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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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USNRC

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In the Matter of)
)
COMMONWEALTH EDISON COMPANY) Dockets 50-4560L
) 50-4570L
(Braidwood Nuclear Power)
Station, Units 1 and 2) July 15, 1985

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

SUPPLEMENT TO JULY 12, 1985, MOTIONS
REGARDING HARASSMENT AND INTIMIDATION
OF COMSTOCK QUALITY CONTROL (QC) INSPECTORS

Intervenors Rorem, et al., by their counsel, hereby supplement their July 12, 1985, Motion To Admit Claims of Intimidation and Harassment of Comstock Quality Control (QC) Inspectors and Motion For Protective Order with the attached three (3) NRC Staff file memoranda, reflecting numerous recent harassment and technical allegations made by Comstock QC inspectors to the NRC staff. These allegations, by a total of twenty-four (24) Comstock inspectors (April 5, 1985 Memo at p. 2), included threats of physical violence by Comstock supervisors against inspectors who were performing their inspection work ("... Saklak stated, 'if beating was legal you would be dead.'" April 5, 1985 Memo at p. 2). The memoranda also included extremely serious programmatic concerns about the adequacy of the Comstock QA program ("All of the inspectors stated that they thought quantity was first and quality work or inspections were secondary." (March 29, 1985 Memo, pp. 5-6.) These recent allegations were serious enough to lead the NRC's Braidwood Resident Inspectors to

conclude, at least initially, that drastic corrective action was required, up to and including a stop work order:

It appears at first glance with the information we have received that a shut down or some other aggressive action of the electrical work may be necessary to establish the quality of past work and the quality of the ongoing work. The lack of action by CECO QA in this area needs to be addressed along with CECO management's slowness or inability to take corrective action. The resident inspectors appraised CECO management last fall of the problems in L.K. Comstock Quality Control Department.

(March 29, 1985 Memo, p. 7.)

Intervenors submit that good cause warrants the supplementation of their July 12 filings with these NRC Staff memoranda. First, the documents became known and available to Intervenors only on July 14, 1985, after the filing of Intervenors' July 12 Motions. They were provided to Intervenors not by the NRC Staff, but by a Comstock employee. Second, the very existence of such documents, reflecting numerous additional harassment allegations by Comstock inspectors, is at odds with the clear May 20, 1985, deposition testimony of Robert Warnick, who was the addressee of both March 29, 1985, memoranda. Less than two months after receipt of these memoranda, Warnick testified unequivocally that he knew of no other harassment allegation beyond those by John D. Seeders (Tr. 173; 184). Transcript pages 167-184 of the Warnick deposition are attached hereto for a full discussion of the Comstock harassment issue. Intervenors were entitled to rely on Mr. Warnick's sworn statements that no such additional allegations or documentation of allegations were known to the NRC.

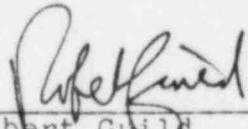
Intervenors have submitted to the Board alone an unexpurgated version of the April 5, 1985, Memorandum, which includes the names of specific Comstock QC inspectors together with their allegations. Despite the memorandum's observation that none of the allegeders requested confidentiality (p. 2), Intervenors have deleted those names from the copies of this memorandum served upon the other parties since Intervenors are informed and believe that such confidentiality may be desired and warranted. See, Seeders Affidavit, Exhibit A to the July 12 Motions. Intervenors are unaware of whether these names or identifying facts are known to Comstock or Edison. Intervenors believe such identifying information should be communicated subject to the protective order which Intervenors seek by their July 12 Motion. Further, we are informed that since these allegations were made, additional retaliatory measures have been taken against Comstock QC inspectors, including forced terminations of more than one of the named allegeders.

Intervenors offer these three (3) NRC memoranda as additional factual bases for their specific claims of harassment and intimidation of Comstock QC inspectors, and would present the testimony of the allegeders and other persons with knowledge of the claims which are identified in these documents.

July 15, 1985

Douglass W. Cassel, Jr.
Robert Guild
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Respectfully submitted,



Robert Guild
One of the Attorneys for Intervenor
Bridget Rorem, et al.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

March 29, 1985

MEMORANDUM FOR: R. F. Warnick, Chief, Projects Branch 1
C. Weil, Investigation Coordinator

FROM: L. McGregor, SRI Braidwood
R. Schulz, SRI Braidwood

SUBJECT: QUALITY CONTROL ALLEGATIONS FROM L. K.
COMSTOCK INSPECTORS

On March 29, 1984 at approximately 08:15 hours, six quality control inspectors from L. K. Comstock walked into the NRC Braidwood office with numerous allegations which "effect" the quality of work being accomplished by the electrical contractor.

The meeting began with the resident inspector advising these men of the right to remain anonymous and if they choose not to the NRC would like to have their names, phone number or address in order to obtain further information and/or to advise them of the results of this meeting. The six individuals gave the following information:

Inspector X: We were going to have a lot of people come over but we figured it was better to have a small number. We have 109 people there now and all are about to walk if conditions remain the same.

