

## U.S. NUCLEAR REGULATORY COMMISSION

PDR-016

86-42	
R	ESPONSE TYPE
FINAL	X PARTIAL

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NOV 2 0 1986 DOCKET NUMBER(S) (# applicable)

REQ	Laurie Fowler, Esquire	50-424/425			
-	PART I RECORDS RELEASED OR NOT LOCATED (See checked to	boxes)			
	No agency records subject to the request have been located.				
	No additional agency records subject to the request have been located.				
	Agency records subject to the request that are identified in Appendix are already available for public inspection and copying in the NRC Public Document Ro				
	Agency records subject to the request that are identified in Appendix are being made available for public inspection and copying in the NRC Public Docum. Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.				
The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public and coying at the NRC Public Document Room, 1717 H Street, N.W., Washington, DC. in a folder under this FOIA number and requester name.					
Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 1717 H Street, N.W., Wash					
	Agency records subject to the request are enclosed. Any applicable charge for copies of the records provided and pay	ment procedures are noted in the comments section.			
Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.					
F	In view of NRC's response to this request, no further action is being taken on appeal letter dated				
-	PART II.A - INFORMATION WITHHELD FROM PUBLIC DISCLOS	URE			
X	Certain information in the requested records is being withheld from public disclosure pursuant to the FOIA exemptions tions B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and record is provided by the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and record is provided by the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and record is provided by the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and record is provided by the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and record is provided by the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and record is provided by the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and record is provided by the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and record is provided by the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and record is provided by the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and record is provided by the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and record is provided by the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this Public Pu	ing made available for public inspection and copying in			
Con	nments				

The nonexempt portions of the records listed on the enclosed Appendix I are also available in the Vogtle Local Public Document Room (LPDR) located at the Burke County Library, 412 4th Street, Waynesboro, Georgia 30830.

> 8612020224 861120 PDR FOIA FOWLER86-42 PDR PDR

	PART II.B APPLICABLE FOIA EXEMPTIONS				
	Reco	ords subject to the request that are described in the enclosed Appendices are being withheld in their entirety or in part under FOIA applications and for the reasons set forth below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.5(a) of NRC Regulations.			
	1. 1	The withheld information is properly classified pursuant to Executive Order 12356 (EXEMPTION 1)			
	2. 1	The withheld information relates solely to the internal personnel rules and procedures of NRC. (EXEMPTION 2)			
	3. 1	The withheld information is specifically exempted from public disclosure by statute indicated: (EXEMPTION 3)			
		Section 141-145 of the Atomic Energy Act which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).			
		Section 147 of the Atomic Energy Act which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).			
	4. 1	The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated: (EXEMPTION 4)			
		The information is considered to be confidential business (proprietary) information.			
		The information is considered to be proprietary information pursuant to 10 CFR 2.790(d)(1).			
		The information was submitted and received in confidence from a foreign source pursuant to 10 CFR 2.790(d)(2).			
x	V	The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency. (EXEMPTION 5)			
	6. 1	The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy. (EXEMPTION 6)			
	7. 1	The withheld information consists of investigatory records compiled for law enforcement purposes and is being withheld for the reason(s) indicated. (EXEMPTION 7)			
		Disclosure would interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow them to take action to shield potential wrongdoing or a violation of NRC requirements from investigators. (EXEMPTION 7(A))			
		Disclosure would constitute an unwarranted invasion of personal privacy (EXEMPTION 7(C))			
		The information consists of names of individuals and other information the disclosure of which would reveal identities of confidential sources. (EXEMPTION 7(D))			
-	-	BART II C. DENVING GEEICIAI S.			

