by Hawkins, and the September 28, 1984 affidavit of Lipinsky.

However, in view of the fact that Lipinsky ultimately recanted his initial concerns without ever performing a subsequent audit at Comanche Peak, the record completely lacks any legitimate reason for Lipinsky's shift. Indeed, the gaping lack of a legitimate explanation for Lipinsky's shift lends further support for the argument that Lipinsky was pressured or coerced into recanting and covering up.

Finally, CASE does not concede that the documents withheld by Applicant are either privileged or contain attorney work product prepared in anticipation of litigation. Indeed, without seeing those documents, CASE cannot be sure what they contain. There is substantial evidence that the drafts of testimony and other documents likely contain proof of improper pressure on Mr. Lipinsky to recant his story; evidence of this improper pressure is not "privileged attorney work product."^{2/}

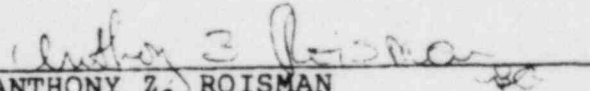
Even if the Board does find that the documents do contain privileged work product, CASE has demonstrated its substantial need for those documents. Lastly, if the Board is reluctant to

^{2/} Consumers Power Co. (Midland Plant, Units 1 and 2), ALAB-691, 16 N.R.C. 897, 917 (1982), cited by Applicant as justification for withholding the relevant Lipinsky documents does not control this case. First, Consumers dealt with the possible discoverability of ordinary drafts of testimony. However, the Lipinsky drafts were very unlike the typical draft testimony case. Here the focus is on the possibility that those drafts will point to pressure and coercion of Mr. Lipinsky to change his original story. The documents sought are sought precisely to show that the ultimate testimony was coerced and thus unreliable, not to probe attorney thought processes. Second, though Consumers addressed the possibility that drafts of testimony might be privileged from discovery, it did not reach the merits of that question. The Board in Consumers decided on that counsel who asserted the privilege could not be censured for making that assertion, it did not decide whether the drafts were in fact privileged.

allow CASE to view the documents in their entirety without first ascertaining their contents, CASE urges the Board to view those documents in camera to determine whether they contain evidence of pressure and cover-up. If they do, then Applicant should be denied its assertion of privilege.

For all of the above reasons, CASE requests that the Board order production of all of the withheld documents.

Respectfully submitted;


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Trial Lawyers for Public Justice
2000 P Street, N.W., Suite 611
Washington, D.C. 20036
(202) 463-8600

Counsel for CASE

November
Wednesday

October

November 1983

December

S M T W T F S
1
2 3 4 5 6 7 8
9 10 11 12 13 14 15
16 17 18 19 20 21 22
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30 31

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9

- * ARRIVE @ CP (H3201) SITE w/MKM AND MET w/J. MERRITT
 - PROVIDED COPY OF PROPOSED AUDIT PLAN
 - J. MERRITT (JM) WANTED TO KNOW WHERE JJN WAS → T. CONN. RAT TO DETERMINE WHERE JJN WAS
 - J. MERRITT INFORMED MKM & JLL TO RETURN TO HOTEL AND NOT RETURN w/O JJN (NO ACTION OBC PART w/O DEFINED AUDIT SCOPE AND PLAN)
- * T. CONN. w/RAT - MKM & JLL TO STAY IN HOTEL
- * T. CONN. w/JJN - WANTED JLL TO COME TO SITE (DID NOT INFORM JLL OF 1300 HR CST MTG. TO GO OVER TRIP REPORT) - JLL INFORMED JJN TO CONTACT RAT
- * T. CONN. w/RAT - INFORMED JLL OF TENTATIVE 1300 HR. MTG. (POSTPONED UNTIL 11/10 - RAT INFORMED JLL THAT JLL "CAN'T REALLY REFUSE TO DISCUSS TRIP REPORT")
- * PICK-UP RAT AT JFW w/MKM
- * UPDATE RAT ON STATUS & IMPRESSIONS
- * T. CONN. w/H.B. GRIFFIN (NRC) SET UP MTG. FOR 1215 HRS ON 11/10/13

January 1984

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February

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March

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November

Thursday

10

- * MTG. ON SITE - SEE TAPES / TRANSCRIPT
- * MISC. MTG. / DISCUSSIONS W/ JAL, RAT, MKM ON STATUS AND OPTIONS AVAILABLE TO OEC
- * MTG. W/ H.B. GRIFFIN (WRQ) (≈ 20-30 MINUTES LATE DUE TO JLL)
 - MAINLY DISCUSSED CONFIDENTIALITY ISSUE - JLL VIOLATED TERMS OF CONFIDENTIALITY (NRC TERMS) BY TALKING W/ RBR - JLL POINTED OUT THAT UNTIL THAT MOMENT JLL WAS NOT AWARE OF THESE TERMS - H.B. GRIFFIN TO GET NRC RULING
 - HBG ALSO TO GET OPINION ON JLL JOB STATUS RELATIVE TO TRIP REPORT
 - JLL WENT OVER D.J. DRISKILL (NRC) MEMO ON 10/14/83 TELEPHONIC INTERVIEW
 - JLL POINTED OUT MINOR INACCURACIES
 - JLL TO CALL HBG BACK ON 11/14/83
 - HBG ASSURED JLL THAT NRC WILL NOT ATTEMPT TO FIND OUT HOW JLL TRIP REPORT SURFACED - HBG STATED THAT THE NRC IS ONLY CONCERNED W/ THE TECHNICAL CONTENT OF THE JLL TRIP REPORT

November

October

November 1983

December

Friday

11

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30	31																			

* WRAP UP MTG. ON CP (+P301) SITE
 (SEE TAPE/ TRANSCRIPT) - ADVISED
 R. TOLSON THAT TRIP REPORT NOT AN
 * DRAFT TRIP REPORT, GIVE SAME TO RAT

* EVE (≈ 1800 HRS EST) MEET BRIEFLY W/

RAT & RBR - RBR OPENED FED. EXP.
 PACKAGE SENT TO JIL BY J. ELLIS (CASE)
 - RBR REVIEWED CONTENTS AND GAVE
 PACKAGE TO RAT FOR REVIEW & COMMENT
 (JIL TO GET ON MONDAY 11/14/83)

ALSO BRIEFLY DISCUSSED IF & HOW RBA
 WOULD EXPLAIN TO TUGCO WHY THERE
 IS MORE THAN ONE VERSION OF JIL
 TRIP REPORT

⊛ ATTEMPT TO MALIGN

Veterans Day

January 1984

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February

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31						

November

Sat. / Sun.

12/13

* MISC. T.CONV. w/ VARIOUS REPORTERS in
DALLAS / FORT WORTH AREA REFERED
ALL CALLS TO APM

* T.CONV. w/ JJM - UPDATE JJM on
CURRENT STATUS (CASE, REPORTERS ETC) -
VOICE CONCERN ON RBL ACTIONS on TRIP
REPORT - ASK STATUS on TAPES &
TRANSCRIPT - JJM TO PROVIDE QUESTIONS
ASKED BY CASE

November	October	November 1983	December
Monday	S M T W T F S	S M T W T F S	S M T W T F S
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- * T. CONN. W/ J. ELLIS (CASE) SEE SUMMARY OF CONVERSATION
- * T. CONN. W/ H. B. GRIFFIN (NRC) WAIVER OF CONFIDENTIALITY (NRC OFFERED TO EXTEND CONFIDENTIALITY - BUT PROBABLY A MPT ISSUE)
- * DRAFT WAIVER HAVE RBR REVIEW & APPROVE SAME (RBR CHANGED FIRST SENTENCE SECOND PARAGRAPH)
- * RBR WENT OVER CHRONOLOGICALLY (SP?) HOW CHANGED COPY OF TRIP REPORT WAS SENT TO J. MERRITT (TUGEO) - WANTED JLL TO PENCIL SAME - ALSO EXPECTED JLL TO SIGN CHANGED REPORT
- * T. CONN W/ J. J. DRISKILL & H. B. GRIFFIN (NRC)
 - JLL WENT OVER WAIVER & DDD/HBG SAID WAIVER WAS OK
 - APOLOGIZED (SP?) FOR CURRENT SITUATION (THOUGH NOT BROUGHT ON BY NRC)
 - SUGGESTED JLL START LOG OR DIRTY ON CP (HS301) STATUS WITH RELATION TO JLL EMPLOYMENT SITUATION - CBC MAY NOT FIRE FOR CP (HS301) INCIDENT BUT LOG MAY OR MAY NOT SUBSTAN. ANY CLAIMS - ADVISED JLL THAT HAVE 30 DAYS FROM TERMINATION TO FILE AND JLL CONTACT DDD OR HBG IF FIRED
- * HAVE D. BELMAN NOTARIZE WAIVER
- * ADVISE RBR THAT JLL WILL NOT PER JURE HIMSELF (JLL) TO SUPPORT HOW TWO TRIP REPORTS EXIST - FOR SAID JLL SHOULD NOT COMMIT PER-JURE

