



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

October 17, 1983

MEMORANDUM FOR: George Messenger, Acting Director *Sm 10/18/83*
Office of Inspector and Auditor

THRU: Hollis Bowers, AD/Investigations *HB*
Office of Inspector and Auditor

FROM: Patrick McKenna, Jr., Investigator *P McKenna*
Office of Inspector and Auditor

SUBJECT: E. EARL KENT; ALLEGATIONS REGARDING NRC REGION V/SAN ONOFRE
NUCLEAR GENERATING STATION

As you requested on October 14, 1983, I have reviewed the OIA file 83-82 regarding subject captioned investigation. In a June 20, 1983, letter from Ms. Billie Pirner Garde, Citizens Clinic Director, Government Accountability Project (GAP), to the NRC Commissioners, she writes "... of the serious mishandling of the NRC inspection/investigation into allegations... of both specific and generic welding flaws at ... San Onofre Nuclear Generating Stations."

In a July 1, 1983, letter to the Chairman regarding Ms. Garde's letter, the Director, OIA, recommended that "...the Commission request both the EDO and the Director, OI, to respond in writing to the allegations." However, in his September 12, 1983, response to OIA, the Chairman directed that the allegations in the GAP letter be handled pursuant to established procedures and that GAP be advised of appropriate action taken. The latter task was accomplished by Director, OIA, letter to Ms. Garde on September 22, 1983.

Reviewing the June 20, 1983, twenty seven page letter and enclosed 11 page affidavit from Kent, numerous allegations regarding various reported impropriety(ies) are listed. These allegations focus primarily upon the mishandling by NRC IE personnel at Region V and OI personnel assigned at Regions III and V. Preliminary review indicates that some technical assistance may be necessary in order to adequately review those aspects of the allegations which pertain to IE activity(ies). Concerning the Kent allegations regarding NRC OI personnel, OIA investigation would probably include, at a minimum, efforts to refine the allegations concerning the reported mal/misfeasance and a subsequent interview of the concerned NRC employees.

Regarding allegation of the NRC providing information to utility personnel, preliminary review of this allegation appears to indicate that the described improper activity may have previously been addressed by OIA and the matter resolved (Paul P. Narbut - Release of Draft Report to Licensee; OIA File number 82-21). Relatedly, as I believe you are aware, the OIA Narbut

investigation determined, inter alia, that a handwritten draft inspection report and notice of violation were released without authorization of NRC regional management.

// Lastly, based upon documents currently held in the OIA file and the substance of the GAP/Kent allegations, it appears that some OIA efforts may be necessary regarding the NRC response to requests for information which had been made pursuant to the FOIA. OIA efforts in this regard would likely consist of efforts in the NRC DRR and with NRC Region V.