

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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| _____ |) |
| In the Matter of |) |
| |) |
| HOUSTON LIGHTING AND POWER |) |
| COMPANY, ET AL., |) |
| |) |
| v. |) |
| |) |
| BROWN AND ROOT, INC., ET AL., |) |
| _____ |) |

CERTIFIED DOCUMENTS

The Office of Inspection and Enforcement of the U.S. Nuclear Regulatory Commission hereby certifies that the material listed and enclosed below is a true and accurate copy of the document.

For the Office of Inspection and Enforcement,

James M. Taylor

 JAMES M. TAYLOR
 Deputy Director
 Office of Inspection and
 Enforcement

Dated at Bethesda, Maryland
this 14th day of June, 1984.

**DEPOSITION
EXHIBIT**

Stello
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LIST OF OFFICE OF INSPECTION
AND ENFORCEMENT DOCUMENTS

1. NRC inspection and investigation reports referenced in the April 30, 1980 Order to Show Cause:
 - a. 50-498/77-08; 50-499/77-08
 - b. 50-498/77-14; 50-499/77-14
 - c. 50-498/78-04; 50-499/78-05
 - d. 50-498/78-09; 50-499/78-09
 - e. 50-498/78-12; 50-499/78-12
 - f. 50-498/78-13; 50-499/78-13
 - g. 50-498/78-14; 50-499/78-14
 - h. 50-498/78-15; 50-499/78-15
 - i. 50-498/79-01; 50-499/79-01
 - j. 50-498/79-04; 50-499/79-04
 - k. 50-499/79-09; 50-499/79-09
 - l. 50-498/79-13; 50-499/79-13
 - m. 50-498/79-14; 50-499/79-14

Items a, b and c above do not exist with these combinations of report numbers. In the review of the list of documents for which certification was requested that they are true and accurate copies, it was noted that two errors exist in Document #3 below, the April 30, 1980, letter with attachments from Stello to HL&P.

Specifically, the Order to Show Cause, which was an attachment to the April 30, 1980 letter, in Section II, page 1, contains two errors.

Report No. 50-498/77-08; 50-499/77-08 is noted as addressing allegations that QC inspectors were being threatened. The actual report should have been identified only as Report No. 50-498/77-08. Report 50-499/77-08 was issued as a report which also addressed Unit 1 and carried the identification number 50-498/77-13 combined with the 50-499/77-08 number. This report addressed a routine civil-structural inspection at the facility and did not provide background to the Order to Show Cause. A copy is included in the certified documents.

The report listed as Report No. 50-498/77-14; 50-499/77-14 should have been referenced as Report No. 50-498/77-14; 50-499/77-09. A search of IE Files revealed no Report No. 50-499/77-14 either to address Unit 2 or issued in conjunction with Unit 1.

The report listed as 50-498/78-04; 50-499/78-05 does not exist. We believe the report desired was 50-498/78-05; 50-499/78-05 which was referenced in the Order to Show Cause but we have enclosed report 50-498/78-04; 50-499/78-04 also.

2. NRC Immediate Action Letters referenced at pages 7 and 11 of the April 30, 1980 Order to Show Cause:
 - a. September 14, 1978; related to Stop Work on Installation of Cadwelds.
 - b. May 1, 1979; related to storage of reinforcing steel.
 - c. June 22, 1979; related to Stop Work on placement of safety related concrete.
 - d. June 29, 1979; related to partial release of Stop Work on placement of safety related concrete.
 - e. September 6, 1979; related to release of Stop Work on placement of safety related concrete.
 - f. December 31, 1979; related to Stop Work on complex safety-related concrete placement.
 - g. April 17, 1980; related to Stop Work on safety-related welding.
3. Letter HL&P from Victor Stello, Jr., dated April 30, 1980, and enclosures thereto, including Notice of Violation, Notice of Proposed Imposition of Civil Penalties, Cross References: Violations to Report Details, Investigation Report 50-498/79-19; 50-499/79-19 and April 30, 1980 Order to Show Cause.
4. Transcript and Record of the Public Meeting Held on August 19, 1980, at Bay City, Texas, on the South Texas Project.
5. Letter of HL&P from Victor Stello, Jr., dated June 11, 1980, regarding HL&P's response dated May 23, 1980.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 1000
ARLINGTON, TEXAS 76011