CONTINUED ON PRECEDING PAGE JANU 12/13

January 1984

February

March

November

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18	19	20	21	22	23	24
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Tuesday

15

- * START DIARY LOG - GO BACK TO 11/16
- * RBR CALLED JIL IN RER OFFICE FIRST THING THIS MORNING (2 POSITIVE) AND WENT THROUGH WHAT RBR TOLD J. MERRITT
 - INTEREST BY PRESS, APM HANDLING, NO COMMENT DUE TO PENDING LITIGATION
 - WENT THROUGH CHRONOLOGICAL (LPT) SEQUENCE OF TRIP REPORTS AS DEVELOPED BY RBR TO EXPLAIN WHY TWO DIFFERENT TRIP REPORTS EXIST (RBR DID NOT MENTION THAT RBR WANTED JIL TO SIGN THE CHANGED REPORT)
 - TOLD J. MERRITT THAT THE WRONG REPORT (YELLOW) WAS TAKEN
- * T. CONN. W/ RAT (305828444) ADVISE RAT OF CURRENT STATUS & RER COMMENTS. M-60 THAT JIL WILL NOT PERJURE ON TRIP REPORT; RAT SAID WORK ON 3318 AFTER JIL GETS SETTLED DOWN
- * T. CONN. W/ JIN RE: GO OVER RBR COMMENTS & FACT THAT JIL WILL NOT COMMIT PERJURY IN TRIP REPORT
- * T. CONN. W/ J. ELLIS (CASE). READ ARTICLE FROM JALLAC TIME HERALD - JIL POINTED OUT THAT JIL TALKED TO T. MILLER NO MORE OR LESS THAN OTHER INSPECTORS - SEE SUMMARY
- * T. CONN. W/ P. MCABEE RE: PM SUGGESTED THAT JIL CALL NRC AND TELL ABOUT RER & CHANGED TRIP REPORT
- * SEND WAIVER TO NRC - CERTIFIED MAIL PH40 720 072
- * MISC. CONN. W/ JIL RE: COPY OF NEWSPAPER ARTICLE TELECOPIED W/ TO PHILA. OFFICE; NOT SENDING INFO. SUPPLIED BY TUGCO BECAUSE ORC PHILA. ALREADY KEYS; WANT TO GET TOGETHER ON RESPONSES BEFORE TESTIMONY USING D. CHAPMAN MEMO AS CASE (JIL IS JIN RESPONSE); CUT OFF BECAUSE JIN HAD T. VERAN (TUGCO SPC.) ON PHONE
- * NEWSPAPER ARTICLE TELECOPIED TO ORC PHILA, E. SMITH. MADE COPY GAVE TO MR. S.L. - APM LET JIL READ THE ARTICLE IN APM OFFICE (COPY OF TOO POOR A QUALITY TO REPRODUCE)
- * T. CONN. W/ RAT ADVISED RAT ON NEWSPAPER COVERAGE ALSO INFORMED RAT ON JIL PERSONAL OPINION THAT ORC IS SPENDING TOO MUCH TIME DEFENDING THE TRIP REPORT - SHOULD GIVE FACTUAL ACCOUNT AND LET THE WHISPER FALL WHERE THEY MAY

CONTINUED ON NEXT PAGE UNDER 11/16

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October

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* T. CONN. W/RAT (CONTINUED FROM 11/15)

RAT AGREED W/JJL THAT JJL SHOULD NOT ALLOW TUGCO TO LIAISE JJL

* T. CONN. W/JJN

- TUGCO PR MAN SAID NOT GOOD TO STONEWALL; SHORT HALF LIFE BUT IF REOCCURS MAY WANT JJL TO TALK W/ REPORTERS - JJL POINTED OUT TO JJN THAT APM/RBR HANDLING PRESS & JJL DOING WHAT RBR DIRECTS W/ REGARD TO PRESS
- JJN TRIED TO QUESTION JJL ON HOW REPORT WAS LEAKED - JJL INDICATED THAT JJL KNEW BASED ON D.D. WRC) MEMO BUT WOULD NOT DISCUSS AT ALL DUE TO CONFIDENTIALITY ISSUE
- JJN ASKED IF JJL READ NEWSPAPER ARTICLE THAT WAS TELECOPIED TO OBC PHILA. OFFICE - JJL SAID YES BUT NOT GIVEN A COPY & THEREFORE NOT FAMILIAR W/ ARTICLE - JJN ASKED JJL WHY JJL DID NOT RECEIVE A COPY TO WHICH JJL RESPONDED THAT JJL DID NOT KNOW
- JJN SAID THAT HE WOULD SEND COPY TO JJL HOME ADDRESS

* EVE TRY TO GET LINE^{ON}OUT OF TOWN (DALLAS / FORT WORTH) NEWS PAPERS END OF 11/15/83 ENTRY

* @ 1050 HRZ (EST) 11/16/83 T. CONN. W/JJN

- JJL MADE HOUSTON POST. JJN SAID THAT TUGCO PR REP. SAID THAT THIS USUALLY CLOWS OVER IN @ 12 HOURS.

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Thursday

17

* T. CONN. W/ JIN CONT'D FROM PREVIOUS PAGE

- JIN SAID OBC MAY BE AT RISK (TUGCO FEELS THAT JIL LEARNED COPY OF TRIP REPORT - JIL EXPLAINED TO JIN THAT JIL LET E. MOUSER READ REPORT AND JIL GAVE E. MOUSER A COPY OF PROCEDURE [JIL REQ'D RER APPROVAL PRIOR TO GIVING COPY OF PROCEDURE] BUT CANNOT REMEMBER IF E. MOUSER GIVEN A COPY OF TRIP REPORT - OTHER THAN THAT JIL CERTAIN THAT NOBODY BUT JIN OR RBR REC'D COPY OF REPORT FROM JIL)

- JIL SAID THAT THE NRC REPORT (D. DRISKILL MEMO) WILL VINDICATE OBC (JIL DID NOT GIVE ANY OTHER DETAIL OR INFO. ON D. DRISKILL MEMO)

* ≈ 1545 HRS (EST) 11/10/83 CONN W/ RBR
RBR TOLD JIL (WHEN JIL WAS PICKING UP BLUE THESE KING BINDER ON CP ITEMS MAINTAINED BY RBR) THAT ALL THAT REMAINS IS TO HAVE JIL SIGN THE CHANGES (BY RBR) AND THIS WOULD BE FINAL DRAFT - JIL REPLIED YES SIR & LEFT - JIL DID NOT SIGN THE CHANGED TRIP REPORT
END OF 11/10/83 ENTRY

11/12 ≈ 0720 HRS (EST) T. CONN. W/ RAT - JIL INFORMED RAT

- JIN CONCERN ON OBC RISK W/ TUGCO
- RBR DEMAND FOR JIL TO SIGN CHANGE TRIP REPORT (GAVE LAWYERS OPINION THAT JIL SHOULD NOT SIGN)
- RAT SAID HE COULDN'T TELL JIL WHAT TO DO BUT RAT WOULD NOT SIGN A CHANGED REPORT
- JIL EXPRESSED CONCERN THAT THE MORE JIN/RBR TALK TO THE UTILITY OR TRY TO COVER UP THE DEEPER OBC GETS - OBC COULD HAVE SERIOUS PROBLEMS IF FEDERAL AGENCIES PERCEIVE OBC COMMITTING FRAUD
RAT AGREED

* ≈ 0820 HRS (EST) 11/17/83 KING JIN, (K. SUMAN) W/ RBR
- RBR DISMISSED POSSIBLY CALLING NEWSPAPERS IN AN EFFORT TO SETTLE DUST - JIL ADVISED AGAINST NOT IN RESPECT SAID IT PROBABLY WOULD HAVE BEEN BETTER IF JIL TRIED TO PREPARE INITIALS AND EXPLAIN AND/OCC INTERPRETED TRIP REPORT

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11/17/83 ENTRY CONTINUED FROM PREVIOUS PAGE

