

GAP's Citizens Clinic is a citizens training, consulting, and social activist program for local "grassroots," public interest, community, and church groups. This program is designed to assist and direct citizen involvement. Its role is to provide a range of services to individuals or groups who begin to speak out about problems spawned by corporate or government ineptitude or malfeasance. The Clinic's focus is on assisting citizens to effectively use their First Amendment rights to expose or address significant issues.

The Clinic addresses health and safety concerns, consumer fraud, corporate "rip-offs," pollution, government misconduct, abuse or inaction, and the abridgment of individual rights that often accompanies the struggle of citizens to redress their grievances.

In recent years, GAP has been approached by a growing number of witnesses from nuclear power plants under construction across the nation. In keeping with its objectives, both the GAP Whistleblower Review Panel and the Citizens Clinic Review Board have directed staff to pursue aggressively the complaints and problems that nuclear workers bring forward.

GAP is not an "anti-nuclear" organization. Its objectives within the nuclear industry are the elimination of the government's misconduct and inaction, the uncovering of facts that warrant closer scrutiny or regulatory action by the Nuclear Regulatory Commission (NRC), and monitoring of how the NRC deals with significant information provided by nuclear "whistleblowers." This Clinic assumes that nuclear-related issues are critically important to the public safety, and acts upon evidence that the NRC is doing an inadequate job regulating the nuclear industry that government created. Nuclear whistleblowers, the central figures in our approach to nuclear-related work, are the vital

components in the struggle for safe energy and making the public aware of dangerous or questionable conditions.

GAP's involvement with Comanche Peak began a year ago when we learned of what happened to Mr. Charles Atchison at the Comanche Peak site. The details of Mr. Atchison's firing were familiar to us. We have heard hundreds of similar horror stories from nuclear workers--from management executives to document clerks--across the country. What shocked us was the blatant disregard for Mr. Atchison's rights by his employer, Brown & Root, and more specifically, the actions taken by the NRC staff to condone the company's wrongdoing and cover up its own flawed inspection.

In a letter which we filed with the Atomic Safety and Licensing Appeal Board^{1/} we protested the actions of the Regional Staff Inspector. Since that time, we have monitored both the NRC actions and those of Texas Utilities Generating Company (TUGCO) and Brown & Root at Comanche Peak. We have watched the fate of other workers who have also raised problems which they believed were a direct violation of approved construction procedures and 10 C.F.R. Part 50, Appendix B.

This Board is familiar with many of those workers and their allegations of flawed construction, violated vendor inspection procedures, inadequate design quality assurance (QA), inaccurate design documentation, and pressure from management supervisors to approve faulty work and participation in unauthorized work activities.

This Board is also familiar with the type of inspections conducted into many of those allegations, and the continuous series of report conclusions that

that summarily dismiss or narrow the concerns raised by the public "whistle-blowers." In reviewing these inspection reports over the past year, GAP has concluded that the entire regional inspection program is flawed. We have proposed to Mr. Richard C. DeYoung, by separate letter today, that the Region IV inspection program be subjected to a rigorous review by an internal team of auditors and Inspection and Enforcement officials from other regions. We have found that Region IV is guilty of many of the generic defects GAP identified to the Congressional Subcommittee of Investigations during a June 20, 1983 hearing of the House Committee on Interior and Insular Affairs into the Investigation and Inspection Policies of the NRC.

In short, Region IV is plagued with a quality assurance breakdown of its own inspections:

A. In its approach to whistleblowers, Region IV has:

- ✓ 1. violated the confidentiality of whistleblowers, either directly or indirectly;
2. narrowly defined issues raised by whistleblowers and failed to inspect beyond hardware examples the witness was able to identify specifically;
3. failed to record interviews or take affidavits, particularly on the most significant issues being raised by whistleblowers;
- ✓ 4. failed to include affidavits in the public reports when the statements contradicted the NRC's party-line on the problems at nuclear plants;
5. failed to keep pace with new whistleblower allegations in a timely manner;

B. In its approach to utilities, Region IV has:

6. conducted closed-door meetings with utility and contractor executives when investigating whistleblower allegations;
7. provided advance warning to utilities about where and when Region IV was going to inspect hardware;
8. relied on industry's technical conclusions without disclosure of supporting data and calculations for evaluation of whistleblower allegations;
9. offered advance, informal review of decisions to the targets of Region IV investigations and inspections, thereby permitting utilities to escape accountability through informal, often-unenforced commitments "not to do it again;"
10. reviewed and informally approved licensee practices before approved by corporate officials with QA responsibilities, thereby undercutting the employees who tried to carry out their duties objectively despite the pressure of management urgings that "it's all right with Region IV, so why are you holding things up?"

C. In its approach to the public, the NRC has:

11. attempted, as a knee-jerk reaction, to discredit critics--whether whistleblowers, anti-nuclear organizations, or simply interested and concerned citizens--by questioning their motivations, patriotism, integrity, and technical competence to raise questions about public health and safety;

- ✓ 12. destroyed drafts of reports, significant tape recordings, created secret files, failed to admit the existence of documents requested under the Freedom of Information Act (FOIA), and given confidentiality to utility executives in order to prevent the public from learning how inspection findings were covered up.