14

August 2, 1977

In Reply Refer To:
RIV
Docket No. 50-498/Rpt. 77-08

Houston Lighting and Power Company
ATTN: Mr. G. W. Oprea, Jr.
Executive Vice President
Post Office Box 1700
Houston, Texas 77001

Gentlemen:

This refers to the investigation conducted by Messrs. J. E. Foster and R. G. Taylor of our staff during the period July 6-8, 1977, of activities authorized by NRC Construction Permit No. CPPR-128 for the South Texas Project facility, Unit No. 1 and to the discussion of our findings held with Mr. R. A. Frazar and other members of your staff at the conclusion of the investigation.

Areas examined during the investigation and our findings are discussed in the enclosed investigation report. Within these areas, the investigation consisted of selective examination of procedures and representative records, interviews with personnel, and observations by the inspectors.

Within the scope of the investigation, no items of noncompliance were identified.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosed investigation report will be placed in the NRC's Public Document Room. If the report contains any information that you believe to be proprietary, it is necessary that you submit a written application to this office, within 20 days of the date of this letter, requesting that such information be withheld from public disclosure. The application must include a full statement of the reasons why it is claimed that the information is proprietary. The

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RTP

DEPOSITION
EXHIBIT

Stello
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August 2, 1977

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application should be prepared so that any proprietary information identified is contained in an enclosure to the application, since the application without the enclosure will also be placed in the Public Document Room. If we do not hear from you in this regard within the specified period, the report will be placed in the Public Document Room.

Should you have any questions concerning this investigation, we will be pleased to discuss them with you.

Sincerely,



W. C. Seidle, Chief
Reactor Construction and
Engineering Support Branch

Enclosure:
IE Investigation Report No. 50-498/77-08

U. S. NUCLEAR REGULATORY COMMISSION
OFFICE OF INSPECTION AND ENFORCEMENT

REGION IV

REPORT OF INVESTIGATION

Report No. 50-498/77-08

Docket No. 50-498

Category A2

Licensee: Houston Lighting and Power Company
Post Office Box 1700
Houston, Texas 77001

Facility Name: South Texas Project, Unit No. 1

Investigation at: Bay City, Texas

Investigation conducted: July 6-8, 1977

Investigators: *R. G. Taylor* 8/2/77
for E. Foster, Investigative Specialist (RIII) Date

R. G. Taylor 8/2/77
R. G. Taylor, Reactor Inspector Date

Reviewed: *W. C. Seidle* 8/2/77
W. C. Seidle, Chief, Reactor Construction and Date
Engineering Branch

Investigation Summary:

Investigation on July 6-8, 1977 (Report No. 50-498/77-08)

Areas Inspected: Special announced investigation into concrete placement quality control; interviews with quality control inspectors; review of quality control procedures and organization; discussions with management personnel. The investigation involved twenty-eight inspector-hours on site by two NRC inspectors.

Results: No items of noncompliance or deviations were identified.

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~~SPP~~

INTRODUCTION

Brown and Root, Inc., (B&R) is the Architect-Engineering firm and Constructor for the South Texas Project Nuclear Power Station, licensed to the Houston Lighting and Power Company (HL&P). As a part of the B&R quality control program, B&R provides quality control inspectors to monitor the site construction activities. B&R Civil quality control inspectors monitor various phases of the construction process, including reinforcement bar placement, concrete form manufacture, and concrete placement.

REASON FOR INVESTIGATION

Following receipt of a telephone call on July 1, 1977, during which it was alleged that quality control inspectors at the South Texas Project site were being threatened with beatings if they identified any unacceptable items during concrete placement inspections, RIV initiated an investigation into the allegation.

SUMMARY OF FACTS

On July 1, 1977, an individual who identified himself as Individual "A" contacted RIV Inspector R. Taylor by telephone. Individual "A" indicated that an incident had taken place at the South Texas Project (STP) in which a B&R Construction foreman had assaulted and injured a B&R Civil Quality Control (QC) inspector, and alleged that the incident was just one of a series of threats and harassments against B&R QC inspectors. Individual "A" also alleged that a B&R Construction Superintendent had advised his workers that any B&R Civil QC inspector who reported unacceptable items found during concrete placement inspections would be liable for a beating.