- JLL POINTED OUT THAT JLL HAS PROBLEM IN SIGNALING A CHANGED TRIP REPORT (MAY BE THOUGHT OF AS FRAUD)
- RBR BECAME FLUSH AND SAID THIS WAS NOT FRAUD
- BY FINAL COPY OF MEMO/TRIP REPORT AND JLL WAS TO SIGN THE CHANGED TRIP REPORT AND PLACE A COPY IN THE BLUE THREE RING BINDER TODAY - JLL SAID YES SIR BUT DID NOT SIGN THE CHANGED TRIP REPORT
- JLL DRAFTED A MEMO FROM RBR FOR RBR SIGNATURE (TELLING JLL TO SIGN CHANGED TRIP REPORT), IF RBR FORGOT JLL TO SIGN THE CHANGED TRIP REPORT
- JLL DISCUSSED W/RBR WHO REVISED TRIP REPORT (NO NAMES - NOT SPECIFIED) BUT JLL WAS CONCERNED THAT NRC NOT THINK THAT JLL KEPT INFO. FROM BRISKILL
- SECOND HAND INFO. INDICATES THAT INDIVIDUAL IN BRISKILL MEMO DISTRIBUTING JLL REPORT IN DAY CITY
- RBR CONCERNED THAT IF NRC WANTS REWORK THEN UTILITY WILL GO AFTER OBE - JLL POINTED OUT REPORT DIDN'T CAUSE POOR WORK & NRC SHOULD CLEAR JLL (THAT IS NRC INVESTIGATION SHOULD UNFIRM CONCERNS)
- RBR ASKED WHAT WOULD JLL SAY UNDER CROSS EXAMIN. ABOUT HOW TUGO EXPLAINED HWAY CONCERNS - JLL SAID IF UTILITY DOING WHAT THEY CLAIM AND JLL COULD NOT PROVE ONE WAY OR THE OTHER THEN CONCERNS WOULD BE MITIGATED - BOTH RBR & JLL FELT UTILITY SHOULD HAVE PERMITTED JLL/MEM. AUDIT TO PUT MATTER TO BED - JLL INDICATED THAT BASED ON IMPRESSIONS BOTH JLL AND MEM. FELT THAT AN AUDIT WOULD/MIGHT CONFIRM JLL CONCERNS - RBR ASKED HOW LONG FOR AN AUDIT & JLL REPLIED 4-5 WEEKS. RBR WANTED TO KNOW HOW JLL COULD MAKE STATEMENTS IN REPORT AFTER 3 DAYS BUT NEEDED 4-5 WEEKS FOR DETAILED REVIEW. JLL REPLIED FOR A GOOD OBJECTIVE AUDIT THINK HOW LONG IT WOULD TAKE.

* T. CONN. W/ JLL (= 1113 HRS LET 11/17) TRANSCRIPTS NOT REV'D YET
 * CONN. W/ MEM. (= 1115 HRS EST 11/17) WOULD QUIT BEFORE GOING BACK TO DO AUDIT @ CP (11:20) - AUDIT NEEDED ALL THE HURDLES THAT JLL EXPOSED TO FROM TRIP REPORT

WVC: 11/17/83
 WHAT HE KEPT OR GO OVER W/ THAT 1984
 POINT OF CONTACT W/ RBR 4/84
 CONTINUED ON NEXT PAGE UNDER 11/17/83

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Sat. / Sun.

19/20

11/18/83 ENTRY CONTINUED FROM PREVIOUS PAGE

1/2 COLSON'S (EST) 11/18/83 COMM. W/AFM - JLN CALLED
 AFM AT HOME & ADVISED THAT COPY OF JLN REPORT
 IN POSSESSION OF M. UDALL (SP?) - JLN SHOULD TALK W/ JLN FOR MONEY INFO.

1/2 1108 HRS (EST) 11/18/83 T. COMM. W/RER
 - ASKED JLN IF JLN HAD FINISHED GOING THROUGH THE TRANSCRIPTS
 JLN REPLIED NO, ONLY ON PG #2 & FOUND MISTAKE WHICH
 COMPARED TO TAPES - RER STATED JLN THOUGHT TO MERRITT
 AND JLN & JLN GO TO WASHINGTON (ASSUMING D.C.) NEXT TUESDAY
 (11/22/83) TO GO OVER MEMO W/ TUGRE WASHINGTON BASED ATTORNEYS
 & 1126 HRS (EST) 11/18/83 COMM. W/RAT - TRIP OFF, RER TO CALL
 MERRITT AND EXPLAIN THAT AT THIS TIME A MTG. IS NOT APPROPRIATE

11/19 & 20/83 SPEND ≈ SEVEN (7) HOURS ON GOING
 OVER TAPES AND TRANSCRIPTS

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2045 HRS (EST) 11/21/83 PROVIDE RAT MARKED UP COPY OF TRANSCRIPT & EXPLAIN THAT THERE ARE A LOT OF CHANGES/MISTAKES/ADDITIONS; ALSO ADVISE RAT THAT WE (RBR & RAT) SHOULD GO OVER ADVANTAGES/DISADVANTAGES ON TESTIFYING AS A CASE OR SOAK WITNESS

60405 HRS (EST) 11/21/83 RBR LEFT MESSAGE W/ GEF TALK OF JLL & JLN GOING TO WASH. THIS WEEK - PLANS NEGATED HELP J.R.R. ON TRANSCRIPT AS NEEDED - HAVE GEF REPLY ON TRANSCRIPT AFTER LUNCH

MESSAGE FROM J.M. (IN HOUSTON 2105 HRS EST 11/21/83) JLN ON WAY TO AIRPORT TO WASH. DC. TO TUGG, ATTORNEY → JLL ASKED RAT WHATS UP & RAT SAID THAT MTS. WNS TO HAVE BEEN CANCELED

2135 HRS (EST) 11/21/83 COMM. W/ RBR & RAT - JLL TO MEET JLN AT DEBEVON & L. FIDELMAN 1200 17TH ST WASHINGTON DC AT 0730 HRS ON 11/22/83 TO SEE NICK REYNOLDS - RBR, RAT, & JLL TO GET TOGETHER AFTER STAFF ON 11/21/83

2133 HRS (EST) 11/21/83 COMM. W/ RAT RE: RAT WOULD NOT SIGN THE CHAMBERLAIN TRIP REPORT W/O MORE INFO. & PURPOSE OF MTS. W/ TUGG & ATTORNEY - NOT SURE; JLL FEELS THAT JLN ACTIVITIES MAY BE COUNTER PRODUCTIVE - RAT AGREED; JLL ALSO ADVISED RAT THAT PRETTY MUCH EVERYONE WAS AWARE (IN ABC) OF C.P. SITUATION

WRITE LETTER TO L.A. IN RESPONSE TO ARTICLES & INFO. LA. SENT JLL

21630 HRS (EST) 11/21/83 MTS. W/ RBR & RAT RE: PURPOSE OF MTS. ON 11/22/83 W/ ATTORNEY RBR STATED THAT 1/2 TO 2/3 OF TIME WOULD BE BRINGING ATTORNEY UP TO SPEED ALSO RBR WOULD ASK JLL RESPONSE IF ASKED ABOUT REVERSING TRIP REPORT TO E. MOUSER (JLL EXPANDED THAT JLL DID NOT RECALL - DOESN'T BELIEVE E. MOUSER PROVIDED W/COPY BUT E. MOUSER WOULD HAVE BEEN ONLY INDIVIDUAL) RBR INSTRUCTED JLL TO SAY "NO" AND DON'T ELABORATE OR EXPLAIN ABOUT E. MOUSER MTS ENDED @ 1130 HRS.