## PART II.C-DENYING OFFICIALS

Pursuant to 10 CFR 9.9 and/or 9.15 of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for the denial are those officials identified below as denying officials and the Director, Division of Rules and Records, Office of Administration, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			SECRETARY	EDO
James M. Taylor	Director, IE	I-1,2=Part., 3=Total		X
	Market et al.		k a Tribale	

PART II D-APPEAL RIGHTS

The denial by each denying official identified in Part II.C may be appealed to the Appellate Official identified in that section. Any such appeal must be in writing and must be made within 30 days of receipt of this response. Appeals must be addressed as appropriate to the Executive Director for Operations or to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

RE: F0IA-86-42

# APPENDIX I

# Withheld in part or entirely under Exemption 5

-		
1.	11/4/85	Transmittal sheet for Leo Modenos, Region II, from Gene Holler, IE, with attached annotated Notice of Violation and annotated draft letter to Georgia Power Co. (4 pages)
		Transmittal sheet released; remainder of record withheld in entirety
2.	11/8/85	Transmittal sheet to Leo Modenos, Region II, from Gene Holler, IE, with attached annotated Notice of Violation and annotated draft letter to Georgia Power Co. (4 pages)
		Transmittal sheet released; remainder of record withheld in entirety
3.	5/2/85	Memorandum for J. Nelson Grace from James M. Taylor, re: Enforcement Action Resulting from OI Investigations (1 page)
		Withhold in entirety

BRIAN SPEARS LAURIE FOWLER SUITE 220-GRANT BLDG. 44 BROAD STREET, N.W. ATLANTA, CEORGIA 30303 (404) 522-0694

January 15, 1986

Office of Freedom of Information Act Requests Nuclear Regulatory Commission 1717 H Street, N.W. Washington, D.C. 20555 FOIA-86-42

Cac'd 1-21-86

Re: Freedom of Information Act Request
NRC Investigation of Intimidation and Harrassment by
Pullman Power Products. Inc.

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA, 5 U.S.C. 552 33 amended), the Georgia office of the American Civil Libert'es Union (ACLU) requests: copies of any and all NRC records and information, including, but not limited to: notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, engineering analyses, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, interim and/or final reports, status reports, and any and all other records relevant to and/or generated in connection with the NRC's investigation (initiated on May 19, 1983) regarding allegations, findings and orders that Pullman Power Products employees intimidated and harrassed quality control inspectors at nuclear facilities. (See attached Atlanta Constitution article for reference.) This request includes, but is not limited to, investigations of intimidation and harrassment by Pullman employees at Plant Vogtle. This request also includes, but is not limited to, the NRC Conference of September 25, 1985, on the investigations. (See attached NRC memo for reference.)

Because the ACLU is a non-profit organization established to protect the civil liberties guaranteed by the Constitution of the United States, we believe it is appropriate for you to waive copying and search charges, pursuant to 5 U.S.C. 522(a)(4)(a). In this case, "furnishing the information can be considered as primarily benefitting the general public."

For any documents or portions that you deny due to a specific FOIA exemption, please provide an index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is

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relevant to the document or portion of the document withheld. This index is required under  $\frac{\text{Vaughn v. Rosen (I)}}{\text{(D.C. Cir. 1973)}}$ ,  $\frac{\text{cert. denied}}{\text{denied}}$ ,  $\frac{\text{415 U.S. 977 (1974)}}{\text{1874}}$ .

I look forward to hearing from you within 10 days as the law stipulates.

Sincerely,

Laurie Fowler

Lauri Fowler

Cooperating Attorney,

Georgia ACLU

LF: jy cc: NRC, Region II

# THE ATLANTA CONSTITUTION

# Group says Vogtle inspectors harassed and intimidated

By Bob Dears Staff Writter

The head of the Nuclear Regulatory Commission's Atlanta office said Wednesday that he was embarrassed at the length-of time it was taking his office to reach an enforcement decision concerning the intimidation and harassment of quality control inspectors at the Vogtle nuclear power plant.

Nelson Grace, administrator of the Atlanta Regional Office of the NRC, said that the problems at Vogtle had been corrected, however, and vehemently denied charges that his staff is allowing nuclear power plants to be built in the Southeast without proper regard, for safety.

Meanwhile, a Washingtontased public interest organization charged Wednesday that inspectors at Vogtle are continuing to be harassed and intimidated. The group, the Government Accountability Project, has opened an Augusta office to investigate allegations that subcontractors are punishing workers who report construction or inspection practices that could be compromising Vogtle's safety.

The nuclear plant is being built near Augusta. It's current projected cost is \$8.4 billion.

