

October 20, 1983

MEMORANDUM FOR: Chairman Palladino  
Commissioner Gilinsky  
Commissioner Roberts  
Commissioner Asselstine  
Commissioner Bernthal

FROM: George H. Messenger, Acting Director  
Office of Inspector and Auditor

SUBJECT: COMANCHE PEAK - MARKEY LETTER RE: REGION IV  
INVESTIGATIONS/INSPECTIONS

Original Signed by  
George Messenger

The Office of Inspector and Auditor (OIA) reviewed the information in an April 15, 1983, letter from Congressman Edward J. Markey, Chairman, Subcommittee on Oversight and Investigations, to the Chairman. With his letter Congressman Markey forwarded documents and concerns of Citizens Association for Sound Energy (CASE) regarding the manner in which Region IV conducted investigations/inspections of allegations by "whistleblowers." Based on our review, we believe that Region IV's handling of allegations made by Arvil Dillingham, Jr., formerly employed at Comanche Peak Steam Electric Station (CPSSES), to Texas Utilities Generating Company (TUGCO) and Brown and Root, Inc. (B&R) was the only issue raised by CASE that required investigation by OIA.

Region IV first learned of Dillingham's allegations to TUGCO and B&R from an article in a newspaper in which Dillingham claimed that the investigation by TUGCO and B&R into his allegations was a "cover-up." In the same article, Dillingham made three additional allegations. Based on the information in the article, Region IV decided to investigate. Region IV inspectors reviewed pertinent TUGCO and B&R records documenting the licensee's investigation of Dillingham's concerns and determined the allegations had been adequately addressed. In addition, Region IV conducted an independent inspection of the three new allegations made by Dillingham. Because his allegations appeared only in a newspaper and Dillingham did not contact NRC with his concerns, Region IV did not believe their limited manpower resources should be used to locate and interview Dillingham and to reinspect those allegations already investigated by TUGCO and B&R.

CONTACT: George Mulley, OIA  
#9-24456

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PDR FOIA  
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Region IV received a copy of Dillingham's affidavit of March 31, 1983, which was forwarded with Congressman Markey's letter. At the conclusion of our investigation Region IV had not taken action on the information contained in the affidavit.

Congressman Markey's letter also contained an affidavit by Robert L. Messerly, dated February 3, 1983. In response to allegations of improper construction practices at CPSES made in the affidavit Region IV interviewed Messerly on April 14, 1983. Consequently, a special, unannounced inspection at CPSES was conducted by Region IV. The results of the inspection are documented in Region IV Inspection Report 50-445/83-22, dated September 29, 1983.

Attachment:

As stated

cc: W. Dircks, EDO (2)  
B. Hayes, 01

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B. Hayes, OI

Distribution:  
OIA Subject 83-89  
OIA Reading  
Mulley

OFFICE	OIA	OIA	OIA				
SURNAME	Mulley:ed/mc	Bowers	Messerly				
DATE	10/20/83	10-20-83	10-20-83				

# GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies  
1901 Que Street, N.W., Washington, D.C. 20009

(202) 234-9382

March 21, 1984

## FREEDOM OF INFORMATION ACT REQUEST

Director  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

## FREEDOM OF INFORMATION ACT REQUEST

**FOIA-84-210**  
**Rec'd 3-27-84**

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552, the Government Accountability Project (GAP) of the Institute for Policy Studies, requests copies of any and all agency records and information, including but not limited to, notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, any other data compilations, interim, and/or final reports, status reports, and any and all other records relevant to and/or compiled by the Office of Inspector and Auditor (OIA) into the handling of the Region IV investigation and inspection of the firing of Mr. Charles Atchison.

Specifically, this request includes:

- all the information in support of OI Report No. 4-83-001, August 24, 1983, issued Friday, March 16, 1984, and the covering memorandum from Mr. Ben Hayes and Mr. Guy Cunningham;
- OI Report No. 4-83-013, November 3, 1983, and the covering memorandum from Mr. Ben Hayes and Mr. Guy Cunningham;
- the notes, logs, and all other information compiled by Region IV or OI Staff regarding the "T-shirt incident" as reported in the Ft. Worth Star-Telegram in March, 1984; and
- for all information in support of Vendor Inspection Report No. 99900530/84-01 into the Quality Assurance Program implemented by CYGNA Corporation during the conduct of the Comanche Peak Unit 1 Independent Assessment Program, dated February 17, 1984.

This request includes all agency records as defined in 10 C.F.R. 9.3a(b) and the NRC Manual, Appendix 0211, Parts 1.A.2 and A.3 (approved October 8, 1980), whether they currently exist in NRC official "working" investigative or other files, or at any other location, including private residences.

If any records, as defined in 10 C.F.R. 9.3a(b) and the NRC Manual, supra, and covered by this request have been destroyed and/or removed, or are destroyed and removed after receipt of this request, please provide all surrounding records,

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including but not limited to a list of all records which have been or are destroyed and/or removed, a description of the action(s) taken, relevant date(s), individual, office and/or agency-wide policies and/or justifications for the action(s), identification of all personnel involved with the actions, and any and all records relevant to, generated in connection with, and/or issued in order to implement the action(s).

GAP requests that fees be waived, because "finding the information can be considered as primarily benefitting the general public," 5 U.S.C. 552(a)(4)(A). The Government Accountability Project is a non-profit, nonpartisan public interest organization concerned with honest and open government. Through legal representation, advice, national conferences, films, publications and public outreach, the Project promotes whistleblowers as agents of government accountability. Through its Citizens Clinic, GAP offers assistance to local public interest and citizens groups seeking to ensure the health and safety of their communities. The Citizens Clinic is currently assisting several citizens groups and intervenors in Texas concerning the construction of the Comanche Peak Steam Electric Station.

We are requesting the above information as a part of an ongoing monitoring project on the adequacy of the NRC's efforts to protect public safety and health at nuclear power plants.

For any documents or portions thereof that you deny due to specific FOIA exemption, please provide an index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant to the document or portion of document withheld. This index is required under Vaughn v. Rosen (I), 484 F.2d 820 (D.C.Cir. 1973), cert. denied, 415 U.S. 977 (1974).

We look forward to your response to this request within ten days.

Very truly yours,

  
Billie Pirner Garde  
Citizens Clinic Director