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NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

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U.S. NRC

JUN 20 1983

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OFFICE OF INVESTIGATIONS
HEADQUARTERS

MEMORANDUM FOR: Thomas E. Murley, Regional Administrator, RI
James P. O'Reilly, Regional Administrator, RII
James G. Keppler, Regional Administrator, RIII
John T. Collins, Regional Administrator, RIV
John B. Martin, Regional Administrator, RV
Richard C. DeYoung, Director, IE
Harold R. Denton, Director, NRR
John G. Davis, Director, NMSS

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FROM: William J. Dircks
Executive Director for Operations

SUBJECT: POLICY FOR PROCESSING INVESTIGATION REPORTS RECEIVED
FROM THE OFFICE OF INVESTIGATIONS

The Office of Investigations (OI) is responsible for: conducting investigations involving NRC licensed facilities, materials and activities; documenting those investigations in appropriate reports; and informing appropriate agency managers of the results of their investigations. To ensure that the agency responds to OI findings in a consistent and comprehensive manner, the Regional Administrators and Program Office Directors shall adopt internal procedures for processing investigation reports received from OI. The procedures shall address each of the areas identified below and will be consistent with the guidelines provided.

Responsibility for Followup Action

In general, the addressee of the memorandum from OI transmitting an investigation report is responsible for initiating appropriate followup action on behalf of the agency. However, each Regional Administrator and Program Office Director is responsible for keeping abreast of ongoing investigations and reviewing the results of completed investigations to determine the impact on their areas of responsibility and initiating action when appropriate. Although OI investigation reports are transmitted to the EDO or Regional Administrators for appropriate action, the Program Office Directors will be responsible for followup on headquarters type activities on behalf of the EDO. The EDO will provide a copy of the report to the appropriate Program Office Director(s). Program Office Directors will normally be responsible for resolving matters having generic implications or broad programmatic impact. Normally, the appropriate Regional Administrator will be responsible for resolving matters involving a specific licensee or vendor and which pertain to programs for which the Regional Administrator has implementation responsibility.

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Attachment 2

Enforcement

Enforcement actions resulting from investigations will follow the NRC Enforcement Policy in the same manner as enforcement action resulting from inspections. The OI investigation report should be viewed as the factual basis which supports agency action. Staff effort to confirm the contents of investigation reports should not normally be required. However, if additional information is necessary to decide whether enforcement action is warranted, appropriate action should be taken, in coordination with OI, to obtain the information. Any further identified investigative effort will be conducted by OI upon appropriate request. Regional Offices will pursue enforcement actions in accordance with current procedures and practices promulgated by the Director, IE. Program Offices will consult with the Director, IE prior to initiating enforcement actions.

Proprietary Review and Release of Investigation Reports

The Office of Investigations will normally provide an unexpurgated investigation report and a Summary of Investigation. The Summary will normally be provided to the licensee/vendor and placed in the PDR by the Regional or Program Office as part of the normal enforcement correspondence process (unless the report has been referred for criminal review). The Summary discusses the reason for the investigation, the investigative actions taken and the results of the investigation. It will not contain information that is exempt from mandatory public disclosure. The unexpurgated investigation reports, on the other hand, are intended for internal NRC distribution and only to those NRC employees who must have access to the information to accomplish their assigned responsibilities. If it becomes necessary to distribute an investigation report outside the agency (e.g., contested enforcement hearing, licensing hearing, congressional inquiry, FOIA request), the releasing official must consult with and obtain specific approval from the Director, Office of Investigations. The releasing official will then obtain licensee/vendor proprietary review of the otherwise publicly releasable version of the report in accordance with standard agency practice to identify other information which may be exempt from public disclosure pursuant to 10 CFR Part 2 and Part 9. The licensee/vendor should normally be given about 20 days to submit a proprietary claim; however, the time frame may be lengthened or shortened for good cause. Upon receipt of OI approval and completion of the review process, the releasing official may release the expurgated version of the investigation report.

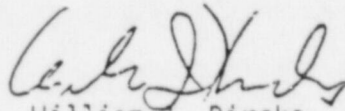
Referral for Criminal Review

The Office of Investigations reviews investigation reports for potential criminality and is responsible for referring such matters to the Office of Inspector and Auditor (OIA) or to the appropriate state or local agency, when warranted. In those instances where the Director, OI, or Director, OIA decides that criminal referral is appropriate, a copy of the referral letter will be provided to appropriate NRC regional and headquarters officials. However, where circumstances dictate, i.e., major case, media interest, etc., NRC regional and headquarters officials should be notified in advance of

intended referral actions. OI will inform the Regional Administrators and Program Office Directors that a matter has been referred in the transmittal memorandum accompanying the investigation report. When a matter has been referred on the basis of potential criminality, the investigation report and Summary of Investigation shall not be distributed or discussed outside the NRC until OI indicates that there is no further hold on release due to issues involving criminality. The only exception to this policy is where a Regional Administrator or Program Office Director believes that immediate action is essential to eliminate a safety hazard. In such cases, the approval of the Director, OI must be obtained. If the Director, OI does not approve, the EDO shall be consulted.