Since last November, the Government Accountability Project has interviewed more than 80 workers at Plant Vogtle who have charged that quality control inspectors who cite safety concerns at the plant often end up being fired, demoted or transferred, according to Billie Garde, citizen's clinic director for the Project.

Instead of responding to the complaints, the NRC has ignored them, she said. Ms. Garde charged that the NRC's Atlanta office has responded to worker complaints about nuclear power plant construction practices by contacting the utilities building the plants, instead of initiating NRC investigations that might result in punitive measures being taken against the utilities.

"We do not call the utility," said Grace. "I have never done that, and if they can find evidence that I have, they'd better come forward with it," he added.

Grace became regional administrator last spring, replacing James P. O'Reilly, who joined Georgia Power as its senior vice president in charge of nuclear operations.

Grace and members of his staff met Wednesday with officials from the Georgia Power Co. concerning an NRC investigation into allegations that construction supervisors harassed and intimidated quality control inspectors at Vogtile, in an attempt to manipulate them.

The investigation was begun in 1983 and completed during the summer of 1984, with NRC investigators reaching the capclusion that employees of Pullman Power Products Inc., which is installing pipes at Vogtle, were intimidating and harassing some of their own employees, who were responsible for quality and safety inspections at the plant.

Pullman transferred its project manager to a new assignment, and the NRC investigation indicated that the action was sufficient to correct the problem, Grace said.

But the NRC has yet to decide whether to take enforcement action against Georgia Power as a result of the situation.

"The problem's been fixed,"
Grace said. "For some reason, enforcement action was delayed until this spring. We could have followed up sooner," he said. "The
timeliness of our enforcement action is embarrassing."

Georgia Power officials have denied that harassment ever took place at Vogtle, a contention company officials repeated Wednesday before the NRC.

Ms. Garde said the Government Accountability Project, which is 10 years old, has reviewed the way in which each of the NRC's five regional offices responds to workers' concerns about nuclear power plant construction. The response from Region II's office, the Atlanta office that administers NRC functions in the Southeast, has been "absolutely terrible," she said.



### UNITED STATES NUCLEAR REGULATORY COMMISSION REGION II 101 MARIETTA STREET, N.W. ATLANTA, GEORGIA 30323

SLI 1985

Georgia Power Company ATTN: Mr. R. J. Kelly Executive Vice President P. O. Box 4545 Atlanta, GA 30302

Gentlemen:

SUBJECT: PLACEMENT OF DOCUMENT IN PUBLIC DOCUMENT ROOM

Enclosed is a summary of an investigation conducted by the NRC Office of Investigations, Region II field office. The subject of the investigation is "Vogtle Nuclear Plant Alleged Intimidation/Harrassment of QC Welding Inspectors and Possible Falsification of QC Inspection Records by Pullman Power Products, Inc." This Document has been placed in the Public Document Room and may be of use to you in preparing for the conference on September 25, 1985.

Sincerely,

Regional Administrator

Enclosure:

Cover page and summary, dated 10/26/83, 7 pages

cc w/encl:

R. E. Conway, Senior Vice President

Nuclear Power

D. O. Foster, Vice President and General Manager Vogtle Project

H. H. Gregory, III, General

Manager, Vogtle Nuclear Construction

G. Bockhold, Jr., Vogtle Plant Manager

L. T. Gucwa, Chief

Nuclear Engineer Ruble A. Thomas,

Vice President-Licensing Vogtle

Project

cc w/encl: (Cont'd on page 2)

cc w/encl: (Cont'd)
Ed Groover, Quality
Assurance Site Manager
C. W. Hayes, QA Manager
J. T. Beckham, Vice President
& General Manager - Operations
J. A. Bailey, Project Licensing
Manager
George F. Trowbridge, Esq.
Shaw, Pittman, Potts and Trowbridge
Bruce W. Churchill, Esq.

Shaw, Pittman, Potts and Trowbridge

Ernest L. Blake, Jr., Esq.