Inspector X, who came to the NRC with allegations on March 13, 1985, said: My supervisor Rick said to me - "You should close them" (ICRs) (normal route is through engineering) "out and be done with the thing." He said "I should evaluate it myself and close it out". Rick said "you know what engineering is going to write and what the disposition will be so close it out". I said "That's not my function." Rick said "No wonder we have such a back log of documents you won't evaluate them or close them out". I said "I have to follow my procedure - It's not my decision to close out ICR's or NCR's." Rick said "I can put you in the vault or whatever and make you do it all". Rick came back to my desk and said "At times you make me so pissed off that if beating was legal you would be dead" I have several

witnesses to this statement. I didn't agree with the man but he meant what he said. He has jumped on my ass before - he flies off - just like that - he has done it many times before. The biggest thing is this is not the first time and everybody knows about it, but nothing is ever done. He (Rick) is not certified in my area and he is telling me what to do and my Lead is not certified so I am stuck in the middle so far as procedures go. I gave the NRC these problems March 13, 1985 and I don't know what is being done about it. Rick doesn't want to admit he is wrong, which he was - dead wrong and I didn't agree with the man - its' always been an Engineering function when and ICR or NCR is involved so I don't know where he got the idea I should close them out. He has jumped on my ass before - he has always been wrong - what do you expect, the man isn't qualified and yet he is giving orders to inspectors on things he doesn't know anything about - areas where he is dead wrong. It is done just to get the paper work completed so the numbers look good.

Another Individual: One of the biggest things is this isn't the first time he done this and we are getting tired of this shit. I know of at least five guys that he has jumped on and nothing gets done - they just give him a new title or transfer him to another area - they have cut his responsibility down to four areas, yet he is only certified in one of those four areas and is still telling inspectors what they should do. Why is he threatening me with other things - he is telling me what I have to do - he is not certified in my area - he doesn't even have a background in calibration. I know he got John out of there (an inspector removed from his job) - he was railroaded out. It wasn't John's fault because the department was messed up - nobody was certified in that area. Rick had a grudge against John so he got him moved out. They have to do something about this guy - know they have taken some of his power away - I don't know if he is holding that against people or because he has lost files there or what.

They got leads now - new leads, and I could walk up to them - except for two guys and ask them a question in their area and they cannot answer it. They are getting in a bunch of new people and making them Leads - NRC why is that? Because they will do what they are

told to do - sign what needs to be signed and get the NCR's or ICR cleared away. This is so because the new people are under a 90 day period of surveillance and could get fired at any time. They want to keep their job - who doesn't. These people are closing out NCR's and they don't even know what the hell they mean. They have no idea that there is a disposition needed on them and they are just signing them off. Our Leads were more or less told in a meeting last Friday that as long as our numbers stay down (the numbers of NCR's or ICR's they generate) they (the inspectors) won't be evaluated. If you don't keep them down to a fair level then you will go back on eight hours - you will lose your overtime and they will jump all over your ass.

This is not one area but in all areas. They are going through out status now (numbers of inspections completed and number of NCRs or ICRs written) they are always interested in numbers - not quality - in fact we had a guy written up last week because he didn't have enough numbers. The quality first or whatever you call it sucks - It's CECO working for CECO and all this bullshit reporting anything hasn't done a damn bit of good. I have not seen one improvement since it started.

We were going to take 50 guys and walk over here and do nothing until something was done about it. I was in a room - I started doing inspections - I started writing up NCRs - cable pans - the welds were bad. Then I started on configuration. I started to find many problems and writing up NCRs so they threw me out. They don't want somebody that will do the inspection they want someone to sign the paper. They went and sent five engineers up to that same room and they did every cable hanger and didn't find one problem - not one - no deficiencies. They are as-built walk downs. They make the problem fit the as built condition so it doesn't look like any problems exist. We have done - I don't know - one hundred and some odd hangers this past week on a walk down - probably a hundred - all but one or two are no good.

One supervisor who was not certified in my area wanted me to close out several of my ICRs and I refused to do it and so I got a disposition from engineering. Rick said "We know what's going to happen in this area - why don't you just close them out".

They are going through our status reports now and the word is out now that they are going to weed out three inspectors and that what they are basing it on is the number and not the quality.

NRC: Are the new people, the people who get the NCRs or ICRs completed, getting the 10 hours or overtime?

Individual: Yes, they are getting bought-off - they are going straight to the vault closing the documents out - hangers might not even be there. Another craft may have cut it down and this guy is saying "accept as is" and the hanger is lying on the ground.

NRC: Do you men find any problems with the craft - problems of intimidations or harassment of any kind in the field?

Individual: No, we never have any problems at all - There are a few inspectors claim they have problems - but I think its mostly a personality conflict.

The new people are afraid of Rick because of the 90 day period - I have had a couple of people (the new people) tell me we are with you but we can't do anything until our 90 days are up. There are approximately 40 or 50 new people.

I can show you time sheets if you want to know the truth - how many guys are working Saturday, Sunday working at home and getting paid because they have suction power or whatever you want to call it. We have been training these guys. The easiest way to do it is to walk into the office and ask them how many certs (certifications) do you have and ask him can he accurately do one? For example, Judy asked our Lead if she could get some cable pulling going because she is going on nights. She asked if she could do some actual inspections so she could catch on. She just got certified last week. He told her no, she has 40 hours of training and they are going to throw her on night shift with no practical experience in cable pulling. These new people don't even know where the work points are.

I have bitched to CECO about the engineers (L. K. Comstock has only 6 actual engineers) completing the NCR's with "use as is" I must have over 1,000 NCR and only 5 or 6 have had actual rework. I have seen a cable pan voided on an NCR. This person passed 93 cable pan hangers with 1,114 welds and all these welds were accepted. These 93 cable hangers were completed in one day. They had a guy from QA assigned here for approximately two months who was closing ICRs. QA doesn't do Level II inspections in the field. How is this guy going to do a QA audit on himself? They have now pulled him out - he was working directly at the vault.