RIV contacted B&R and substantiated that an altercation had taken place between a B&R Civil QC inspector and a B&R Construction foreman at STP. B&R was advised of the general nature of the allegations made to RIV, and that an investigation would be initiated into the matter.

During July 6-8, 1977, a RIII Investigator and a RIV Inspector visited STP and interviewed all present B&R Civil QC inspectors, including the QC inspector involved in the altercation with the B&R Construction foreman, interviewed B&R Construction personnel, reviewed the structure and procedures for the B&R QC function, and held discussions with HL&P personnel.

Interviews with B&R Civil QC personnel indicated that an inordinate amount of friction had developed between the B&R Civil QC inspectors and the B&R Construction personnel involved in concrete placement. It was also indicated that various minor harassments, such as offending comments on the site radio channels, had sometimes been directed toward the B&R Civil QC inspectors.

Statements received during the interviews with B&R Civil QC inspectors appear to indicate that the allegation made to RIV relates to two incidents which took place on June 30, 1977. On the morning of that date, Individual "F" a B&R Civil QC inspector and Individual "M" a B&R Construction foreman, had a heated verbal argument over a concrete QC inspection, and threatening statements were apparently made by both parties. Both individuals, when interviewed, stated that any threatening statements made during the argument were made in the heat of the argument, and were regretted.

On the afternoon of June 30, 1977, a B&R Civil QC inspector was involved in an altercation with a B&R Construction foreman. Individual "B", the B&R QC inspector involved in the incident, stated that the altercation was totally unexpected, and not a part of any long-term friction between him and Individual "C", the Construction foreman involved. Individual "B" indicated that the incident may have been partially accidental in that Individual "C" may not have intended that Individual "B" fall and injure himself.

Individual "B" stated that he was threatened by an unknown laborer as he left the plant site after the incident. There was no evidence that this threat was a part of a program of harassment or intimidation of B&R QC inspectors. The laborer may have made the threat to show sympathy with Individual "C" (as the threat was made immediately after the incident).

The individual who made the telephonic allegation to RIV and identified himself as Individual "A" could not be located. None of the personnel employed at the STP site were so named, and Individual "A" did not identify himself to NRC representatives during this investigation. Individual "C" was not interviewed, as he had terminated his employment at the site, and was unavailable for interview.

The two incidents did not provide sufficient evidence to substantiate the allegation that there was a directed program of harassment and intimidation of B&R QC inspectors. No evidence was developed that the B&R Construction Superintendent had advised his workers that any B&R QC inspector who found and reported unacceptable items during concrete placement inspections would be liable for a beating.

All of the B&R QC inspectors interviewed indicated that they had not overlooked any unacceptable conditions during their inspections, but that they had followed their inspection specifications to the letter. Several inspectors commented that they had actually become more strict in their inspections as a result of the friction between them and the E&R Construction personnel.

No items of noncompliance with NRC regulations were identified as a result of this investigation.

On July 8, 1977, the findings of the investigation were discussed with B&R and HL&P management personnel.

CONCLUSIONS

1. There were two incidents involving threats to B&R QC inspectors on June 30, 1977.
2. The facts regarding the two incidents are insufficient evidence to substantiate the allegations investigated.
3. An inordinate amount of friction had developed between B&R QC inspectors and B&R Construction personnel. This friction may have contributed to the two incidents noted above.

DETAILSPersonnel ContactedHouston Lighting and Power Company

- *R. A. Frazar, Quality Assurance Manager
- *W. N. Phillips, Project Quality Assurance Manager
- *F. D. Asbeck, Construction Supervisor
- *L. D. Wilson, Lead Specialist
- *T. K. Logan, Lead Engineer

Brown and Root, Inc., (B&R)

- C. Crane, Construction Project Manager
- *J. Monroe, Assistant Construction Manager
- J. Salvitti, General Superintendent Civil Construction
- Q. Lindsay, Quality Assurance Manager
- *M. T. Meyer, Houston Coordinator
- *T. P. Gardiner, Project Quality Assurance Manager
- T. Schreeder, Quality Control Supervisor

Individuals

Individuals "A" through "M"

- *Attended close-out meeting.