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Tuesday

22

0620 HRS - 0930 HRS (EST) 11/22/83
TRAVEL TO TUGER ATTORNEYS' OFFICE
FROM PHILA.

0930 HRS TO 1710 HRS (EST) 11/22/83 MTG. (WORK THROUGH
LUNCH) NICK S. REJANOWSKI (LIC. ATTORNEY), BILL MORAN (LIC. ATTORNEY),
RICK WALKER (LABOR ATTORNEY) DAVID CHAPMAN (TEXCO QAMG)
(RICK WALKER & BILL MORAN LEFT MTG 1415 HRS & CHAPMAN
LEFT MTG 1630 HRS ALSO NSR SEC. SAME ID 1430 HRS)
TALKED ABOUT EVERYTHING THAT LED UP TO OBE GOING TO
CP (HPSO) SITE; WHO WE TALKED WITH AND WHAT WAS SAID;
IF WE OFFERED PERSONNEL JOBS - NO TALKED ABOUT POSSIBILITY
THROUGH; JIL TRIP REPORT; JIL HRS & COMM. W/NSR; JIL
CONV. W/HELLY; JIL BACKGROUND; MIX. ITEMS AS WELL AS
OTHER PERTINENT (i.e.) ITEMS

1715 HRS TO 2130 HRS TRAVEL FROM TUGER ATTORNEYS OFFICE
TO PHILA.

2130 HRS. T. COMM. W/RAT @ PAT HOME

- 1) ATTORNEY WANTS JIL & JLN TO GO & TESTIFY AS A TEAM
- 2) JIL POINTED OUT THAT OBE WANTED TO GO AS LEAD WITNESS
-NSR ASKED IF OBE WOULD GO AS JUDGE WITNESS
JIL SAID UP TO OBE JIL YES NO PROBLEM
- 3) POSSIBILITY OF EMPLOYER RECEIVING REPORT - NOT JUST
YES OR NO AS PER NSR - JIL EXPLAINED
- 4) JIL ASKED ATTORNEY (NSR) WHOSE SIDE THEY REPRESENTED
INDICATIONS ARE THAT OBE IS NOT GETTING ALL INFO
- 5) JLN AND MAYBE ATTORNEY WANT JIL TO PERFORM AUDIT
- THIS FACTOR AND MKA RELUCTANCE
- 6) APPARENTLY JLN RESPONDED TO CHAPMAN MEMO IN ATTORNEY
POSSESSION - HOW, NSR INDICATED THAT RESPONSES NOT SENT
- 7) NSR HANDWRITTEN NOTE & JIL ORAL SUMMARY IN W/ATTORNEY
- 8) JIL HAD PROBLEM W/ JLN OFFERING "HELP" TO RICK WALKER
ON LABOR MATTERS & CHAPMAN ON EXPERT WITNESS
- JLN VOL. NOT BEING ASKED
- 9) JIL WANTS TO KNOW WHAT QUALIFIES JIL TO MAKE
STATEMENTS ON ANSI, OPE OR PRACTICE, REVENUE
BEHIND JIL MEMO & STATEMENTS - WHAT IS JIL UP TO?
- 10) NSR ASKED IF OBE HAD AN ATTORNEY
- 11) NSR NOT PLEASED THAT 11/10 & 11/13 HRS TRANSCRIBED
- 12) NSR SAID JIL SHOULD HAVE BEEN INTERVIEWED PRIOR TO SITE TRIP
DID OF 11/22/83 ENTRY

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23

= OPSCHES (EST) 11/23/83 JIL POINTED OUT TO RAT THAT 2 OUT OF 2 MTE'S. NOT WHAT JIL HAD BEEN LED TO BELIEVE - WHAT IS GOING ON, SOMEONE IS NOT ABING BOARD AS 1030HRS (EST) 11/23/83 UNTIL 2 1340HRS (EST)

MTE. w/ RBR, RAT, JIL, & JIL (SEE NOTES) JIL DISCUSSED

① MTE. WHAT WAS SAID AND DISCUSSED AT MTE BY TUGCO ATTORNEY SEE NOTES FOR DETAIL

② GO IN DEPTH ON MTE'S DISAGREEMENT AND FAMILIARIZATION - BOTH RBR/EST POINTED OUT TO JIL THAT OBC COMPLIES WITH AND SATISFIES ALL ANSI REQUIREMENTS

③ GO IN DEPTH ON PRESS & ISSUES OF AN OBC AUDIT

AS RESULT OF MTE.

① RBR TO CALL NCR TO ASSURE THAT JIL HAS NO AXE TO GRIND AND IS WILLING TO PERFORM AN OBJECTIVE AUDIT

② OBC WOULD APPRECIATE AS TUGCO/TUSE WITNESS IF RBR

③ OBC WANT A HOLD HARMLESS? (FROM JIL) OBC TO COOPERATE BUT WANT TWO WAY STREET W/ TUGCO/TUSE.

④ RBR TO OFFER AUDIT AGAIN

⑤ OBC IS AND WILL CONTINUE TO BE OBJECTIVE

⑥ TO THE LINE OF COMMUNICATION BETWEEN RBR/RAT/JIL/JL

11/23/83 RBR ADVISED DIL (ATTORNEY) INTERVIEW AND SUMMARY COMMENTS ON INTERVIEW JIL POINTED OUT TO JIL & RAT THAT INFO. IN INTERVIEWS WAS INACCURATE IN SOME AREAS AND/OR MISLEADING.

2 1500HRS (EST) RBR INFORMED RAT/JIL/JIL THAT RBR THREW BY NCR AND NCR WANTED ORIGINAL OF DIL THINKING THAT JIL PICKED-UP (ALSO WANTED ALL COPIES)

- NCR SAID TO RBR THAT JIL MENTIONED ON HILL - RBR CONVEYED THAT JIL HAD NO AXE TO GRIND - RBR ALSO SAID THAT OBC HAS SHOULD SUGGEST AT LEAST TWICE - RBR SAID FUTURE CONVERSATION MUST BE WELL

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Monday

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~ 1230 HRS (EST) 11/28/83 T. CONN. W/ F. HAWKINS
 (NRC) WANTED TO SET UP MTG. W/ JLL (PREFERABLY
 AFTER WORK OR ON WEEKEND) TO DISCUSS AREAS INTO
 WHICH F. HAWKINS COULD PURSUE. JLL POINTED OUT
 OBC POSITION AND OFFERED TO COOPERATE.

~ 1240 HRS (EST) INFORM FIRST RAT
 THEN T. CONN. W/ JLL AND ADVISE ON
 T. CONN. W/ F. HAWKINS

SPEND MOST OF DAY ON FINAL PROOF
 READ ON 11/10 & 11/83 MTG. TRANSCRIPTS

~ 1650 HRS (EST) RAT SUGGESTED THAT
 JLL CONTACT N. REYNOLDS ON NRC MTG.
 (JLL HAD POINTED OUT TO RAT EARLIER
 THAT JLL WOULD NOT BE ABLE TO
 PROVIDE F. HAWKINS W/ SPECIFICS
 BUT ONLY SUGGEST AREAS INTO WHICH
 F. HAWKINS SHOULD CHECK OUT)

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Tuesday

29

MOOSOHPS' (EST) 11/29/83 T.CONV. W/NSR
(TUGCO ATTORNEY) LEFT MESSAGE

T.CONV. W/NSR (DIDN'T RECORD TIME) ON UPCOMING 12/3/83 MTG.
W/F. HAWKINS (NRC) - WANTED ON JIL OWN TIME NOT COMPANY -
JIL WOULD NOT BE ABLE TO PROVIDE SPECIFICS ONLY AROTT OR
AVENUES FOR F. HAWKINS TO PURSUE

T.CONV. W/NSR (TUGCO ATTORNEY) & F. HAWKINS (NRC) @ 1550 HRS.
EXPLAINED TO F. HAWKINS THAT NSR REPRESENTS JIL ON THIS
ITEM - ALSO EXPLAIN TO F. HAWKINS THAT JIL BASED MEMO W/O
TUGCO'S SIDE OF STORY AND THAT IF TUGCO IS DOING ALL
THAT THEY (TUGCO) SAYS THEN JIL'S CONCERNS WOULD BE
MITIGATED (JIL CAN NOT PROVE ONE WAY OR THE
OTHER) - AGREED TO MEET IN CHICAGO ON 12/8/83
(NSB TO ARR. @ 400PM IN CHICAGO)

ADVISE RBR ON STATUS (RBR MENTIONED TWICE
TODAY JIL WORKLOAD) W/NSR & NRC
ADVISE RAT ON STATUS W/NSR & NRC

DURING T.CONV. W/W. CZEBOVAR SHE MENTIONED
THAT LADAMS (HER SISTER) TALKED W/HER
ON C.P. & JIL SITUATION

December

November

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5

SEE FIRST TWO ENTRIES FOR 12/2/83 (MISTAKENLY ENTERED UNDER WRONG DAY)

T. COMM. W/NSR (OFFICE) TWICE

#1 LEFT MESSAGE W/MS. REAP - JUL RECD NSR LETTER OF 12/3 AND WOULD MEET

NSR PLANE @ O'HARE (NSR HAS ROOM @ HILTON AS WELL AS FLIGHT RES. FOR EVE. 12/7)

#2 LEFT MESSAGE PER F.H. REQUEST ADVISE JIN ON NSR LETTER OF 12/3/83 - SEND

COPY W/ TEXAS NEWSPAPER ARTICLES

GIVE RBR COPY OF NSR LETTER & NEWSPAPER ART.