Inspector A: I was told flat out Friday that we are making these people (new hires) the Leads because they will get the job done. That's what my supervisor said - you know what kind and amount of paper work they will complete.

Inspector B: I have been inspecting for 15 years and this is the first nuclear job I have seen where quantity is first - not quality.

Inspector C: I was a Lead at one time and give it up because of the intimidation. I was present one day when Rick was using extreme profanity towards one of the inspectors. This inspector asked to please stop it but Rick refused and kept on. His attitude is how can I hang you and not how can I help you.

Inspector D: My Lead (Mr. A) told me unless my production is increased overtime would not be warranted. I also witnessed Rick trying to order an inspector (Mike) to sign off an ICR. Rick said it is being addressed - sign it. (he pointed his finger in the inspectors face and said "sign it off - sign it off - sign it off - now").

Inspector E: It is true we have intimidation from more than one supervisor or Lead.

Inspector F: I have had so many run ins with Rick. Rick demanded that I should write up an electrician and if I didn't I would lose my qualification. It had something to do with items not up to par or not correct on a drawing.

Inspector G: I am now being watched all the time - I must work to an hourly schedule of specific jobs for each hour. They are keeping book so they can fire me.

All of the inspector's stated that they thought quantity was

first and quality work or inspections were secondary.

The resident inspector called the region for a conference call when the second group of inspectors came into the office. The resident inspectors feel that the region should send an inspector to the site to interview these Q.C. inspectors individually and to investigate NCR-1616 and ICR 2900 which the inspectors claim have been inappropriately dispositioned. It appears at first glance with the information we have received that a shut down or some other aggressive action of the electrical work may be necessary to establish the quality of past work and the quality of the ongoing work. The lack of action by CECo QA in this area needs to be addressed along with CECo managements slowness or inability to take corrective action. The resident inspectors appraised CECo management last fall of the problems in L. K Comstock Quality Control Department.

L. McGregor
SRI Braidwood

R. Schulz
SRI Braidwood



UNITED STATES
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799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

March 29, 1985

MEMORANDUM FOR: R. Warnick, Chief, Projects Branch 1
C. Williams, Chief, Plant Systems Section

FROM: L. McGregor, SRI, Braidwood
R. Schulz, SRI, Braidwood

SUBJECT: TELEPHONE CONFERENCE CALL WITH COMMONWEALTH
EDISON IN REGARD TO L. K. COMSTOCK QUALITY
CONTROL PROBLEMS.

During the course of the normal work day (Friday, March 29, 1985) the NRC Resident Inspectors were confronted twice by L. K. Comstock Quality Control Inspectors, first by six inspectors and again later that same day (noon hour) by twenty-four inspectors, all with allegations of 1) intimidation, browbeating threats of cuts in overtime hours, harassment and to put bodily fear in front of the quality control inspectors, 2) quality control inspectors are training their lead inspectors and supervisory personnel who are managing the L. K. Comstock QC organization (management personnel are not qualified or certified within the disciplines which they are governing) and 3) the quality of inspector work has become secondary to managements insistence on quantity of and completion of inspections. This memorandum outlines Commonwealth Edison's corrective action program, as described to the NRC, to alleviate the immediate problems and inspire a conscientious quality assurance and quality control program at the L. K. Comstock Company.

Present in the residents office at the Braidwood site are L. McGregor, R. Schulz, (NRC) and from Commonwealth Edison (CECo) Gene Fitzpatrick and Lou Kline. At the Region III office are, R. Warnick, R. Learch (sitting in for P. Pelke) R. Mendez, C. Wiel, and C. Williams.

Mr. Fitzpatrick stated: Commonwealth Edison (CECo) actions will include both short term and long term items. First of all I'll tell you of the short term actions that we have already completed or are in process of completing which will be finished before the end of the day. The first thing we did was (CECo management Maiman, Fitzpatrick, T. Quaka and D. Shamblin) to meet with Comstock site management to express our concerns over (1) concerns submitted to the Quality first program and (2) the concerns over the allegations made today.

Point 1 of Short Term: We told L. K. Comstock that CECo expected them to perform their work in accordance with, or consistent with the quality assurance and quality control requirements and in particular with their own policy statement, which is section 1.0.0 out of their Quality Assurance manual. Comstock said they were aware of some of the problems and were investigating them under their program and especially concerns or issues of Mr. Saklak.

Part 2 of Short Term: CECo has requested, and L. K. Comstock has agreed to administratively remove Mr. Saklak from his duties pending completion of their investigation relative to allegations concerning harassment by Mr. Saklak. CECo will be involved in the review of Comstock's investigation and depending what that review indicates we may have a clear course of action or we may have some additional digging.

Part 3 of Short Term: There is a memo being issued this afternoon setting up a meeting (requested by CECo) with all quality control personnel of L. K. Comstock (managers, supervisors, inspectors) to (1) reiterate the Quality Policy (2) to confirm CECo's concerns about the concerns given to the Quality First Program and (3) any other concerns that may be lurking out there that we are unaware of at this point and time. We will give them (inspectors) an opportunity to express either openly or privately throughout the Quality First Program or through other vehicles that they may elect to choose other than the Quality First program. CECo will make a firm commitment to resolve those concerns and any other concerns that they have.

