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DRAFT

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Dr. Walter H. Jordan
Administrative Judge
881 W. Outer Drive
Oak Ridge, TN 37830

In the Matter of
Texas Utilities Generating Electric, et al.
(Comanche Peak Steam Electric Station, Units 1 and 2)
Docket Nos. 50-445/2 and 50-446/2

Dear Administrative Judges:

On November 2, 1984, the Staff was requested to "advise the Board of its view whether all or parts of the 19 [Office of Investigations reports relating to Comanche Peak Steam Electric Station] at issue (as well as other in-process OI investigations) are potentially relevant and material to the licensing proceedings, including issues of intimidation and of management commitment to quality." LBP-84-48, slip op. at 1. The Staff also was asked to explain the possible relevance of these materials "in as much detail as possible without violating confidences or rights to personal property." Id. After reviewing each of the 24^{1/} OI reports at issue, it is the Staff's view that twenty (20) reports are relevant to this licensing proceeding. Specifically, in the Staff's view, nine (9) of the OI reports are relevant to the issue of intimidation of quality control inspectors; five (5) OI reports relate to construction practices at CPSES; and six (6) OI reports are relevant to the issue of Applicants "commitment

1/ Actually, there are a total of 25 OI reports relating to CPSES. Copies of OI report Q4-83-026 (18 October 1983) and its February 7, 1984 Supplemental, both of which relate to the "Lipinsky Memo," already have been made available to the Board and the parties. See Letter from Staff Counsel to Licensing Board (27 November 1984).

FOIA-85-799 E/1

8612050435 861201
PDR FOIA
GARDE85-799 PDR

to quality." In the Staff's view, four (4) of the OI reports are not relevant to any of the issues in the licensing proceedings. An index containing a summary of each of the OI reports and the Staff's position regarding its relevance is attached as an Appendix to this letter.

Respectfully submitted,

Gregory Alan Berry
Counsel for NRC Staff

Attachment: As stated
cc w/attach.: Service List

APPENDIX

INDEX OF OI REPORTS RELATING TO CPSES

1. OI Report Q4-84-011 (13 March 1984)

Re: Alleged Intimidation of Balance of Plant Inspector

A former CPSES boilermaker supervisor reported to OI that a CPSES craft superintendent intimidated a former CPSES Balance of Plant (BOP) inspector into accepting unsatisfactory welds on the condenser in Unit II. The BOP inspector was interviewed by OI and advised OI that the welds in question had been repaired and reinspected by him and that no one at CPSES had intimidated or attempted to intimidate him. In the Staff's view, OI Report Q4-84-011 is relevant to the issues of intimidation and harassment of quality control inspectors and the adequacy of Applicants' welding activities.

Darwin
Not intm
need input to
SSEA
Consultants-9/11

2. OI Report Q4-84-037 (12 September 1984)

Re: Alleged Threat Against QC Inspector

A former CPSES quality control inspector related to OI that a member of Brown & Root management warned him that his career in the nuclear industry would be affected adversely if he became a whistle blower or gave information to the NRC or Intervenor. During the course of the interview, the QC inspector stated that he did not perceive these remarks as constituting a threat but rather as a warning of the possible consequences if it became known throughout the nuclear industry that he had made allegations concerning CPSES. See Attachment 2 at 37-38. During the interview with OI, the quality control inspector described several other instances of alleged harassment and intimidation directed toward him by CPSES management. These instances of alleged harassment include: (i) the QC inspector's transfer from and subsequent reassignment to the N-5 Group; (ii) the promotion of less qualified QC inspectors at the QC inspector's expense; and (iii) pressure by CPSES supervisory personnel to sign off on an incomplete NCR. In the Staff's view, OI report Q4-84-037 is relevant to the issue of harassment and intimidation of quality control inspector.

Jim L
Not intm
need input to
SSEA

3. OI Report Q4-84-046 (22 October 1984)

Re: Suspected Harassment of QC Inspector

James Gagliardo relayed to OI information obtained by him from a CPSES quality control inspector who was serving as his guide during a tour of CPSES in connection with the TRT's inspection of the facility. Statements indicated to Gagliardo that a QC supervisor systematically tried to get rid of conscientious QC inspectors, and that a QC super-

Jim L
Not intm
need input to
SSEA

visor and ASME QA manager threatened to have QC inspector take a lie detector test. QC inspector told OI that QC supervisor nor ASME QA manager had ever tried to intimidate him. In the Staff's view, OI Report Q4-84-046 is relevant to the issue of harassment and intimidation of quality control inspectors at CPSES.