Records

Each Regional Administrator and Program Office Director shall maintain a record of disposition, including actions taken, in followup to investigation reports for which he/she is responsible.



William J. Dircks
Executive Director for Operations

cc: ~~B. Hayes, OI~~

J. Cummings, OIA
R. Minogue, RES
G. Cunningham, ELD
V. Stello, Jr., DEDROGR

(Original to source of information, NRC to retain signed copy of duplicate original)

I have information that I wish to provide in confidence to the U. S. Nuclear Regulatory Commission (NRC). I request an express pledge of confidentiality as a condition of providing this information to the NRC. I will not provide this information voluntarily to the NRC without such confidentiality being extended to me.

It is my understanding, consistent with its legal obligations, the NRC, by agreeing to this confidentiality, will adhere to the following conditions:

- (1) The NRC will not identify me by name or personal identifier in any NRC initiated document, conversation, or communication released to the public which relates directly to the information provided by me. I understand the term "public release" to encompass any distribution outside of the NRC with the exception of other public agencies which may require this information in furtherance of their responsibilities under law or public trust.
- (2) The NRC will disclose my identity within the NRC only to the extent required for the conduct of NRC related activities.
- (3) During the course of the inquiry or investigation the NRC will also make every effort consistent with the investigative needs of the Commission to avoid actions which would clearly be expected to result in the disclosure of my identity to persons subsequently contacted by the NRC. At a later stage I understand that even though the NRC will make every reasonable effort to protect my identity, my identification could be compelled by orders or subpoenas issued by courts of law, hearing boards, or similar legal entities. In such cases, the basis for granting this promise of confidentiality and any other relevant facts will be communicated to the authority ordering the disclosure in an effort to maintain my confidentiality. If this effort proves unsuccessful, a representative of the NRC will attempt to inform me of any such action before disclosing my identity.

I also understand that the NRC will consider me to have waived my right to confidentiality if I take any action that may be reasonably expected to disclose my identity. I further understand that the NRC will consider me to have waived my rights to confidentiality if I provide (or have previously provided) information to any other party that contradicts the information that I provided to the NRC or if circumstances indicate that I am intentionally providing false information to the NRC.

Other Conditions: (if any)

I have read and fully understand the contents of this agreement. I agree with its provisions.

Date

Signature of source of information
Typed or Printed Name and Address

Agreed to on behalf of the US Nuclear Regulatory Commission.

Date

Signature
Typed or Printed Name and Title

Revision 1.

Attachment 3

OFFICE OF INVESTIGATIONS

INVESTIGATIVE PROCEDURE MEMORANDUM NO. 83-016

SUBJECT: BOARD NOTIFICATION PROCEDURES FOR ALLEGATIONS

OBJECTIVE

To provide the appropriate NRC staff office with information regarding allegations received by OI from sources outside NRC which may be subject to a Board Notification (BN).

BACKGROUND

There is a Commission approved agency-wide policy regarding notification of Licensing Boards, Appeal Boards or the Commission of new and potentially important information which the technical staff believes to be relevant to one or more proceedings pending before the Boards or the Commission. Broadly stated, the policy calls for all NRC personnel to be alert to the emergence of such information--from outside sources or within the NRC--which is potentially relevant to a pending adjudication. This information must be channeled, together with the recommendation that it go to the Board(s) and with the rationale for that recommendation, to the Director of Licensing, NRR, or NMSS's Board Notification Coordinator for further assessment and recommendation (see NRR Office Letter 19, Rev.1, attached).

APPLICABILITY

The policy on Board Notification requires that Boards be provided new information developed or received within thirty (30) days prior to the start of the evidentiary hearings. Thereupon, the Board Notification period extends until the adjudication becomes final within the Commission, i.e., until completion of Commission review or Commission election not to review it. Information received prior to the board notification period is simply factored into staff documentation (e.g. Safety Evaluation Report) which goes to the Boards in the normal course of events.

It applies to all construction permit and operating license proceedings regardless of the specific issues which are in controversy. However, for operating license amendment hearings, Board Notification is limited to information on issues under consideration in the hearing.