T. COMM. W/E. MOUSER (SAI) E. MOUSER HAD TALKED W/R. WALKER & IS TO TESTIFY AT DUNHAM

HEARINGS - E.M. COULDN'T REMEMBER IF JIN SAWS COPY OF TRIP REPORT TO E.M. -

SEE NOTES - NOTES NOT CLEAR & AS A RESULT WERE DESTROYED

December

November

December 1983 January 1984

Wednesday

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7

12/5/83

RBR CALLED JIL INTO RBR OFFICE & HAD JIL READ & COMMENT ON INFO. SENT TO OBC (JIL) BY N.P.R. ALSO RBR WENT OVER INFO. FOR JIL TO EMPHASIZE (SP?) WHEN W/NRC (RBR LATER TOLD JIL TO GIVE NSR THE ARTICLE) 12/5/EST. CONVL. W/F.H. (NRC) O'HARE. HILTON RM 2115 5-9 PM (SHOULDN'T TAKE MORE THAN 1-2 HRS.) ASKED JIL TO CALL NSR

12/7/83 MESSAGE FROM MR. HORIUM (202-857-9837) THAT THE MTG. IN CHICAGO WAS CANCELLED TRIED TO CALL & LEFT MESSAGE

12/7/83 ≈ 0900 (EST) T. CONVL. W/F.H. (NRC) MTG. POSTPONED (NRC ATTORNEYS HAD PROBLEM W/ NSR BEING @ MTG.)

12/7/83 ≈ 0935 (EST) T. CONVL. W/ WM. HORIUM (202-857-9837) NRC HAS PROBLEM FROM A POLICY STANDPOINT W/ ALL ATTORNEY BEING PRESENT DURING ALL INTERVIEW

12/7/83 ≈ 0940 (EST) LEFT MESSAGE (CHICAGO MTG. CANCELLED -NRC HAD PROBLEM W/ ATTORNEY BEING PRESENT) FOR JIL

12/7/83 INFORM RAT ON MTG. STATUS

12/7/83 ASKED TED TO RELAY MESSAGE TO RBR

December

November

December 1983

January 1984

Friday

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9

~ 3 HRS. START REVIEW OF TRANSCRIPT ON 11/10, 11/23 AT

T. CONN. W/NSR SER LEFT MESSAGE THAT JIL
COULD NOT MAKE MTG. ON 12/20/83 - TRIED TO
RESCHEDULE - NSR OR SER. WILL CALL BACK TO RESCHEDULE

T. CONN. W/JLN (1219 HRS. EST) TOLD JLN IN OBC
FLORIDA OFFICE -> JIL CALLED OBC FLA. OFFICE
AND LEFT MESSAGE

T. CONN. W/RBR (OBC FLA. OFFICE @ 1230 HRS EST)
GO OVER NSR T. CONN. OF 12/8/83 (EXCEPT #6, 7 & 8)

T. CONN. W/NSR (1511 HRS EST) MNE MTG. TO 12/21/83
@ 0930 HRS IN WASH., DC.

December

November

December 1983

January 1984

Friday

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16

21045 HRS. (EST) 12/16/83 T. CONN. w/

F. HAWKINS (NSR) WANTS TO RESCHEDULE
MTG. FOR 1/4/84 IN CHICAGO IN MORNING

-NO PROBLEM FOR NSR TO BE PRESENT
JLL TO CALL NSR THEN CONFIRM w/ F.H. @

312-790-5660

21107 HRS. (EST) 12/16/83 ADVISE RBR ;
RAT ON T. CONN. w/ F.H. ; RBR DIRECTED JLL
TO CALL NSR THEN SWITCH NSR UP TO RBR

21125 (EST) 12/16/83 LEFT MESSAGE
w/ SECRETARY

21208 (EST) 12/16/83 T. CONN. w/ E. REMP
(NSR - SEC.) ON RESCHEDULED MTG.

21400 HRS (EST) 12/16/83 T. CONN. w/ NSR
RE: MTG. IN CHICAGO ON 1/4/84 OK w/ NSR

February

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December

Tuesday

20

T. CONN. w/E. REAP RE. CONFIRA

12/21/83 MTG. w/NJR ALSO

ADVISE OF FLT # & ARRIVAL TIMES TO CHICAGO on 1/1/84

T. CONN. w/F. HAWKINS (1/20 HRS) ADVISE ON FLT. TIMES

December

November

December 1983

January 1984

Wednesday

21

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LI. FOR WASH. DC @ 0620HRS
 = 940 HRS (EST) MTG. W/ M. WATKINS,
 N.S. REYNOLDS & E. REAP (SEZ) WORK THROUGH
 LUNCH MTG ENDED AT ~1500HRS (EST)

- GO OVER DRAFT OF TESTIMONY
- EXPAND & ELABORATE ON DRAFT OF TESTIMONY
- DISCUSS JIL QUAL TO TESTIFY - JIL NOT COMFORTABLE STATING THAT JIL IS AN EXPERT ON NUCLEAR WORK - NSR TO CONTACT RBR & PERHAPS GO W/ RAT (JIL HAD NO PROBLEM W/ RAT)
- DISCUSSED TRIP REPORT CHANGED BY RBR
- DISCUSSED NSR MTG & HEARING FORMAT
- JIL ADVISED NSR THAT JIL HAS OPINIONS ON CP QUALITY BUT WOULD PREFER NOT TO DISCUSS OTHER THAN THOSE OPINIONS ALREADY EXPRESSED IN 8/8/83 TRIP REPORT

~ 1540 HRS (EST) T. CONN. W/ RAT BRIEFLY
 REVIEW W/ RAT MTG. W/ NSR & MLW.

December

November

December 1983

January 1984

Friday

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23

~ 0940 HRS (EST) 12/23/83 CONW. w/RBR

RE: NEW DRAFT OF JIL TESTIMONY DID NOT ARRIVE; RBR WENT OVER JIL PERFORMANCE APPRAISE - ONLY NEGATIVE COMMENT WAS THAT JIL SHOULD DO A BETTER JOB ON SETTING DEADLINES & THAT JIL SHOULD KNOW EXACTLY WHAT EVERYONE IS DOING IN JIL'S DEPT.; JIL ADVISED RBR THAT DEADLINES CAN BE SET & MET BUT DAY TO DAY & RUSH ITEMS WOULD SUFFER (RBR SAID THAT HE WANTS DEADLINES & CURRENT WORK NOT TO SUFFER); JIL SALARY TO INC. 2K/YR ALSO IS PRACTICAL FOR '83 SHOULD BE ~ 5.5K

ADVISED E. REMP THAT NEW DRAFT DID NOT ARRIVE - COPY TO BE SENT TO JIL C/O MR. & MRS E.A. GULLIDGE

February

March

April

December

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Tuesday

27

— REVIEW NEW DRAFT OF
HL TESTIMONY

DEPARTMENTAL CORRESPONDENCE

DATE November 4, 1983

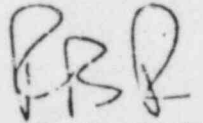
SUBJECT Meeting TUSI - Dallas Headquarters - Wednesday 11/3/83 - RE: COMANCHE PEAK COATINGS
 TO File cc: JJNorris, RATrallo
 FROM RBRoth

Joe George, Vice President - TUSI
 Dave Chapman, Corporate QA Manager - TUGO
 John Merritt, Jr., Assistant Project
 General Manager - TUSI
 Billy R. Clements, Vice President-Operations -
 TUGO
 Tony Vega, QA Manager to Chapman - TUGO
 R. B. Roth & J. J. Norris - O. B. Cannon & Son, Inc.

1. Session started at 3:00 p.m. and was principally on clients reaction to August 8, 1983 Joe Lipinsky trip report. In general, with only a three day site visit in July, 1983, certain of the positions taken by Joe, and stated as 'factual', would have taken weeks of close examination and evaluation, according to the clients people.
2. RBR apologized again for the lack of security at OBC, in that an in house memo 'leaked out' and had caused our client such consternation and now additional exposure to intervenors.
3. In answer to RBR specific questions, Billy Clements said that site Q. C. reports directly to him, also, contrary to Lipinsky memo, site QA Manager, Tolsun, reports to him and not to Production. Dave Chapman readily confirmed this. Further, Toulson is a TUCO man and not Brown & Root.
4. Joe George is Vice President and has complete charge of C. Peak. He emphasized that Brown & Root, currently are essentially Labor Brokers and he is calling the shots. Hence, as suggested by Lipinsky memo, whether Brown & Root would be receptive to, or responsive to a Cannon audit and/or the findings thereof is a mute point with TUSI.
5. JJNorris raised point of writing NCR's, or the lack thereof, and Clements and Dave Chapman responded that nothing in 10CFR50 requires "NCR". TUCO elected to have 'unsatisfactory reports' as their mechanism for identifying construction or equipment deficiencies.