Part 4 of Short Term: We are issuing a joint quality assurance project letter reiterating our commitment to a strong quality program in support of L. K. Comstock corporate Quality Assurance, Quality Control policy.

These are the four actions we have going or have completed today and we have also an expectation that we will be prepared by the middle of next week, to meet with the residents on the status of a longer range plan. Any questions on what I have said?

Region III: When is the meeting to take place?

CECo: The meeting with L. K. Comstock Quality Control Organization will take place at 8:00 Monday morning.

Region III: As you think about this long range plan you might give consideration as to what CECO wasn't doing or what you can do to keep a better finger on the pulse of what is happening at Comstock and other subcontractors so that your guys get feed back, as to the problems as they are formulating rather than waiting till the problems get to the point they are so severe; the individual feels they have to go to the NRC to get some action and relief.

CECo: Yes, that is the ideal situation to be in - we have an awful lot of things going on - that for example we were aware in the past of moral problems in L. K. Comstock organization. A lot of that was attributed --- to perhaps the dollar situation and the certification process these guys had to go through.

Region III: Has L. K. Comstock corporate been readied at all with this?

CECo: No, L. K. Comstock corporate personnel are on site for this meeting today. We will make sure they are informed, but that has not been done as yet.

Region III and the residents were satisfied with CECO's comprehensive and extremely swift corrective actions taken this afternoon. An agreement was made to keep the NRC apprised of the meetings to take place early next week and CECO's long range plans to address quality assurance and quality control problems identified at L. K. Comstock Company.

L. G. McGregor

R. D. Schulz



UNITED STATES
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799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

APR 5 1985

MEMORANDUM FOR: Charles E. Norelius, Director, Division of Reactor Projects
FROM: Charles H. Weil, Investigation and Compliance Specialist
SUBJECT: ALLEGATIONS RE: L. K. COMSTOCK QUALITY ASSURANCE PROGRAM AT
BRAIDWOOD (50-456; 50-457) (ATS NO: RIII-85-A0072)

On March 29, 1985, at approximately 10:00 a.m. the Braidwood Resident Inspectors (L. G. McGregor, R. D. Schulz, and W. J. Kropp) telephoned the Region III Office and advised that six L. K. Comstock quality control inspectors had visited the residents' office that morning. The Comstock inspectors provided several allegations which are summarized as:

1. Comstock is asserting the quantity of inspections rather than the inspection quality. Therefore, the quality of the L. K. Comstock inspections is suffering.
2. Rick Saklak, Comstock QC Supervisor, was not qualified for his position, as he was not certified in all of the inspection areas which he supervised.
3. Saklak was constantly intimidating/harassing the Comstock inspectors.
4. Ninety three hanger inspections, containing 1100-1200 welds, were signed off in one day by an unidentified inspector. The allegers considered this to be too many inspections for a single inspector to make in one day without the quality of the inspections suffering.
5. ██████████ (phonetic spelling), a Comstock QA inspector, is assigned to the records vault for the sole purpose of closing nonconformance reports. ██████████ never goes to the field to verify the condition before closing the nonconformance reports.
6. All of the allegers claimed to have spoken to the Braidwood Quality First Team without gaining any satisfactory response to their concerns.

The allegers indicated that they represented 50-70 Comstock quality control inspectors and there would be a job action on Monday (April 1, 1985) if something was not done about their concerns.

The allegeders were [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] (all phonetic spellings). None of the allegeders requested confidentiality and each agreed his identity could be used if necessary.

(NOTE: A series of allegations involving L. K. Comstock at Braidwood were received by Region III beginning March 9, 1985. These allegations (RIII-85-A-0058; RIII-85-A-0062; RIII-85-A-0067; and RIII-85-A-0068) generally encompassed those identified above. Further, [REDACTED] was the source of allegation RIII-85-A-0068 which concerns the push of production quantity over inspection quality.

On March 29, 1985, the allegations were discussed among the Region III Staff (C. H. Weil, W. L. Forney, and C. C. Williams). The Regional Administrator, Deputy Regional Administrator and the Director of the Division of Reactor Projects were also informed of the allegations. It was decided that the allegations should be forwarded to Commonwealth Edison Company for resolution. However, the allegeders should be contacted before providing the information to Commonwealth Edison and informed of the proposed course of action.

Accordingly, at 12:00 p.m., March 29, 1985, the Region III Investigation and Compliance Specialist spoke by telephone with the allegeders assembled in the Resident Inspectors' Office. They were informed of the plan to bring Commonwealth Edison into the allegation resolution process and none of the allegeders expressed any dissatisfaction with the concept. Further, they restated that they did not desire to remain confidential. Other Comstock inspectors accompanied the original six allegeders to the Resident Inspectors Office. The total number of Comstock inspectors eventually numbered 24. In the one half hour period of the telephone call (the call taking place between 12 and 12:30 p.m. during the inspectors lunch period) thirteen inspectors were briefly interviewed. None of the additional inspectors requested confidentiality. The Resident Inspectors were requested to obtain the Comstock inspectors' address and telephone numbers for follow-up by the NRC (e.g. furnishing the inspectors with copies of this memo and subsequent reports).

INSPECTOR

COMMENT

[REDACTED]

Rich Saklak continually violates procedures during inspector certifications.

Saklak threatened [REDACTED] for not closing an inspection report which still had an open engineering change notice. [REDACTED] refused and Saklak stated, "if beating was legal you would be dead." [REDACTED] later checked with QA and found that his position on the issue was proper.