If an allegation (information) ultimately results in a Board Notification, all parties to the adjudicatory proceeding as well as the Board(s) will be provided with the notification.

GENERAL POLICY

All allegations received directly by OI Investigators from a source outside NRC which may be subject to a BN shall be promptly transmitted to the appropriate NRC staff office (when received by headquarters investigators) or regional office (when received by field investigators) for their review, evaluation and recommendation for a BN.

PROGRAM REQUIREMENTS

OI Investigators

All allegations received directly by OI Investigators from a source outside NRC which may be the subject of a BN should be promptly transmitted to the appropriate staff office (NRR, NMSS) when received by headquarters investigators or regional office when received by field investigators. The transmission will be made through the cognizant OI supervisor within two working days. In the case of a Field Office, OI:HQ should be promptly informed concurrent with the transmittal of the information to the cognizant regional office. * This applies to allegations which relate to a facility which is the subject of an adjudication which has reached the BN stage as explained above, ** regardless of whether the allegations will be handled through inspection or investigatory effort.

It is incumbent upon all OI investigative personnel to always view any allegation information they may directly receive, not only from the perspective of its potential investigative merit, but also whether or not it may require a Board Notification.

Field Office Director/Director, Division of Field Operations

- a) Reviews allegations identified or received directly by investigators supervised by them. Transmits the allegations within two working days to the appropriate region or in the case of Director, DFO to the appropriate staff office (NRR or NMSS). The priority in which such an investigation is placed will be determined through discussion between the appropriate OI Field Director and OI:HQ.
- b) It will be the responsibility of the DFO to transmit to the appropriate staff office any update information affecting a previously issued BN. The Field Office Directors will ensure that such updated information when identified by the Field Office, is transmitted to the DFO within 2 working days after its receipt.
- c) Director, DFO in consultation with the cognizant Field Office Director reviews and concurs in BN's initiated by the staff office regarding allegations which are the subject of an OI investigation to ensure that the BN is sufficiently informative but does not provide information which if released would compromise that investigation.

*/ The information is in turn provided to NRR or NMSS by the Region for further assessment to determine whether the information is subject to a BN. If the information is subject to a BN and it relates to an OI investigation, OI:HQ reviews the BN to insure the information will not compromise the investigation.

**/ Allegations received from an outside source although not subject to this OI BN procedure shall also be promptly transmitted to the appropriate region or staff office either by the Field Office Director or Director, Division of Field Operations.

REFERENCES

For additional background information refer to Inspection and Enforcement Manual Chapter 1530, NRR Office Letter 19 (revision 1), NRR Office Letter 37, SECY-82-122, and SECY-82-340.

SSER WRITEUP DOCUMENT CONTROL/ROUTE SHEET

Allegation Numbers AC-29
 Subject of Allegation CONCRETE CONSTRUCTIONAL DEVIATION/TOLERANCE (Cat # 12)
 TRT Group CIVIL/STRUCTURAL
 Author: JOHN K DEVIERS

This sheet will be initialed by each reviewer. It stays with all revisions to the SSER writeup and serves as a routing and review record. It will be filed in the work package when the writeup is published.

Draft Number

Draft	18	19	210	4	5
Author	<i>JKE 8/24/84</i>	<i>REP 8/24</i>	<i>REP 8/24</i>		
Group Leader	<i>DJ 8/24</i>	<i>REP 8/24</i>	<i>REP 8/24</i>		
Tech. Editor		<i>REP 8/24</i>	<i>REP 8/24</i>		
Wessman/Vietti		<i>REP 8/24</i>	<i>REP 8/24</i>		
J. Gagliardo					
T. Ippolito					

Revision Number

Final	1	2	3	4	5
Author					
Tech. Editor					
Group Leader					
J. Gagliardo					
T. Ippolito					

Administrative

Writeup integrated into SSER _____
 Potential Violations to Region IV _____
 Workpackage File Complete _____
 Workpackage Returned to Group Leader _____

FOIA-55-59

R224

SSER

1. Allegation Group: Civil and Structural No. 12
2. Allegation Number: AC-29
3. Characterization: It is alleged that a spillway pillar, span, or column was erected 75 degrees to 80 degrees offset.
4. Assessment of Safety Significance: There are two spillways at Comanche Peak Steam Electric Station (CPSES). One, the service water discharge spillway, is located near the safe shutdown impoundment (SSI); the other is located at the Squaw Creek Dam. The alleger stated that the construction in question took place some time between 1976 and 1977. The spillway at Squaw Creek Dam was constructed between August 1976 and January 1977, so it was considered to be the spillway in question. The spillway at Squaw Creek Dam, however, does not have a span, column or pillar. Therefore, on August 3, 1984, the NRC Technical Review Team (TRT) interviewed the alleger to clarify this allegation.