Meeting TUSI - Dallas Headquarters
Page 2

6. RBRoth asked further who has responsibilities for generating QCP's, QAP's and QIP's and Chapman answered, TUGO, through Toulson's group. Jack added that he was present, when JLLipinsky met with Toulson and Toulson's remark about 'not his concern' related to the Plant Licensing Procedure and not to JLLipinkys's voicing his view of the quality of work and inspection at the site.
7. RBRoth suggested that to further address Cannon and TUST concerns on the Class I coatings, and recognizing its been three months or better since Cannon made any actual site inspections, that Cannon set up a Taskforce Group, to visit the site ASAP and take whatever time is required to come up with a realistic overview of the coatings effort, especially since the retro-fit program was effected around the first of September.
8. All agreed - we were thanked for coming to Dallas on short notice and the meeting adjourned.
9. RBRoth to set up the Taskforce Group, to commence site visit November 9, 1983.


R. B. Roth

/s

DEPARTMENTAL CORRESPONDENCE

DATE October 28, 1983

SUBJECT Texas Utilities Services - Letter dated October 27, 1983

R. E. Roth

DM J. Lipinsky

1. In addition to the individuals identified in the subject trip report, the writer met with a number of the coating quality control inspectors.

These individuals were:

- Lanette Adams
- Dave Ambrose
- Gary Corrigan
- Joe Deshanbo (sp?)
- Margaret Lucke
- Evert Mouser
- Cassandra Owen

Note: The writer met other inspectors but cannot recall the individual names.

The writer discussed job status, project conditions, work activities and other miscellaneous items with the above individuals. The writer has either employed or worked with the above listed individuals on one or more nuclear projects.

2. As stated repeatedly by the writer, a thorough review/audit would be required to provide specifics on the six items listed by D. N. Chapman. However, the following explanation is provided for each item as listed by D. N. Chapman.
 - A. Material Storage - the writer observed that the coating material is mixed, and set on pick up pallets outside Containment. None of the material had tags attached (status or mix information), and there is no apparent control on how long mixed material sits on the pallets.
 - B. Workmanship - at the time of the writer's visit the applicator qualification program was being administered by production personnel with no inspection or monitoring of the qualification process (before during or after) by quality control. This information was provided to the writer by Mark Wells of site engineering and quality control.

With regard to the quality of the work, the writer observed numerous areas of in place work which by appearance was less than the quality of work put in place by Cannon on nuclear and non-nuclear projects.

To: R. B. Roth
Re: Texas Utilities Services
Letter Dated 10/27/83

October 28, 1983
Page 2

Additionally, the writer was informed on more than one occasion by engineering and/or production that a low percentage of the individuals (34 out of 452 individuals) employed as painters were no any good as painters.

- C. Compliance with ANSI Requirements - the writer only briefly examined the report format utilized on site. However, indications were that, all of the required data was not included on the inspection reports. Also, ANSI has requirements for applicator qualification (in addition there are forms to be completed), material storage, tagging, and manufacturers' instructions, to name a few.
- D. "Possibly" coating integrity - see Item B and F on page 4
- E. Possible document deficiencies - see Item C above
- F. Morale problems - based on conversation with various inspection personnel, including those individuals listed in number 1 above, the writer concluded that the inspection personnel on the project were not satisfied with their jobs.

To the writer's knowledge, J. Deshanbo, E. Mouser, C. Owen and H. Williams are no longer on the project site as of October 31, 1983.

- 3. As indicated in the subject trip report, when the writer advised R. Tolson that 'preliminary assessment by J. J. Lipinsky, that Comanche Peak has problems in areas of material storage, workmanship (quality of work and painter qualification and indoctrination), not satisfying ANSI requirements and possible coating integrity', he (R. Tolson) replied "That's not my job or concern". The items indicated, with the possible exception of coating integrity (and that is debatable) deal, at least in the writer's opinion, with quality related matters and R. Tolson, the QA Manager state "That is not his job or concern". Therefore, the writer would be inclined to believe that R. Tolson was indicating that he (R. Tolson) was not concerned with quality.
- 4. C. Brandt and R. Tolson mentioned T. Miller specifically when the writer advised them (C. Brandt and R. Tolson) that approximately nine former Cannon employees (inspectors) were or are employed on the project.
- 5. The writer was referring to issues raised in Item 2 above.
- 6. See item 2B above.
- 7. In the writer's opinion and apparently in the opinion of those individual at the meeting of July 28, 1983 (see page 2) this was the situation. As result of this a get together was planned to bring the Quality Control Inspectors and foremen together. However, this was later cancelled, based on follow-up conversations with the site personnel

8. Apparently, the air compressors or air supply lines were not providing clean (water and oil free) air, and up to half the shift, approximately five hours, was utilized to make the air quality acceptable.
9. Zimmer has problems related to coatings as a result of placing more emphasis on production than they (Zimmer) did on quality. It is the writer's opinion that this appears to be a hang-up at Comanche Peak.
10. The writer based this statement on conversations with inspection staff in what appeared to be poor instructions in the procedures (though the writer cannot recall specifics), coupled with the number of changes to the specifications (most of which catered toward relieving requirements on areas or items where requirements could not be satisfied.

The implications of the writer's statement is that somewhere down the road, another set of eyes may or may not concur with my assessment.

11. See Item 2 above.
12. As a result of the meetings attended by the writer, the site management people (R. Tolson) declined the offer of Cannon to perform an in-depth audit that would have either confirmed or satisfied the concerns I raised.
13. The writer based this on conversations with site inspection personnel and the apparently disinterested attitude of R. Tolson, when advised of potential coating quality problems.
14. See Item 2F above.
15. The writer is unable to recall the names of inspection personnel encountered while in the field. However, two of the topics frequently discussed were the quality of work and where employment possibilities may currently exist.
16. There is an honest internal disagreement in the manner in which ANSI requirements impact the cost of a project and the quality of the work.
17. See Item 12 above.
18. The writer based this observation on previous work experience, and suggests that the coating manufacturer be contacted to confirm same.

Note: Power grinding on isolated areas of one square foot or less should not be a problem.
19. Again, the writer based this observation on previous work experience and suggests that the coating manufacturer be contacted. However, old Phenolic #305 (one year or more, with weld fume accumulation) may not

19. - continued

be adequately cleaned and provide sufficient intercoat adhesion by solvent wiping.

20. The writer's speciality is Quality Assurance/Quality Control, as these terms deal with coatings and the writer's offer of an in-depth audit (in order to confirm or allay quality concerns) was repeatedly rejected

Also see Items 3 and 12.

21. Based on the writer's observations on site and my past Nuclear site experience, the work observed in place appears questionable with regard to quality. (Again, an in-depth audit/review may resolve this issue.)

Also, any attempt by Cannon or any qualified professional applicator to salvage "in place work", may not be practical or realistic. Certainly, isolated areas may prove acceptable and perhaps complete rooms may be okay. However, realistically and from a cost/effective viewpoint, "rework" is more logical considering production effort and the attendant documentation.

22. See Item 21 above.

Additionally, the retrofit program may well resolve the writer's concern but I have not reviewed the adequacy or results of the retrofit program. Realizing that the writer is not familiar with the results of the retrofit program, I cannot comment one way or the other on the acceptability of a retrofit program.

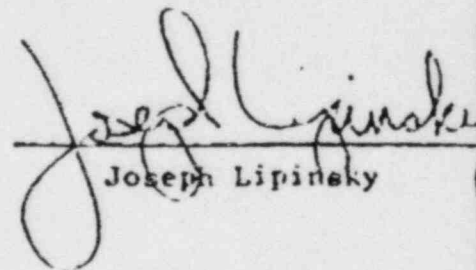
23. The writer distributed the trip report to K. B. Roth and J. J. Norris, on or around August 8, 1983.

24. The writer did discuss the subject matter in my trip report with E. Noua Field Coatings Quality Control Supervisor, on subsequent trips to the project site.

Dated:

October 31, 1983

Joseph Lipineky



DEPARTMENTAL CORRESPONDENCE

DATE November 28, 19831-3301 - Coatings Overview Task Group ReportRobert B. RothRalph A. Trallo

I. Background:

Cannon Personnel Concerned:

Robert B. Roth - President and Chief Executive Officer
Ralph A. Trallo - Vice President Nuclear Services
John J. Norris - Vice President and Project Account Manager
John J. Lipinsky - Corporate Quality Assurance Director
M. Keith Michels - Corporate Quality Assurance Lead Auditor

On November 4, 1983 a Cannon Task Group consisting of the writer, J. J. Norris, J. J. Lipinsky, and M. Keith Michels was established to perform follow-up evaluation of items previously addressed within the scope provided under our Consulting Services Contract¹ with this client.