Scope

This investigation focused on the Civil Construction quality control program conducted by Brown and Root, Inc., at the South Texas Project Reactor construction site. The allegations received related to civil construction quality control inspectors only, and other phases of B&R quality control were not inspected. Emphasis was placed on the question of whether B&R QC inspectors were being threatened and intimidated to overlook unacceptable conditions during their inspections.

On July 7, 1977, employee lists were reviewed, interviews were held with all present B&R Civil QC inspectors, the B&R QC organizational structure was reviewed, B&R Construction management personnel were interviewed and discussions were held with HL&P personnel.

On July 8, 1977, discussions were held with HL&P personnel and interviews were held with B&R QC inspectors. An investigation close-out meeting was held on this date.

Interviews with B&R Civil Quality Control Inspectors

On July 7, 1977, all present B&R Civil QC inspectors involved in concrete inspections, a total of ten inspectors, were interviewed by the NRC representatives.

Four of the inspectors interviewed indicated that they had not experienced any problems or harassment from construction workers. The four inspectors who indicated no problems were noted to be either trainees or to be assigned to inspections of non-safety areas of the plant where inspection criteria are less strict than those for safety-related areas.

The other Civil QC inspectors indicated that they normally have very few problems with their inspections, but that they had experienced some harassment before and during periods when concrete pours were in progress. In general, the inspectors comments reflected minor harassments, such as comments from the workers, radio transmissions critical of the QC inspectors, and verbal arguments with the B&R Construction foremen involved with concrete placement. Several inspectors stated that whenever a problem occurred in connection with a concrete pour, the Construction foreman in charge of concrete placement would step in, even if the inspection problem involved another craft such as ironworkers.

Several inspectors indicated that they thought that B&R QC was not getting enough managerial support, and stated that when a dispute arose between them and a Construction foreman, the B&R General Superintendent for Construction would often enter the dispute and argue with them.

Several QC inspectors commented that the QC inspector turnover had been high, due to low morale among the QC inspectors and other factors. The inspectors stated that none of the QC inspectors who had left the job site had claimed that they did so because they had been threatened, harassed, or intimidated on the job.

Each Civil QC inspector was questioned as to whether any inspector had overlooked any unacceptable inspection items as a result of harassment on the job. All of the inspectors indicated that they had not overlooked unacceptable inspection items, and several inspectors commented that they had become more strict in their inspections because of the friction between them and the Construction Branch.

Interview with Individual "F"

Individual "F" was interviewed on July 7, 1977. He indicated that he had been the object of some of the minor harassments previously mentioned.

Individual "F" stated that on the morning of June 30, 1977, he had performed an inspection just prior to a planned concrete placement pour, and had found what he considered to be an unacceptable item whose correction had delayed the concrete pour. He stated that he and the Construction foreman, Individual "M", became engaged in a heated verbal argument as a result of his action, and that during the argument Individual "M" had threatened him with a beating. Individual "F" indicated that Individual "M" had taken no action to follow up on the threat.

Interview with Individual "B"

Individual "B" was interviewed on July 7, 1977. Individual "B" stated that he had been involved in an altercation with a Construction foreman on the afternoon of June 30, 1977.

Individual "B" said that he was involved in an inspection at approximately 4:00 p.m., on that date and that he had requested Individual "C", the Construction foreman for that particular work crew, to have a slick line removed from the area of his inspection. Individual "C" apparently took offense at this, Individual "B" stated, for he turned to Individual "B", they exchanged words, and Individual "C" took hold of Individual "B"'s collar and shook him. Individual "B" indicated that they had both been standing on concrete reinforcement bars, and that as a result of being shaken by Individual "C", he lost his balance and fell with Individual "C" on top of him.

Individual "B" stated that he had not had any previous problems with Individual "C", or with any other Construction foremen, and that the incident had taken him totally by surprise. He indicated that Individual "C" may not have intended that he lose his footing and fall.

*witnesses?
C not interviewed*

Individual "B" stated that an unknown worker had threatened to kill him (no other comment), and that this threat took place as he was leaving the plant site immediately after the incident described above. Individual "B" indicated that this was the first time that he had been threatened, and that no subsequent threats had been made.