[REDACTED]

John Walters ([REDACTED] lead) and Ken Worthington ([REDACTED] supervisor) told [REDACTED] that he would lose his job if he did not hurry up and produce more inspections.

Saklak threatened an inspector (unidentified) for not closing an inspection report even though the engineering change notice had not been issued for it.

"Comstock wants us to work with blinders on."

[REDACTED]

"More than a little bit of intimidation by more than one supervisor."

[REDACTED]

On November 5, 1984, Saklak told him to finish an inspection even though drafting errors were noted. [REDACTED] complained to Comstock management about this issue, but did not receive any satisfaction.

[REDACTED]

[REDACTED] observed a base metal reduction problem in a structural weld. [REDACTED] told his lead, John Walters, and Walters told [REDACTED] to stay within the scope of his job and not worry about base metal reduction. [REDACTED] also told Daryl Landers. Landers informed [REDACTED] to keep up his production or he would lose his overtime. (See allegation RIII-85-A-0068)

[REDACTED]

Inspector productivity overrides the quality of the inspection. (At that point a show of hands was done. The Resident Inspectors indicated that the Comstock inspectors agreed 100% with that statement). (NOTE: [REDACTED] provided information under allegation RIII-85-A-0067)

[REDACTED]

Comstock emphasized inspection quantity first, not inspection quality.

[REDACTED]

Saklak berates inspectors. Many inspectors have been discriminated against at one time or another by Irv DeWald, Comstock QA Manager. DeWald's attitude is "how can I hang you, not how can I help you."

[REDACTED]

Constantly intimidated by Saklak. Saklak lied to get [REDACTED] fired. [REDACTED] stated that he has written statements from several witnesses to back-up his statement.

Saklak uses forms contrary to procedures.

For several months [REDACTED] was the only welding inspector, and everything was done on a hurry-up basis. Comstock has consistently been undermanned and has one crisis after another.

[REDACTED] is constantly being watched by his supervision. As an example, he recently visited the NRC office. The following day he was transferred without reason from field inspections to a job in the records vault. (NOTE: the Investigation and Compliance Specialist provided the Resident Inspectors with the address and telephone number for the Department of Labor, Wage and Hour Division, and requested that it be given to [REDACTED] should he desire to further this complaint).

(On April 1, 1985, Daniel P. New, Area Director, U. S. Department of Labor, Wage and Hour Division, was contacted and informed of [REDACTED] information pertaining to alleged employment discrimination. New advised that the Wage and Hour Division would await the filing of the written complaint required by 29 CFR 24.3 before initiating an investigation into the matter.)

[REDACTED] Hangers aren't even being inspected, just as-built. No inspection reports or nonconformance reports are written. Walkdowns are being done and drawings made to show as-built configuration.

[REDACTED] Comstock management promises more money to inspectors who are certified in multiple areas. Although it's nice to get more money, an inspector cannot remain proficient in all of the certified areas; therefore, the quality of inspections goes down.

[REDACTED] (phonetic spelling) is both an inspector and auditor. [REDACTED] will inspect something then do the QA overview audit. [REDACTED] believes this to be a conflict of interest.

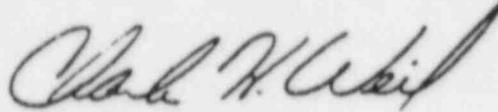
At approximately 12:45 p.m., March 29, 1985, Eugene T. Pawlik, Director Office of Investigations Region III Field Office, was informed of the allegations and concluded that an investigation by OI:RIII was not warranted at this time.

At approximately 1:15 p.m., March 29, 1985, Tom Maiman, Commonwealth Edison Vice President and other Commonwealth Edison officials were telephoned at the Braidwood Facility by Messrs. W. L. Forney, C. C. Williams and C. H. Weil. Commonwealth Edison was told that the NRC had received general allegations from twenty-four Comstock inspectors and in general terms the allegations concerned Comstock's push for inspection quantity not quality, Saklak's perceived performance and the inspectors perception of the performance of TAC Quality First Program. Maiman stated that Commonwealth Edison would begin to look into the matters that afternoon and would recontact Region III with an action plan by the close of business on March 29, 1985.

At approximately 4:30 p.m., March 29, 1985, Commonwealth Edison officials telephoned Region III. Commonwealth Edison had decided to act upon the issues with both short range and long range action plans. The long range plan was not developed, but Commonwealth Edison would be in contact with Region III during the week of April 1, 1985, to discuss the long range plan. The short range plan identified below would be accomplished by the close of business on March 29, 1985.

1. Commonwealth Edison Management at Braidwood met with onsite Comstock management officials in production, quality control and quality assurance. Commonwealth Edison discussed areas identified by the Braidwood Quality First Program and the above identified allegations. The Comstock officials indicated they were generally aware of the concerns with Saklak's performance. Commonwealth Edison emphasized the need for L. K. Comstock Company to perform within the Commonwealth Edison and Comstock quality assurance programs. Commonwealth Edison officials were not certain if L. K. Comstock site officials had informed Comstock corporate of the problems.
2. Saklak was administratively removed from his supervisory position until the allegations are resolved.
3. Commonwealth Edison issued a memorandum to all L. K. Comstock QC/QA personnel in which Commonwealth Edison announced a meeting for 8:00 a.m., Monday, April 1, 1985. At that time Commonwealth Edison plans to reemphasize its quality assurance policies, as well as allow the Comstock inspectors to air their grievances. Commonwealth Edison will also announce a method for a private airing of grievances should that be desired by an individual Comstock inspector.
4. A Commonwealth Edison Quality Assurance Project Letter was also issued to reemphasize the Commonwealth Edison Project Quality Assurance Policies.