This follow-up was to be in accordance with guidelines set forth in departmental correspondence from Robert B. Roth to the writer² and the principle purpose detailed was to evaluate the nuclear coatings retrofit program at Comanche Peak. Key areas included:

Material Storage and Control

Painter mechanic qualification/documentation

Working relationship between Production/Inspection

Status and adequacy of documentation/traceability

Implementation of coatings retrofit effort, see "Painting Minutes of Meeting", pages 1 to 4, dated 8/15/83, as prepared by R. M. Kissinger, Project Civil Engineer

Compliance of Nuclear coatings to Project Specifications requirements

Overview as to adequacy of current safety-related coatings in place, as per proper Industry practice, etc.

* TUGO Purchase Order No. CPF-15245
Departmental correspondence R. B. Roth to R. A. Trallo, 11-4-83

H-8301 - Coatings Overview Task Group Report

TO: Robert B. Roth

November 28, 1983

Page Two

II. Preliminary Preparation:

The writer discussed the operation and purpose of the Cannon Task Group with the other participants. A point of departure schedule was established in accordance with Robert B. Roth's memo guidelines, and preliminary checklists were prepared to facilitate orderly progression and review.³ The intent was to have OBC QA Services (Lipinsky and Michels) and J. J. Norris (Account Manager) onsite for whatever time was required to complete the necessary reviews. R. A. Trallo was to visit the site to perform an overall evaluation as to the effectiveness of the Cannon Task Group activities. Commencement dates for site activities were: November 9, 1983, J. J. Norris, J. J. Lipinsky and M. Keith Michels onsite to begin preliminary reviews; November 10, 1983, the writer onsite to insure effective implementation of the Cannon Task Group activities.

III. Task Group Activities:

On November 8, 1983 I called John Merritt to advise him that Oliver B. Cannon personnel would be onsite November 9, 1983, and requested that he have available the following information for review:

Organizational chart with names and titles of individuals and positions filled

Copy of current revision of the QA Program

Complete cooperation with various onsite departments, organizations and individuals

List of names of all inspection personnel and level of certification

List of names and positions of production personnel (foremen and above)

List of certified painters and systems for which the painters are qualified

3. "JLJ and MKM Comanche Peak Trip Plan" (4 Pages)

H-8301 - Coatings Overview Task Group Report
TO: Robert B. Roth
November 28, 1983
Page Three

III. Task Group Activities: (continued)

Liason or interface person for quality assurance, quality control, production, and other departments in order to expedite and aid in the performance of this review

Mr. Merritt requested that any reviews conducted by OBC were to be performed on a joint basis (ie. QA and Accout Management).

Cannon personnel were onsite the morning of November 9, 1983. At that time J. J. Lipinsky gave a copy of the preliminary review checklist³ to John Merritt. J. J. Norris and John Merritt discussed the checklist and Mr. Merritt requested a "kick off" meeting prior to any formal reviews or implementation of Cannon Task Group activities.

It became evident that the scope of the Cannon Task Group activities which had been previously outlined²; were not coincident with that perceived by TUGO. Mr. Merritt requested a review meeting to discuss the concerns of the "Lipinsky Memo"⁴ and based on the outcome of that meeting TUGO would re-define the scope of the Cannon Task Group activities. The review meeting was held commencing Thursday, AM, November 10, 1983, with John Merritt chairing.

Mr. Ron Tolson, Construction QA Supervisor, started the discussion. In essence the "Lipinsky Memo"⁴ was used as an agenda, and each memo paragraph, or statement, was discussed and clarified. The meeting was recorded and the transcript has been distributed for comment.⁵ It became evident that certain statements in the trip memo⁴ were incorrectly stated or misinterpreted. This was principally due to the organizational structure at Comanche Peak. (ie. A management team consisting of individual's employed by different organizations.)

2. - Departmental correspondence R. B. Roth to R. A. Trallo, 11-4-83
3. - "JLJ and MKM Comanche Peak Trip Plan" (4 Pages)
4. - Trip Report (JLJ to RBR) 8-3-83
5. - "Lipinsky Memo Meeting on November 10 and November 11, 1983"

H-8301 - Coatings Overview Task Group Report

TO: Robert B. Roth

November 28, 1983

Page Four

Mr. Tolson explained the operational roles of the individuals involved on the Comanche Peak Team, along with their proper titles, responsibilities, and lines of reporting.

Concerns raised in the "Lipinsky Memo"⁴ were for the most part, based on observations and discussions between Joe Lipinsky and site personnel. At face value this "information," would be the cause for raising concerns regarding the site coating activity. Throughout the course of the November 10 meeting, it was evident that Site QA Management at Comanche Peak was not interested in further audits, or program reviews, since they have been subject to numerous outside and internal reviews and audits in the past several years. These constant and sometimes redundant reviews, compounded by the apparent personnel matters, resulted in short or clipped responses, which could readily be misinterpreted.

Regarding areas of coatings material handling, personnel qualifications, non-conformances, and quality responsibility, Mr. Tolson discussed the current procedures and controls in effect at Comanche Peak. This detailed information not readily available to Joe Lipinsky during his site visit of July 26, 27, 28th, 1983, and on which visit he based his August 8, 1983 trip report to Robert B. Roth.

Comanche Peak Management stated that they do not feel they have a problem in the areas of concern, as raised in the "Lipinsky Memo."⁴ A detailed indepth audit was not agreed to. However, a review of specific items could be scheduled, or program "paper" be made available for review, at Cannon's request. After consideration the Cannon Task Group decided that a limited review was unwarranted, since it would not provide sufficient support to a statistical extrapolation as to the entire coatings programs' effectiveness.

Detailed discussion and information is provided in the notes of the November 10 and November 11 meetings. (Reference footnote 5.)

4. - Trip Report (JJL to RBR) 8-8-83

H-8301 - Coatings Overview Task Group Report
TO: Robert B. Roth
November 28, 1983
Page Five

IV. Conclusion:

The Cannon Task Group did not perform the total overview function as originally scoped by Robert B. Roth. This was due to the request of our client to explore and review the "Lipinsky Memo"⁴ in further detail, paragraph by paragraph.

The site meetings of November 10 and 11, 1983 resulted in the following:

The concerns raised in the "Lipinsky Memo"⁴ were based on limited information and observations which were neither investigated nor discussed in sufficient detail, during his site visit, to either allay or to confirm.

Comanche Peak Site Management adequately detailed the programs and controls in place, which would relieve or allay the concerns raised in the "Lipinsky Memo."⁴ Cannon has no basis to confirm that these programs and controls are in place and are being effectively implemented. Confirmation could only be provided by a detailed audit. Such an audit could be redundant and certainly time consuming. Further, TUGO has neither requested same, nor is it required by the referenced Purchase of Services Agreement.

Based on the information provided by the Comanche Peak Site Organization we can assume that our concerns are unfounded, however, affirmation could only be finalized by further effort.



Ralph A. Trallo

RAT: jr

DEPARTMENTAL CORRESPONDENCE

DATE November 4, 1983

SUBJECT Job H8301-Coatings Overview Task Group, Cannon to TUSI, Comanche Peak
 TO R. A. Trallo, J. J. Norris, J. J. Lipinsky, K. Michels cc: APMC, Acct File
 FROM B. B. Roth

1. As a follow-up to our Consulting Services Contract over the past summer, for this client, I am assigning this Cannon Task Force to perform a Nuclear Coatings overview at the Comanche Peak Nuclear Plant, being constructed by Texas Utilities Services, Inc. at Glen Rose, Texas
2. Task Force to be:
 - R. A. Trallo - Vice President - Nuclear Services
 - J. J. Norris - Vice President Houston Operations
 - J. J. Lipinsky - Corporate QA/QC
 - K. Michels - Lead Corporate Auditor
3. Site effort to commence, Wednesday morning, November 9, 1983. Jack, Joe and Keith to report on Wednesday. Ralph may not be able to schedule till later in the week. There is no established time limit. I suspect from three to five days may be necessary, but the best judgment of our senior managers involved will so ascertain. Ralph is designated as Task Force Leader.
4. Principal purpose is to evaluate the Nuclear Coatings Retrofit Program that has been in effect over the last 3 to 4 months. Key areas would include:
 - Material Storage and Control
 - Painter mechanic qualification/documentation
 - Working relationship between Production/Inspection
 - Status and adequacy of documentation/traceability
 - Implementation of coatings retrofit effort, see "Painting Minutes of Meeting", pages 1 to 4, dated 8/15/83, as prepared by R. M. Kissinger, Project Civil Engineer
 - Compliance of Nuclear coatings to Project Specifications requirements.
 - Overview as to adequacy of current safety-related coatings in place, as per proper Industry practice, etc.