Shaw, Pittman, Potts and Trowbridge James E. Joiner, Troutman, Sanders,

Cokerman and Ashmore

Separament of Human Resources

Charles & Badger, Office of Planning and Budget, Management Review D vision

Deppish Kirkland, III, Counsel
Office of the Consumer's Utility
Council

Douglas C. Teper, Georgians Against Nuclear Energy

Laurie Fowler, Legal Environmental Assistance Foundation

Tim Johnson, Executive Director Educational Campaign for a Prosperous Georgia

Morton B. Margulies, Esq., Chairman Administrative Judge, Atomic Safety and Licensing Board Panel

Dr. Oscar H. Paris, Administrative Judge Atomic Safety and Licensing Board Panel Gustave A. Linenberger, Jr., Administrative Judge, Atomic Safety and Licensing Board Panel



ENCLOSURE UNITED STATES

# NUCLEAR REGULATORY COMMISSION OFFICE OF INVESTIGATIONS FIELD OFFICE. REGION IL

101 MARIETTA STREET, SUITE 3100 ATLANTA, GEORGIA 30303

Date: October 26, 1983

## REPORT OF INVESTIGATION

TITLE:

VOGTLE NUCLEAR PLANT

ALLEGED INTIMIDATION/HARASSMENT OF QC WELDING INSPECTORS AND POSSIBLE FALSIFICATION OF, QC

INSPECTION RECORDS BY PULLMAN POWER PRODUCTS, INC.

SUPPLEMENT:

50-424

CASE NUMBER:

2-83-005

CONTROL OFFICE:

OI:Region II

STATUS: CLOSED

REPORTING OFFICE:

OI:Region II

PERIOD OF INVESTIGATION:

May 19 - July 9, 1983

REPORTING INVESTIGATOR:

ield Office, Region II

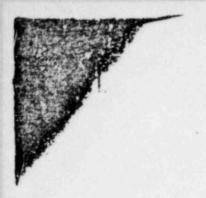
REVIEWED BY:

estigations Field Office, Region II

William J. Ward Director

Division of Field Operations

Office of Investigations



APPROVED BY:

Roger Fortuna, Deputy Difector
Office of Investigations

Ben B. Hayes, Director

Office of Investigations

SUMMARY

Total Parks investigation was initiated to identify and document alleged intimidation and harassment of Pullman Power Products, Inc. (PPP) Quality Control (QC) welding inspectors by the company's construction management personnel. PPP, headquartered in Williamsport, PA, is under contract to install all piping and piping supports associated with the construction of the Alvin W. Vogtle Nuclear Plant (VNP), in Waynesboro, GA, a licensed facility of the Georgia Power Company. Additionally, it was reported to the NRC that the intimidation and harassment experienced by the QC welding inspectors may have resulted in possible improprieties regarding inspection records prepared and maintained by these individuals.

The allegation pertaining to intimidation and harassment of QC welding inspectors by the Project Manager at the VNP was first reported to the Senior Resident Inspector (SRI), NRC at the facility. This initial allegation was substantiated by the SRI during the subsequent interviews of four additional QC welding inspectors employed by PPP. Additionally, a Confidential Source alleged vast PPP material storage problems, records improprieties and incidents of intimidation by the Project Manager and his construction superintendents. The SRI obtained information that QC inspectors were being manipulated by the Project Manager through threats relating to adverse personnel actions affecting employment and salary matters. Additionally, the Project Manager allegedly interfered with the utilization of QC welding inspectors and attempted to influence the reassignments of inspectors whose work histories did not favor production and scheduling. An onsite incident of assault in August 1982 upon a QC welding inspector by a Construction superintendent, both employees of PPP, was also reported to the SRI.

A review of pertinent regulatory documents, standards, procedures and contract requirements was conducted pursuant to the investigation. It was disclosed that PPP committed to cooperate with the licensee to ensure QC standards for the VNP are enforced at all times. Further, this review disclosed that the line of authority regarding administrative matters for the QA/QC manager at the field office site of PPP is through the Project Manager. It was determined that PPP or a subsidiary company was the subject of previous inquiries regarding intimidation and harassment of QC inspectors at the Seabrook Nuclear Plant, Seabrook, New Hampshire and at the Diablo Canyon Nuclear Plant, Avila Beach, California. A licensee initiated self evaluation in late 1982, utilizing Institute of Nuclear Power Operations (INPO) criteria, identified that the QA/QC administrative reporting to the Project Manager is an area of weakness in the PPP field organization.

