



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

DCS

JUN 04 1985

Docket Nos. 50-413 and 50-414
(10 CFR 2.206)

Ms. Billie Pirner Garde
Government Accountability Project
Institute for Policy Studies
1901 Q Street, N.W.
Washington, DC 20009

Dear Ms. Garde:

Your letter of September 27, 1984 to Mr. R. C. DeYoung and Ms. J. A. Axelrad raised a number of issues which you believe support your request that NRC take enforcement action against Duke Power Company for incidents of intimidation, harassment, and discrimination at the Catawba site. I have the authority to determine the appropriate enforcement action in this matter and have considered the points you raised in your letter. My decision in this matter was delayed as a result of a decision by the U.S. Court of Appeals for the Fifth Circuit in Brown and Root, Inc. v. Donovan, which was directly related to the issues raised by your letter. My decision was then further delayed to allow time to evaluate a response to your request filed by Duke Power Company on April 22, 1985.

Your request involved issues very similar to those raised by Mr. Robert Guild on behalf of the Palmetto Alliance in a June 27, 1984 letter to this office. To the extent that you and Mr. Guild have raised similar issues, they have been addressed in the attached Director's Decision under 10 CFR 2.206.

Your request contains some issues which are different from those raised in Mr. Guild's 10 CFR 2.206 request and which require a separate response. You make some serious assertions in your letter regarding Region II's handling of these matters with which I must take issue. The Region II staff has provided me with the following information regarding the matters you have raised.

- 1) The Region II Staff interpreted your claim that headquarters was not informed of "allegations of deliberate violations of NRC regulations " to relate to the "Welder B" issue. As so interpreted, your claim is incorrect. There were numerous communications between Region II and headquarters personnel on this issue.
- 2) The following addresses your concern that Mr. O'Reilly, the former Regional Administrator for Region II, told Duke Power Company how to "beat the system." Region II personnel directed Duke Power Company to conduct a thorough investigation to address and correct any problems identified as a result of the follow-up of concerns raised by the staff related to the "Welder B" issue. While he was Regional Administrator, Mr. O'Reilly directed his staff to ensure that the licensee conducted a thorough and detailed investigation. This fact was subsequently stressed during several meetings

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between the staff and licensee, and the staff made every attempt to ensure that the licensee was sensitive to Mr. O'Reilly's insistence that a thorough investigation be conducted. Correcting an incorrect situation is not "beating the system," it is the goal of the system. Licensees have always been held responsible to take prompt and effective corrective action and it has always been the staff's position that safety issues be pursued promptly and effectively.

- 3) With regard to your claim that the names of the accused and accuser were given to DPC, the Region II staff has provided the following. Region II has not released the identity of any individual who requested confidentiality. Region II has adhered to the policy of the NRC of taking precautions to protect confidential sources. Furthermore, evidence presented at the recent hearings did not indicate any failure on the part of Region II to appropriately protect confidential sources. The name of the accused foreman, not the name of a confidential source, was given to Duke Power Company to enable the company to address problems identified by the staff. (See DPC-RII Meeting Summary dated March 26, 1984.) In addition, the identity of "accusers" who have not requested confidentiality have been given to the utility and Palmetto Alliance; however, personal information about the interviewees, such as home addresses and phone numbers, were only released at the insistence of Palmetto Alliance and after the staff received a Board Order to do so. The Board's Order contained certain safeguards to protect the individual's personal privacy and Region II took steps to protect confidential sources even though this was at times difficult because of the legal proceedings surrounding this issue.

I am satisfied that Region II and other NRC staff have acted and are acting responsibly on this matter. Further, the staff recognizes the need for effective enforcement in the area of intimidation and harassment and is working to achieve this goal.

Sincerely,

Original Signed By:
James M. Taylor

James M. Taylor, Director
Office of Inspection and Enforcement

Enclosure:

As stated
cc: Duke Power Company
Distribution

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