At approximately 5:00 p.m., the Regional Administrator, Deputy Regional Administrator and the Director, Enforcement and Investigation Coordination Staff were informed of the Commonwealth Edison plans described above.



Charles H. Weil
Investigation and
Compliance Specialist

Enclosures:

1. AMS Form
2. March 29, 1985 memo, McGregor and Schulz to Warnick and Weil

cc w/enclosures:

RIII:RAO
RIII:DRS
OI:RIII
E. G. Greenman
J. F. Streeter
SRI-Braidwood

WARNICK DEPOSITION 5/20/85

1 for the Department of Labor.

2 Let me see if I can just direct your attention
3 to a specific.

4 A Well, let me answer again. The Department of
5 Labor handles those that they're interested in. OI takes
6 those that they're interested in. And we track everything
7 to completion.

8 Q Okay. Well, let me direct your attention to the
9 December 31, 1984 transmittal over your signature,
10 Mr. Warnick, attaching Inspection Reports 8434 and 8432,
11 and I want to direct your attention to page 4 of that
12 inspection report.

13 (The witness examines the document.)

14 MR. TREBY: I would like to indicate, the witness
15 can look at whatever he wants to in the inspection report.

16 MR. GUILD: He certainly can. Of course.

17 MR. GALLO: May I take a look at it before he
18 answers the question?

19 BY MR. GUILD:

20 Q Does that reflect a harassment and intimidation
21 allegation that was raised by a quality control inspector?

22 A That's the subject.

12-11

1 Q And are you familiar with that allegation? Are
2 you aware of that allegation?

3 A Yes.

4 Q It reflects that the inspector interviewed
5 five Comstock QC inspectors with regard to harassment and
6 intimidation complaints.

7 A That's correct.

8 Q And who was the NRC inspector that investigated
9 that matter, Mr. Warnick?

10 A Probably Mr. Schulz.

11 Q Mr. Schulz and Mr. Gardner are on that inspection
12 report?

13 A That's right.

14 Q It's likely Mr. Schulz would have done it?

15 A Yes.

16 Q And how did you become aware of that allegation?

17 A Through the normal system. Who told me, I don't
18 know.

19 Q Did you become aware of it prior to the
20 publication of the results of this inspection and the
21 inspection report?

22 A Oh, yes. Yes.

12-12

1 Q All right. It came to your attention. Can you
2 tell me how that allegation was processed through the
3 process that you have described? Was it referred to OI?

4 A Well, as I said before, all allegations are
5 discussed with OI, and they identify the ones that they
6 will take and the ones that they won't take. And then it
7 goes to the Division of Reactive Projects, and so what more
8 can I say?

9 Q Well, with reference to this particular one,
10 what was OI's consideration?

11 A I don't recall the details.

12 Q Okay.

13 MR. GUILD: Counsel, do you have some testimony to
14 offer on the question?

15 MR. GALLO: I was speaking too loudly. I apologize.

16 MR. GUILD: You may know something that would be
17 helpful, Mr. Gallo.

18 MR. GALLO: I was synthesizing the inspection
19 report.

20 BY MR. GUILD:

21 Q And are you aware of what the plan was with
22 respect to investigating this allegation?

12-13

1 A I'm not sure that when this one was received
2 that we had an Allegation Review Board then and established
3 a plan like we are doing now.

4 Q If you did not, what were the general elements
5 of the prior method for reviewing allegations? What would
6 apply to that particular allegation?

7 A It would have been referred to the Resident
8 Inspector to follow up on as he saw fit.

9 Q And that appears to be what he did, from the
10 text of the inspection report?

11 A Yes.

12 Q And he said he interviewed this man, the alleged,
13 and apparently four other QC inspectors for Comstock?

14 A Yes.

15 Q And said harassment and intimidation won't
16 be tolerated and suggested that they talk to the Commonwealth
17 Edison project management?

18 A Yes.

19 Q Do you know whether or not those inspectors were
20 referred to the U.S. Department of Labor?

21 A I'm sure our inspectors refer them all, but I can't
22 give you any more than that. That's just a standing method

1 of operation.

2 Q All right. Are you aware of any of the
3 cricumstances of their allegations of harassment and
4 intimidation?

5 MR. TREBY: I object. That's vague. I don't
6 understand the question.

7 THE WITNESS: I don't either.

8 BY MR. GUILD:

9 Q I want to know, are you aware of any more details
10 about the basis for the harassment and intimidation
11 allegations, beyond what appears in that one paragraph that
12 summarizes the --

13 A No, not really, not really details.

14 Q What do you know beyond what's in the paragraph
15 there, Mr. Warnick? I'm trying to get some more information
16 about this allegation?

17 A Well, I know that our Resident Inspectors have
18 talked to a considerable number of Comstock employees about
19 their concerns, and I don't recall if this was the one or
20 when. But a lot of these concerns were also discussed with
21 Commonwealth Edison, and they're documented in one of our
22 reports, but I don't recall which one.

12-15

1

Q Okay. By "concerns," what do you mean?

2

A I don't recall the details.

3

Q How about just the general matter, the general subject of concerns?

4

5

A It was what they were concerned about, and I don't know what they -- probably their working conditions. I'm guessing; you know, I can't recall all the details on this.