The TRT learned that the spillway pillar, span, or column to which the alleger referred was located in the Service Outlet Structure below the Squaw Creek Dam Spillway, which does have a suspended structure and supports that could be described as a span and pillars.

The TRT inspected the service outlet structure at the Squaw Creek Dam Spillway and found no evidence of any spillway pillar, span, or column which was erected 75 to 80 degrees offset. The TRT also determined that the general configuration of the structure was consistent with that shown on the following drawings:

FN-SCR-37	FN-SCR-48
FN-SCR-39	FN-SCR-49
FN-SCR-40	FN-SCR-71
FN-SCR-42	FN-SCR-71
FN-SCR-44	

The TRT learned during an interview with the alleged that the allegation concerning the 6-ft by 6-ft concrete wall area of the Safeguards Building, where allegedly no reinforcement was placed around a pipe approximately 24-inches wide, was incorrect. (Refer to Civil and Structural Category No. 6, Allegation AC-30.) The alleged identified the 6-ft by 6-ft concrete wall area as located in a structure near the Squaw Creek Dam Spillway.

The TRT inspected the structures located near the Squaw Creek Dam spillway and found two structures with a 2 to 3-foot-diameter pipe surrounded by reinforced concrete. One of these was the outlet works conduit section; the other was the return pump station. The TRT examined 141 concrete placement cards associated with these two structures.

The TRT determined that the conduit section was placed between June 27 and November 17, 1975, and the return pump station section was placed between March 31, 1976 and February 10, 1977. Because the alleged's employment on the project began in 1976, the TRT concluded that the allegation, if valid, concerned the return pump station. There are two 24-inch steel pipes in the return pump station which pass through a concrete wall. The TRT reviewed reinforcement drawings (FN-PS-35 & FN-PS-36) for the wall at the return pump station and found that the wall section surrounding the pipe was designed to have the following reinforcement:

- a. Eight No. 5 diagonal bars at the inside face
- b. Eight No. 7 diagonal bars at the outside face
- c. Ten No. 7 vertical bars at the outside face
- d. Ten No. 5 vertical bars at the inside face
- e. Ten No. 7 dowels (lap spliced with item c)
- f. Eight No. 5 dowels (lap spliced with item d)

The walls of the return pump station were placed on June 21, 1976. The TRT examined the pertinent concrete placement card. It contained the required two signatures certifying that the reinforcement was correctly placed prior to concrete placement.

5. Conclusions and Staff Position: Since the structures at which the alleged construction deficiencies occurred are categorized as nonsafety related (FSAR Volume IV Section 3.2), the allegation is judged by the TRT as having no safety significance. Furthermore, the TRT concluded that the first part of the allegation is not valid because a structure that was constructed at 75 degrees to 80 degrees offset from the intended geometry could not be accepted by inspection personnel without detection of such a significant deviation. Field inspection by the TRT indicates correct alignment.

The TRT further concluded that the second part of the allegation is not valid because the area surrounding the pipes in question could hardly be accepted by inspection personnel without confirming that all the required reinforcement surrounding the 24-inch pipe was placed. In addition, concrete placement card indicates that the reinforcement was placed.

The portion of the wall surrounding the 24-inch pipes has been subjected to the maximum static load stress for which it was designed. The soil pressure has been in place and acting upon the wall for several years, and the reservoir was completely filled by water pumped through two 24-inch diameter pipes passing through the wall; therefore, this portion of the wall has also been subjected to whatever vibratory loads may be imparted to the wall by the pumping operation. Inspection by the TRT revealed no distress in the wall, and the structural integrity of the wall was observed to be intact.

Accordingly, this allegation has neither safety significance nor generic implications.

6. Actions Required: None.

8. Attachments: None.

9. Reference Documents:

1. FSAR, Volume IV
2. Freese & Nichols Drawings:

FN-PS-32	FN-SCR-48
FN-PS-35	FN-SCR-49
FN-PS-36	FN-SCR-71
FN-SCR-37	FN-SCR-72
FN-SCR-39	
FN-SCR-40	
FN-SCR-42	
FN-SCR-44	

3. 141 Freese and Nichols Concrete Placement Cards

10. This statement prepared by: _____
John K. Devers Date

Reviewed by: _____
Larry Shao Date

Approved by: _____
T. A. Ippolito Date