Interview with Individual "M"

Individual "M" was interviewed on July 7, 1977. Individual "M" stated that he was the B&R Construction foreman who had been involved in a heated argument with Individual "F" on June 30, 1977, and that he had threatened Individual "F" with a beating during the argument. Individual "M" indicated that Individual "F" had also made threatening statements during the argument.

Individual "M" stated that the threats that he had made were made during the heat of the argument, and that upon gaining his composure, he regretted making the statements.

Discussions with B&R Construction Management Personnel

Discussions with B&R Construction management personnel indicated that the period just prior to, and during, a concrete placement pour is a crucial period when there is considerable pressure to complete the pour as scheduled. This is because advance plans for personnel and material have to be made before the pour is performed, and any delay in the pour, once scheduled, is costly. Therefore, QC inspections made during this period receive increased attention from the personnel involved in concrete placement.

The B&R General Superintendent for Civil Construction indicated that the B&R Concrete General Superintendent is responsible for seeing that any QC inspection problems are rectified and that concrete placement is accomplished on schedule, and that, therefore, he would become involved in any inspection problem which could delay a concrete pour. This would account for the QC inspectors' perception that concrete placement personnel step into any inspection problem even if the problem relates to another craft.

It was indicated that B&R Construction management personnel had been aware that friction had been building between the Civil QC inspectors and the Construction foremen and personnel involved in concrete placement, and that a meeting had been scheduled to discuss the problem prior to the altercation between the QC inspector and Construction foreman. This meeting was postponed due to the events on June 30, 1977.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 1000
ARLINGTON, TEXAS 76011

IE FILE COPY.

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December 28, 1977

In Reply Refer To:

RIV

Docket No. 50-498/Rpt. 77-14
50-499/Rpt. 77-09

Houston Lighting and Power Company
ATTN: Mr. G. W. Oprea, Jr.
Executive Vice President
Post Office Box 1700
Houston, Texas 77001

Gentlemen:

This refers to the investigation conducted by Messrs. J. J. Ward and R. G. Taylor of our staff during the period December 15 and 16, 1977, of activities authorized by NRC Construction Permit Nos. CPPR-128 and 129 for the South Texas Project facility, Units No. 1 and 2, concerning the alleged existence of radiographs reportedly showing faulty welds in equipment at your site.

Areas examined during the investigation and our findings are discussed in the enclosed investigation report. Within these areas, the investigation consisted of interviews with personnel and observations by the inspectors.

Within the scope of the investigation, no items of noncompliance were identified.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosed investigation report will be placed in the NRC's Public Document Room. If the report contains any information that you believe to be proprietary, it is necessary that you submit a written application to this office, within 20 days of the date of this letter, requesting that such information be withheld from public disclosure. The application must include a full statement of the reasons why it is claimed that the information is proprietary. The application should be prepared so that any proprietary information identified is contained in an enclosure to the application, since the application without the enclosure will also be placed in the Public Document Room. If we do not hear from you in this regard within the specified period, the report will be placed in the Public Document Room.

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**DEPOSITION
EXHIBIT**

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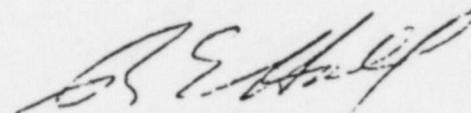
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Houston Lighting and Power Company -2-

December 28, 1977

Should you have any questions concerning this investigation, we will be pleased to discuss them with you.

Sincerely,



W. C. Seidle, Chief
Reactor Construction and
Engineering Support Branch

Enclosure:

IE Investigation Report No. 50-498/77-14
50-499/77-09

REPORT OF INVESTIGATION
OFFICE OF INSPECTION AND ENFORCEMENT
REGION IV

Subject: South Texas Project, Units 1 and 2
Docket Nos. 50-498; 50-499

Investigation based on an allegation that radiographs had shown
faulty welds at the site.

Period of Investigation: December 15 and 16, 1977

Investigator: *J. J. Ward* 12/25/77
for John J. Ward, Investigation Specialist Date

Reactor Inspector: *C. R. Cherry* 12/25/77
for R. G. Taylor, Projects Section Date

Approved by: *C. R. Cherry* 12/28/77
for W. A. Crossman, Chief, Projects Section Date

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REASON FOR INVESTIGATION

A telephone call from an individual who claimed to have radiographs which showed defective welds in the liner plate for the two containment liners in the Comanche Peak and South Texas projects plants.