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1 Q But you are aware there was some additional
2 inspection activity with respect to concerns by Comstock
3 employees?

4 A I said our people discussed -- had discussions
5 with a lot of other Comstock employees, and I think it is
6 documented in subsequent inspection reports, but I don't
7 recall the report numbers.

8 Q That's what I'm driving at.

9 A They are all in the Public Document Room.

10 Q There are other inspection reports that refer,
11 as far as you know, to concerns by Comstock employees?

12 A Yes.

13 Q Well, would those reports have been published
14 during a period of time you've been responsible for
15 Braidwood?

16 A Yes.

17 Q Were there other Comstock quality control
18 inspectors that expressed concerns?

19 A What do you mean by other? I said we talked to
20 all -- a lot of them, and they all expressed concerns, but
21 nobody made allegations.

22 Q Well, these did.

1 A Yes, other than these, and this is the one I know
2 about.

3 Q And others expressed concerns?

4 A Yes.

5 Q And concerns related to the performance of
6 quality assurance function by Comstock?

7 A I don't know the details.

8 Q Something to do with work, something to do
9 with a nuclear plant?

10 A Yes, something to do with their work.

11 Q And those were not included in your allegations
12 tracking system? Those weren't considered allegations?

13 A No, it was part of their inspection effort to
14 resolve whatever our guys were working on, to resolve,
15 and it's -- you probably read the inspection reports and
16 have an idea where it might be. I'd have to look through
17 them and see.

18 Q I can use any help you could give me, Mr. Warnick.
19 I don't know. That's why I asked the question.

20 Now, these inspectors who raised the allegations
21 of harassment and intimidation, did they enter into
22 confidentiality agreements with the NRC Staff?

1 A I don't know. I'd have to look on, you know,
2 the detailed paper work we keep on it.

3 Q Well, they were referred to Edison project
4 management; correct? That's what the inspection report
5 reflects, isn't it?

6 A I think that the problems centered around
7 one of the lead QC inspectors, and the way he was handling
8 the QC inspectors.

9 Q They were dissatisfied with his supervision?

10 A I think that is what it was. And he was --
11 the particular individual they had concern with was at
12 least temporarily relieved of his duty, and I don't know
13 if he was permanently relieved or how the matter was
14 resolved.

15 Q By Comstock management?

16 A By -- yes.

17 Q Or by Edison?

18 A By Edison's direction, probably, to Comstock.

19 Q So Edison project management was aware of the
20 allegations and had some involvement in the follow-up?

21 A Well, after we had talked to all of these, you
22 know, many inspectors -- and I don't know if this was the

1 case later, but after we talked to all of these inspectors,
2 and they agreed that we ought to involve Commonwealth
3 Edison management, that's what happened.

4 Q The inspectors agreed?

5 A Yes, the Comstock employees.

6 Q So the --

7 A I hope I'm recalling all this correctly.

8 Q Just answer the best you know.

9 (Pause.)

10 (Discussion off the record.)

11 BY MR. GUILD:

12 Q Mr. Warnick, an artistic question here. We have
13 some highlighting on these documents. Did you do that
14 or was that someone else's creativity?

15 A No, I didn't.

16 Q Presumably these are what Applicant or Mr. Gallo
17 thought was interesting in these documents. They came to you
18 this way, as far as you know?

19 A Yes, they came to me, and I don't know if -- I
20 don't know who did it.

21 Q Okay. All right, now, again with respect to
22 the subject of the Comstock QC inspectors, in response to

1 the allegations by the five that are referred to, in the
2 inspection report, and perhaps the others as well, they
3 agreed that the matters could be referred to site manage-
4 ment?

5 A Yeah. As I reflect on this now, it seems like
6 they didn't have technical concerns. As it says in the
7 report, they were monetary and subjective opinions of
8 poor management, and these guys said -- and we can -- even
9 though we talked to five, they said, "We can provide you
10 with 30 more if you want to talk to them." And X number more
11 showed up that afternoon and we talked to them, and they
12 agreed that this was a management problem and that's why
13 Commonwealth Edison management got involved in it and dealt
14 with it.

15 Q The QC inspectors perform a critical quality
16 assurance function. It's their primary job to identify
17 deficiencies; correct?

18 A Yes.

19 Q They verify the acceptability of hardware in
20 the plant?

21 A Yes. And there was -- there was no evidence
22 that these guys weren't performing their job because of

1 this -- what they alleged was a problem.

2 Q Well, when there are management problems in the
3 quality control organization, those at least on the face
4 of it raise questions about the effectiveness of those
5 inspectors, QC inspectors under that management effectively
6 identifying deficiencies?

7 MR. TREBY: I object. That sounds like a statement
8 and not a question.

9 THE WITNESS: In this case, our inspector didn't
10 feel like it did. He had no -- no question about whether
11 or not they had done good inspections.

12 BY MR. GUILD:

13 Q Well, they raised the question of harassment
14 and intimidation, did they not?

15 A Those are the words that are used there.

16 Q Are those the creative words of the NRC, or are
17 they the words of the inspectors?

18 A Intimidation and harassment are in the eyes of
19 the beholder, and they said they were intimidated and
20 harassed. OI declined to take this investigation. Our
21 inspector looked at it and he said that --

22 Q What it says in the report?

1 A Yes, right here.

2 Q But the words they used, the five inspectors
3 who were spoken to and the subsequent group that also met
4 with your people, the words they used were harassment and
5 intimidation?