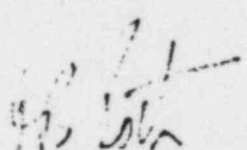
To: R. A. Trallo, J. J. Norris, J. J. Lipinsky, K. Michels
Re: Job H8301 - Task Group

November 4, 1983
Page 2

-
5. Separate individual and objective reports are due to Task Leader and his composite report shall be submitted to my office within five working days after site assignment.

Ralph is further charged with the security of the reports/observations given to him and his composite report shall be directed to me, and no other copies issued or distributed.

6. I shall then communicate the results of our effort to TUSI.
7. All costs and expenses involved shall be submitted in separate expense envelopes, with appropriate receipts and clearly marked with Job #H8301.
8. Any questions or clarifications to the above shall be addressed to my attention.


R. B. Roth

JJL & MKM COMANCHE PEAK TRIP

NEED:

Organizational chart with names and titles of individuals and positions filled

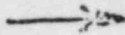
Copy of current revision of the QA Program

Complete cooperation with various on site departments, organizations and individuals

List of names of all inspection personnel and level of certification

List of names and positions of production personnel (foremen and above)

List of certified painters and systems for which the painters are qualified

Gene Clark

Require liaison or interface person for quality assurance, quality control, production, and other departments in order to expedite and aid in the performance of this review

PAY #1

Review QA Program in general

Review QC Procedures and how those procedures related to the QA Program

Go over QC Procedure numbering sequence

Review site organization and responsibilities (both individual and company)

Review Retrofit program (why implemented, still on-going-why? why not?, what has been accomplished to date)

Tour Site (containment, paint shop, warehouse, calibration lab, etc.)

NOTE: Badge MKM as time allows

DAY #2

Non-Confirming Conditions

Review existing NCR's

Review procedure for unsatisfactory reports to determine adequacy

Review procedure for NCR to determine adequacy

Review logs for NCR and unsatisfactory report

Review status tag procedure and logs

Review NCR and/or unsatisfactory coordinator status

Procedure and Specification Revision Control

Review system and procedure for changes to specification and procedures

Review controls - assure that only most current revisions of specification and procedures are utilized

Examine on site situation to determine sequence of work activities

DAY # 3&4

Material Storage

Review procurement documents

Review receiving procedures and records

Review personnel qualifications for receiving personnel

Review product certification

Examine reject and hold areas (review tagging procedures and logs)

Examine facilities (take representative batches and determine if procedure followed)

Review warehousing records

Examine facilities and check calibration of recording thermographs (examine certificates of compliance for instruments, calibration records for instruments, personnel for individuals performing calibrations)

Determine traceability of material from receiving to in place work from warehousing records and daily reports (also going backwards from in place work)

DAY #5

Personnel Qualifications

Painter Qualifications

Review indoctrination and training program

Observe (if possible) class room session and field qualifications

Review documentation on personnel qualifications

Inspector Qualifications

Review indoctrination and training program

Review personnel qualification with regard to level of certification

Review documentation on personnel qualifications

Auditor Qualifications

Review personnel qualifications for auditors

Review documentation on personnel qualifications

Audits

Review audits of the coating operation

DAY #6

Calibration

Review calibration logs

Review certificates of compliance for test instruments

Review traceability of instruments to NBS

Review training and qualification of calibration personnel

Review documentation of personnel qualifications

DAY #7 & 8 Daily Inspection Reports

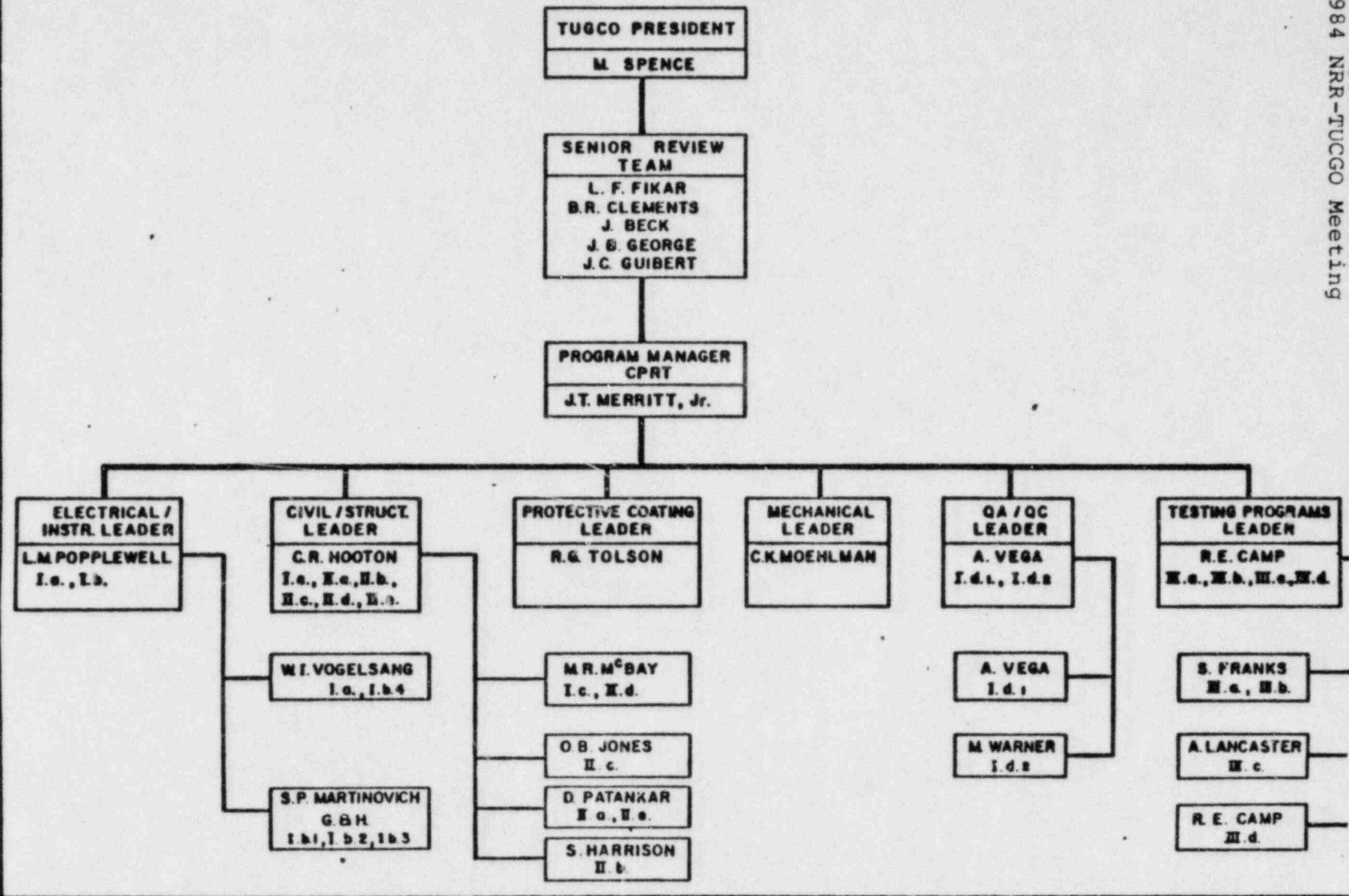
Review adequacy of daily inspection reports (compared to information required by ANSI)

Determine traceability of records for representative areas and/or items

DAY #9 & 10 Wrap up and tie together items that were examined earlier.

NOTE: The above schedule is tentative in nature and is not meant to be all inclusive. Areas or questions raised during the review will be pursued until a response is provided.

COMANCHE PEAK RESPONSE TEAM (CPRT)



October 26, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
TEXAS UTILITIES GENERATING)	
COMPANY, et al.)	Docket Nos. 50-445-2
)	and 50-446-2
(Comanche Peak Steam Electric)	
Station, Units 1 and 2))	

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of CASE's Brief in Opposition to Applicant Request for Non-Disclosure of Relevant Lipinsky Documents, have been sent to the names listed below this 26th day of October, 1984, by: Express mail where indicated by *; Hand-delivery where indicated by **; and First Class Mail unless otherwise indicated.

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