SCOPE OF INVESTIGATION

To determine the veracity of the claim and to establish the identity and origin of the alleged radiographs.

CONCLUSIONS

The radiographs, if they existed, were not of equipment being put in place at the two power plants. The informant may have been the butt of a joke played on him by two acquaintances who possibly had access to radiographs from a non-nuclear production firm.

SUMMARY OF FACTS

On December 10, 1977, Individual A reported to the Duty Officer of Region IV that he had radiographs in his possession which showed that the welds used at two nuclear power plants under construction in Region IV were defective. In a subsequent Region IV contact with this individual by telephone on December 10, he indicated that he had in his possession questionable radiographs of electro-slag welds in the liner plate for the containment liners of the Comanche Peak and South Texas projects. On December 12, he was again contacted by a RIV representative at which time he indicated that he had been a victim of a hoax perpetrated by two acquaintances who had admitted the radiographs were not as reported and that neither individual had ever been on either site. At that time he agreed to confirm his statement in writing to the RIV contact. His letter dated December 15, 1977, was subsequently received in the RIV office on December 19, 1977. In a personal contact with the individual on December 15, he professed at that time not to have the radiographs, having returned them to the two individuals who reportedly had furnished them. On December 16, he advised that these two individuals had informed him they had disposed of all the radiographs (reportedly a total of ten). From his description of the radiographs and his indication of the size of the welds, it would appear that the material would have a thickness of greater than 1-3/4 inches and not the type of material or welding used in the containment liners of the plants involved.

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DETAILS1. Investigation at Houston, Texas - December 15 and 16, 1977

Individual A was interviewed on December 15 at his office in Houston, Texas by Mr. Taylor and the investigator. He stated that he had had one radiograph which had been supplied by his two friends who originally had indicated to him that this and other radiographs they had were of welds in the containment liner for the two projects. He drew a sketch of what the weld profile looked like. This was examined by Mr. Robert Taylor, Reactor Inspector ^{1/}. Individual A stated that he had returned the radiograph to his friends but that he would return to his office in approximately two hours at which time he would again meet with the investigators and show the radiograph to them. When asked what the "penny" showed on the radiograph, Individual A did not understand the question and it was obvious from his later comments that he did not understand what the penetrometer would indicate, showing his lack of knowledge of radiography. When Individual A did not return at the end of the two-hour period, in fact not at all that afternoon, an attempt was made to contact him at his home without success. At that point, Mr. Taylor departed from the investigation. On the following day, December 16, the investigator contacted Individual A again at his office and confronted him with his lack of returning with the radiographs on the previous day. Individual A stated that he had not been able to obtain the radiographs and he had been held up for a two-hour conference and thus had not been able to get word to the investigators about his delay. He stated that when he had gotten in touch with his two friends, they advised him that the radiographs had been destroyed. There previously had been ten and he, Individual A, stated that he had seen three of them. He reaffirmed that neither he nor either of his friends had ever worked at either of the two projects which he had originally reported as the source of the radiographs. He stated that the radiographs had not come from either of the two plants and that his friends had confirmed this. He stated his opinion was that the radiographs had been from a tank manufacturing company in Texas. He stated that the two individuals who were his friends worked in quality assurance for the same company. One, whose name was Tommy, and the other, who was a radiographer, did not wish to be identified and that he would not identify them since they would lose their jobs if they were found out. He advised that he had told them to contact the NRC and report what the source of the radiographs was but he could not be sure

^{1/}Taylor privately observed that the weld, as drawn by Individual A, could have been only from a thick material of more than 1-3/4 inches thick, that this would not be comparable to the containment liner of the projects in question since the thickness of that material is a different dimension.

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that they would do this. Individual A signed a statement for the investigator stating that the "x-rays" were not from a nuclear facility anywhere, that neither of his two friends are now working at the site or ever has, that the "x-rays" are not available for review - they have been destroyed, and that he, Individual A, was responsible for making the false report concerning the radiographs. As noted above, he also had addressed a letter to the Region IV office making this same statement.