6 A I don't know. They talked about money and the
7 one supervisor that --

8 Q I'm not trying to put words in your mouth, but
9 someone said harassment and intimidation. If it wasn't
10 your people, it was the inspectors from Comstock,
11 presumably?

12 A Yes. But what they talked about once they had
13 the meeting, I don't know. It's other than what's reported
14 in our inspection report. But our inspectors, if they --
15 they have a sense for trouble, and they follow their nose
16 to trouble, and that's what makes McGregor and Schultz
17 good inspectors, and if they sensed trouble here, they
18 would have pursued it further.

19 Q Well, Edison knows of this problem and took
20 some kind of action?

21 A Yes, and we were satisfied.

22 Q And Comstock knows of the problem, and they're aware

1 the action was taken?

2 A Yes.

3 Q They had to relieve a supervisor. And you know
4 of the problem?

5 A (Witness nodding yes.)

6 Q And I don't suppose you'd mind sharing the
7 problem with the parties to this proceeding then, would you?
8 Particularly, would you make available to the Intervenors
9 the NRC's file reflecting the investigation of these
10 harassment-intimidation claims?

11 MR. TREBY: I object. I think we have the
12 inspection report which is exactly what constitutes the
13 file.

14 MR. GUILD: I beg to differ. It seems to
15 reflect a conclusion, but I'd be interested in whatever
16 the Staff could provide, whatever documentary basis you
17 have behind that inspection report, particularly the documents
18 that identify the actual allegations that were made by the
19 inspectors in their words, and the identities of those
20 inspectors, so that this party can make an independent
21 assessment of what those claims represent.

22 On the face of it, they reflect harassment and

1 intimidation claims, despite the NRC Staff's conclusion
2 to the contrary. So we would ask that the documentary
3 basis for these inspection reports, review of those
4 allegations, be provided.

5 MR. GALLO: Wait a minute. I'm going to register
6 my objection to your request. Whether or not it's filled
7 is counsel's responsibility. The purpose of this deposition
8 is to try to develop a basis for a QA contention, and what
9 I really understand your inquiry for the last 10 or 15
10 minutes to be is to question the efficacy of the Staff's
11 action with respect to this particular allegation, and the
12 reason for asking for these documents is to double-check
13 on their work, and I think it is immaterial and beyond the
14 scope of the purpose of this deposition.

15 MR. GUILD: Fine. We would ask that those
16 documents be provided.

17 MR. TREBY: Well, I join with Mr. Gallo in his
18 objection. And I'm not sure, number one, whether such
19 documents exist. This is the agency record of that
20 inspection.

21 MR. GUILD: Stuart, there is an allegation filed.
22 it's identified by number there. Presumably the Staff has a

1 file unless they have destroyed it, and it reflects more
2 detail behind the inspection report conclusion, particularly
3 including the identities of the inspectors themselves.

4 If this in fact is the outcome and the Staff is
5 willing to stand behind it, I don't see any reason why they
6 should object to us being able to review the documentary
7 basis for those findings, particularly where the inspectors
8 who raised the allegations had their concern aired with
9 everyone else as party to this matter but the public and
10 the Intervenors.

11 The Applicant knows who they are, they know
12 about the concern. Comstock knows who they are, and the
13 NRC Staff knows who they are. So why hide the information
14 from the parties here?

15 MR. TREBY: I am not sure it's been established
16 that the names of these various Comstock employees was
17 passed on.

18 THE WITNESS: I don't know -- what our file
19 would contain would be documentation of the allegation. It
20 would contain a memo transmitting that allegation to our
21 Division of Reactor Projects and a statement that OI declined
22 to accept the case, and it would contain a traveler or a

1 track sheet that tells the date it was received, how it
2 was dispositioned, you know, a few facts like that.

3 BY MR. GUILD:

4 Q That's helpful, Mr. Warnick. We would ask
5 that that information be produced. We can make it short or
6 make it long. It's a matter that could be certainly subject
7 to the Freedom of Information Act. We could submit a
8 formal request. If there were documents, if there were a
9 legitimate exemption for portions of the document, you'd
10 withhold those exempt portions, if there were a legitimate
11 basis for withholding identities of the persons because
12 they had requested confidentiality, you wouldn't discuss
13 that. That would be fine. That would be 30 days, 60 days,
14 90 days, a year from now when you finally disgorge those
15 documents.

16 We have an obligation to submit a documentary
17 basis for a contention by Friday of this week, and if the
18 matters are contained upstairs in a file and are otherwise
19 releasable, we'd ask that you accommodate us and do that
20 today.

21 MR. TREBY: We will consider it and look at the
22 file. I'm not sure -- in fact, I am sure that to the extent

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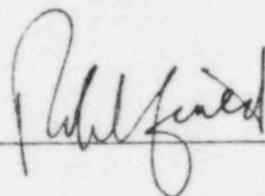
In the Matter of)
COMMONWEALTH EDISON COMPANY)
(Braidwood Nuclear Power)
Station, Units 1 and 2))

Dockets 50-456
50-457

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CERTIFICATE OF SERVICE

I hereby certify that I have served copies of [Intervenors' Supplement to July 12, 1985, Motions Regarding Harassment and Intimidation of Comstock Quality Control (QC) Inspectors, on each party listed on the attached Service List by having said copies placed in envelopes, properly addressed and postaged (first class), and deposited in the U.S. mail at 109 North Dearborn, Chicago, 60602, this 15th day of July, 1985.



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