During the investigation, nineteen field level QC welding inspectors in PPP's field office at the VNP were interviewed regarding intimidation and harassment, interference by the Project Manager and inspection records improprieties. Five of these individuals confirmed vast material storage deficiencies which are compounded by the overt refusals on the part of construction management to divert craft efforts to correct the problems. These inspectors viewed the construction superintendent's negative attitude toward Storage Inspection Report of Siciencies as a form of intimidation. Some of these inspectors also related instances of interference and intervention into QC inspector assignment matters by construction management to favor scheduling and the production effort. All except one of the QC inspectors interviewed reported variously that the Project Manager has attempted to influence the utilization of, and decisions rendered by, inspectors; that the salary administration and other benefits for OA/OC personnel controlled by the Project Manager is unfair and inequitable; that he arbitrarily adjusts recommended salary increases based upon subjective criteria; that he is frequently publicly non-supportive and negative towards the QC function; that he and construction superintendents publicly chastise and embarass inspectors and that he employs remarks which threaten job security as a means of intimidation and harassment. The lone dissenting QC inspector was determined to be a personal friend of the Project Manager and had been the recipient of preferential treatment regarding a job assignment on site. Those inspectors with knowledge of an onsite altercation, in August 1982, between a former PPP Construction Superintendent and a QC Welding Inspector indicated that the superintendent disagreed with the inspector's perception of the non-conforming item being discussed. One inspector reported an offsite altercation in December 1982 between a Construction Superintendent and a QC Inspector Supervisor during which the superintendent held an open knife on the OC supervisor.

Two current and one former QC supervisory personnel were interviewed and each substantiated the claims and perceptions of field inspectors regarding incidents and acts of QC negativism by construction managers, intimidation, harassment, adverse interference, verbal threats, embarassment and chastisement of these individuals by the Project Manager and his subordinates. All of these individuals indicated that production and scheduling appear to take precedence over the quality functions, an attitude nurtured by the Project Manager and his construction staff. Authorized Nuclear Inspectors at the VNP also confirmed intimidation and harassment of QC welding inspectors by PPP construction management.

Inquiries were also conducted among the QC inspection personnel who allegedly engaged in visual inspection practices which were not in accordance with existing procedures or who signed inspection reports without assuring corrective actions had been completed. One QC welding inspector admitted that he occasionally failed to conduct visual inspections within the distance requirements as specified in PPP and ANSI/ASME procedures. Except for this one procedural violation, all inspection personnel who were interviewed regarding record preparation and maintenance improprieties advised forthrightly that they had never signed or initialed an inspection document without first performing the actions in the manner prescribed by the applicable procedures. Ten welders or pipefitters employed by PPP were interviewed and, except for one reporting that a QC inspector had occasionally failed to visually inspect within the distance requirement set forth in the PPP and ASME procedures, none were aware of record improprieties by QC welding inspectors.

The Project Manager and two construction superintendents were interviewed and all ategorically denied any form of intentional intimidation and harassment of QC elding inspectors. The Project Manager and one Superintendent admitted actions hich could be interpreted as interference into matters which are purely QA/QC unctions. The Project Manager denied any improprieties regarding the administration of QA/QC personnel matters. All claimed to be supportive of the QA/QC inction but acknowledged that they had failed to do so openly in a public onner.

Eight licensee management officials and QC inspection personnel at the VNP were interviewed regarding their knowledge of intimidation and harassment of QC welding inspectors employed by PPP. No disclosures pertinent to the investigation were revealed during these interviews. Observations of PPP material storage areas tended to support remarks reported by QC inspectors regarding the general disarray of materials and common utilization of these areas by several major contractors onsite. A review of QC welding inspector salary data disclosed that there does not appear to be a specific correlation between the amounts of recent weekly increases received and longevity, related experience and education levels of these individuals.