



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
611 RYAN PLAZA DRIVE, SUITE 1000
ARLINGTON, TEXAS 76011

September 30, 1985

MEMORANDUM FOR:

William J. Dircks
Executive Director for Operations

FROM:

Robert D. Martin
Regional Administrator

SUBJECT:

OIA INVESTIGATION OF LACK OF NRC ACTIONS

EDO Control No. 0967 requested RIV to advise you by memorandum if we had any problems with OIA's conclusions in its subject report dated August 30, 1985, or if corrective action is warranted. OIA concluded that Region IV had acted appropriately with regard to two of the GAP allegations.

With regard to the third allegation, which pertains to the so-called "T-shirt" incident, OIA concluded that the "facts . . . indicate that Region IV was not sufficiently sensitive [underlining added] to reports concerning the detention of Comanche Peak quality control inspectors and the search of their desks and files." OIA further concluded, "OIA believes . . . Region IV should have more promptly responded [underlining added] to the anonymous allegations by acting to gather firsthand information about the ongoing incident."

I personally believe this conclusion raises an issue that should be commented on. I have not coordinated the following comments with any other Program Office.

I am disappointed that OIA has provided a subjective conclusion after completing an objective investigation. "Sensitivity" is a quality without agreed upon, objective performance standards and includes the concepts of responsiveness, emotional reaction, and perceptiveness.

If OIA has formed the view that Region IV "could" have been more prompt in responding to the anonymous allegations as the report seems to indicate, that view is certainly worthy of further discussions outside the context of a compliance investigation. Subjective views are of importance to any manager, but they can be provided through other channels. I believe the proper function of the formal OIA report, however, was to document OIA's determination whether Region IV "should" have been more prompt in light of the existing agency directives governing the handling of allegations.

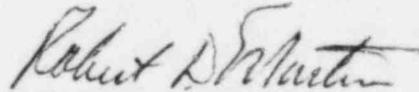
To characterize Region IV's response to the incident as "not sufficiently sensitive" in this compliance aspect is, in my opinion, not consistent with the facts which OIA developed. (I do recognize that one Region IV manager, who participated in the collective decisions during that event, did offer OIA this afterthought during his interview.)

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The attached chronology, albeit abbreviated, captures the essential elements of this event including some additional background. I believe that the later evaluations of the safety significance and the lack of any concerns on the part of the involved QC inspectors, along with a fuller understanding by all parties of the essential character of this event, should lead an evaluator to conclude that no violation of agency requirements occurred.

I can assure you that Region IV continues to take its obligations toward allegations very seriously, and will implement its responsibilities in accordance with both the letter and the spirit of your requirements. This commitment applies equally to our existing responsibilities for allegation handling as well as our recently reinstated responsibilities for Comanche Peak related allegations in particular.



Robert D. Martin
Regional Administrator

Attachment:
As Stated

cc:
P. S. Check
R. P. Denise
W. L. Brown
R. K. Herr

ATTACHMENT

"T-Shirt Incident Chronology

This incident occurred on March 8, 1984, and involved electrical inspectors who had possibly engaged in "destructive testing" and who were wearing "provocative" T-shirts with words printed on them saying "I pick nits."

- o In early 1983, a QC supervisor at Comanche Peak called a meeting of coatings QC inspectors concerning complaints that the inspectors were "nitpicking." The supervisor said, in essence, that the next time that he received another such complaint, he was going to come down and nitpick them out the gate. This issue became part of a Sec. 210 complaint filed by a coatings inspector after he was fired by Brown & Root in the fall of 1983.
- o Approximately a week before the incident, several QC electrical inspectors wore the same T-shirts on the site but no reaction by management occurred. This was learned later and was not known by resident or regional NRC staff at the time.
- o The day prior to the incident, TUGCO QC management informed Region IV that some disciplinary action against certain QC personnel may occur the next day because of some information they had on "destructive testing."
- o First anonymous allegation of a detention incident was received by the Senior Resident Inspector's office at about 11:00 a.m. on March 8, 1984. (However, Region IV had already received thirdhand preliminary indications of the incident at 9:00 a.m. on the same day from TUGCO Vice President for Nuclear Operations. TUGCO management promised to call Region IV back with more definitive information. In the interim, it was decided to await additional information before deciding on a course of action.)
- o TUGCO management called Region IV back with more definitive information at about 11:00 a.m., about the same time the resident inspector's office received its first anonymous phone call about the incident, and indicated that the incident was ending. He also reported that there was no evidence that the inspectors had engaged in any destructive testing.
- o After the phone calls, at about 12:30 p.m., the Senior Resident Inspector for Operations at Comanche Peak was instructed to go to the location and learn firsthand what was happening. The incident was, in fact, over when he arrived at the area.
- o A few days after the T-shirt incident, NRC took control, with the concurrence of TUGCO, of the documents which had been confiscated from the electrical inspectors by TUGCO management. No personal items were held under NRC control. The documents consisted of miscellaneous material such as site procedures, work documents (including some NCRs), etc. They were mainly copies of originals.

- ° Several weeks after the incident, a representative sample of the QC inspectors was interviewed by Region IV personnel and Ben Hayes, Director of OI. None of the inspectors made any allegation of harassment or intimidation or any allegations relative to any safety-related hardware deficiencies. The incident did not change the way the inspectors performed their work. Their only complaint was that TUGCO management overreacted.
- ° The documents were returned to TUGCO in July 1984.