4. OI Report 4-83-001 (24 August 1983)

Re: Intimidation of Coatings QC Personnel

Purpose of investigation was to determine whether a CPSES QC supervisor threatened his subordinates with termination if they continued to identify "nitpicking" non-conforming conditions during their inspections. OI concluded that he did. In the Staff's view, OI Report 4-83-001 is relevant to the issue of whether quality control inspectors were deterred or intimidated by craft personnel or QC management from reporting non-conforming conditions. *Gaga*
Dunham case
consultants
findings

5. OI Report 4-83-013 (3 November 1983)

Re: Alleged Intimidation of QC Personnel

The purpose of OI's investigation was to determine whether the firing of Charles Atchison served to discourage other QC inspectors from reporting deficiencies. Sixty-two QC inspectors were interviewed, 61 of which said they were not intimidated by action taken against Atchison. In the Staff's view, OI Report 4-83-013 is relevant to the issue of harassment and intimidation of quality control inspectors. *Gaga*
Not covered
by consultants
with program
for SSEA

6. OI Report 4-83-016 (26 July 1983)

Re: Alleged Discrimination Against QC Inspector

Purpose of investigation was to determine whether alleged improper termination of William A. Dunham for protesting lack of support for QC inspectors from QC supervisor personnel served to intimidate other QC inspectors from reporting non-conformances. OI found that TUGCO's action intimidated QC inspectors but did not prevent them from performing their duties properly. In the Staff's view, OI Report 4-83-016 is relevant to the issue of harassment and intimidation of quality control inspectors. *Gaga*
Dunham case
consultants
report findings
Consultants-91

7. OI Report 4-84-006 (7 March 1984)

Re: Alleged Intimidation of QC Personnel

Purpose of OI investigation was to follow up on information provided by CASE relating to harassment, intimidation, and threats to CPSES personnel. OI interviewed 24 persons, 22 of whom were present or former CPSES employees. Of these 22 persons, 12 were craftsmen, 7 were QC inspectors, and 3 were engineers. Fourteen of this group stated that Applicants had intimidated or tried to intimidate them during their tenure at CPSES. *Dunham*
abt covered
by consultants
with SSEA

Of these 14 persons, all but 6 previously had made known their concerns to the ASLB either through direct testimony, limited appearance statements, or affidavits introduced by CASE. Of the remaining six members of this group, only two subsequently have given testimony in the intimidation portion of this licensing proceeding. In the Staff's view, OI Report 4-84-006 is relevant to the issue of harassment and intimidation of CPSES quality control inspectors.

8. OI Report 4-84-008 (9 July 1984)

Re: Alleged Intimidation of QC Personnel

A former CPSES QC inspector informed OI of several retaliatory actions taken by Applicants. According to QC inspector, Applicants' supervisory personnel tried to intimidate and harass QC inspector for testifying before ASLB. In the Staff's view, OI Report 4-84-008 is relevant to the issue of harassment and intimidation of CPSES quality control inspectors.

*Jim L
D. Strain
consultant
Indy
Consultant-yes*

9. OI Report 4-84-012 (14 August 1984)

Re: Alleged Intimidation of CPSES Craftworkers

Purpose of investigation was to look into alleged intimidation of CPSES craft worker by TUGCO management. Since this allegation relates to intimidation of craft workers, the Staff considers this allegation to be beyond the scope of the proceeding.

Problem

*Darwin
Mike's case
not part of case
pending but dia
not happen
Consultant-yes*

10. OI Report 4-83-006 (11 July 1984)

Re: Alleged Falsification of QC Records

Purpose of investigation was to determine whether NCR identifying cracks in concrete basemat of reactor containment building was altered or forged. In 1983, a CPSES QC inspector contacted OI to relate the substance of a conversation between the QC inspector and another identified QC inspector. According to allegor, in this conversation the other QC inspector boasted that the reason CPSES management continued to employ him was because he signed another QC inspector's signature "better than [that QC inspector] himself." The allegor reported this incident to OI because he surmised that this individual may have forged a signature on an NCR involving cracked concrete in the Unit 1 reactor basemat. OI interviewed the person whose signature appeared on the NCR in question and learned that the signature on the NCR was genuine. In the Staff's view, OI report 4-83-006 is relevant to the issue encompassed by Contention 5; namely, alleged cracks in the concrete basemat of Unit 1.