Unfortunately, the result of this regional QA breakdown has been to make the Board's job much more difficult. Well-established agency case law prevents the Board from leaving contested matters to the staff for resolution. Therefore, the inadequate staff effort has changed this Board's role to much more than is the usual in operating license cases. We compliment this Board on its diligence and patience.

Today, we have taken steps which we hope will improve the situation which the Board has been faced with throughout this hearing. We have filed a petition with the Commissioners, pursuant to 10 C.F.R. 2.206, requesting the following:

1. Require a comprehensive management audit of TUGCO officials by an independent management auditing firm to assess the cause of the continuing inability of TUGCO and its contractors to implement an acceptable design and construction program for the Comanche Peak site that meets the requirements of 10 C.F.R. 50, Appendix B.
2. Require an independent design and construction verification program (IDVCP) to assess the integrity of the Comanche Peak site QA program.
3. Suspend the Comanche Peak Construction Permit until the completion of the special NRC inspection and IDVCP, and an analysis of

the results of those inspections which should include public participation to determine the appropriateness of further audit or other requirements.

We have attached a copy of that Petition to this Statement for your review.

As you will note, part of our request is for an IDVCP to be accomplished in conjunction with the NRC special inspection team--hopefully, during an immediate Stop Work Order.

We have compared the current TUGCO proposal and its methodology with that of two other audits with which GAP has been directly involved. TUGCO's proposal falls far short of both. GAP suggests that the Board consider the following observations in its review of any proposal for a Comanche Peak audit:

1. Independence and competence as outlined in the letter from Chairman Nunzio Palladino to Congressmen Dingell and Ottinger, February 1, 1982, regarding the audit of the Diablo Canyon facility. (This criteria has been further developed for situations parallel to Comanche Peak at the William H. Zimmer Nuclear Power Plant and the Midland Nuclear Power Plant.)
2. Public participation in the development of the methodology. Both Midland and Zimmer independent audits incorporated several sets of meetings with the utility, the IIRC, the third-party reviewers, and the public. Those meetings produced a rigorous and healthy audit methodology and protocol, which are now setting the standard for third-party audits at other plants--unfortunately, only when the public demands it.

3. Detailed methodology and protocol which will prevent any opportunity for skepticism or rejection of the results and conclusions of a third-party audit or the design and construction verification. This must, at a minimum, include a commitment by the independent auditor to not engage in pre-notification of the utility, (or the NRC), about the specific components that will be inspected or the documents and design packages which will be reviewed. Further, the company must commit to strict adherence to the protocol to avoid any questions about the validity of the end product.

As an organization, we have participated in numerous similar meetings, molding and shaping methodologies for vendor audits, 100 percent reinspections, QA implementation reviews, and other variations on that theme. We have assisted the agency in the current program on special independent audits at five sites across the country. We urge the Board to request the assistance of the NRC staff personnel who have developed a similar broad base of experience in these types of audits to provide technical assistance in the review of the audit proposal. We also request the opportunity to submit our comments on the company's proposals.

GAP has only begun a preliminary investigation. We do not anticipate that our own preliminary investigation will be finished for another 60 days. We have submitted to the Office of Investigation (OI), affidavits from workers and former workers, who have concerns about the plant and its ultimate safety. These witnesses have requested confidentiality. Therefore, we refer the Board to the August, 1983, Statement of Consideration which provides the established methods by which this Board can receive access to the information and affidavits which are submitted to the NRC OI office.

Comanche Peak is a troubled project. Our level of knowledge is limited to the facts on the public record, embellished by the experiences of those workers with whom we have the opportunity to speak. Many of these witnesses have an understandable apprehension of entering the operating license hearing as witnesses. They do not trust the regional NRC personnel either. We have explained to these witnesses that each organization--corporate, government, or volunteer--is made up of good and bad people, of competent and incompetent professionals. We believe that there is a commitment on the part of this Board to get to the extent and the course of the problems. We sincerely hope the Board succeeds.

Dated this 19th day of March, 1984.

Billie Pirner Garde

Billie Pirner Garde

^{1/}This letter was treated by the Appeals Board as an Amicus Curiae and not allowed into the record as "on timely."

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

TEXAS UTILITIES GENERATING COMPANY,
et al.

(Comanche Peak Steam Electric Station,
Units 1 and 2)

Docket Nos. 50-445 and
50-446

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of
the Government Accountability Project (GAP's) Petition to the Nuclear Regulatory
Commission pursuant to 10 C.F.R. 2.206, and the Limited Appearance Statement of
Billie Pirner Garde

have been sent to the names listed below this 19th day of March, 1984,
by first class mail, or by hand-delivery where indicated by asterisk.

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* Hand-delivered March 20, 1984.
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