Not Assigned

OI ?

consultant-yes

11. OI Report 4-83-011 (24 July 1984)

Re: Suspected Falsification of QC Records

Investigation was conducted to determine whether QC protective coatings records were altered or falsified by CPSES QC Supervisors to pass ANSI review. It was alleged that in the course of a document

*not assigned
consultant-yes*

review of protective coatings applied prior to April 1981, CPSES QC supervisors altered and falsified coating records to make them acceptable and eliminate the need to reinspect those coatings in connection with Applicants' backfit program. In the Staff view, OI Report 4-83-011 is relevant to the issue relating to the adequacy of Applicants' QA/QC program.

12. OI Report 4-82-012 (23 November 1982)

Re: Alleged Electrical Deficiencies

Purpose of investigation was to explore four allegations of construction deficiencies in electrical department alleged to have occurred between August 1979 and January 1980. These deficiencies related to the use of improper lug nuts and cable splicing. Three of the four alleged deficiencies involved non-safety related wiring. Subsequent to the receipt of the allegations, Region IV conducted an inspection of the alleged deficient items and found no irregularities. A review of non-conformance report (NCRs) generated during the period December 1979 through February 1980 revealed deficiencies similar to those alleged; however all of those deficiencies had been remedied by March 1980. Inasmuch as OI Report 4-82-012 relates to Applicants' construction practices in the electrical area (a subject not embraced by Contention 5), the Staff does not consider that document relevant to this licensing proceeding. *Not Assign*

13. OI Report Q4-84-007 (9 February 1984)

Re: Alleged Violations of Construction Practices

Former CPSES craftworker informed OI that he disagreed with several statements regarding improper construction activity at CPSES alleged to have been made to media by craftworker's former supervisor. Craftworker disputed truth of statements attributed to supervisor concerning relocation of main steam line, posting of NRC "Notice to Employees" signs at CPSES, and unauthorized cuts in tube steel to accommodate hilti bolts. In the Staff's view, OI Report Q4-84-007 is at best marginally relevant to any of the issues in this proceeding. *Consultants -*

14. OI Report Q4-83-011 (23 May 1983)

Re: Alleged Poor Construction Practices

Report summarizes conversation between OI and former CPSES laborer regarding the latter's concerns over the construction practices at CPSES. Allegor identified several problems involving the pouring of concrete in the Reactor and Safeguards Buildings but was unable to provide specific and detailed information. Consequently, OI did not take any action other than refer the matter to Region IV. In the Staff's view, OI Report is marginally relevant to the issue relating to the emplacement of concrete in the Reactor Building. *Not Assign*

15. OI Report Q4-84-001 (9 January 1984)

Re: Alleged Improper Construction Practices

Report summarizes an interview given under oath to OI by a CPSES craftworker. In the interview the craftworker described several instances of intimidation of craft by CPSES supervisor, disregard of procedures by electrical craft and QC personnel, and faulty construction work by electrical craft. Inasmuch as OI Report Q4-84-001 concerns Applicants' electrical activities (a subject not encompassed by Contention 5) and the possible harassment of craftworkers rather than quality control inspectors, the Staff does not consider this document relevant to any of the issues currently before the Licensing Board.

Call Jim

*Not Assigned
Need to address
SSER*

16. OI Report Q4-83-022 (2 November 1983)

Re: Alleged Improper Implementation of Technical Procedures

Report transmits correspondence from a former CPSES coatings inspector which identifies several concerns relating to the procedures governing the testing and application of protective coatings and the sufficiency of inspection reports to document non-conforming conditions. In the Staff's view, OI Report Q4-32-022 is relevant to at least two issues in this proceeding: (i) the adequacy of Applicants' protective coatings activities and (ii) the adequacy of Applicants' quality control/quality assurance program.

Not Assigned

17. OI Report Q4-83-009 (8 April 1983)

Re: Alleged Irregularities in "As-Built" QC Inspection Program

Report summarizes concerns of CPSES QC inspector concerning the adequacy of Applicants' "As-Built" program. According to allegor, QC inspectors were required to conduct a complete reinspection of all piping and pipe hangers, including a material dimension examination. Because these inspections resulted in the identification of numerous discrepancies, it is alleged that QC management ordered QC inspectors to discontinue material dimension inspections and concentrate only on the general configuration of the pipe hangers.

*Not Assigned
Need to address
SSER*

Allegor also expressed concern over the procedure utilized to generate design change authorization (DCA) and Component Modification Change (CMC) inspection reports because there is no requirement to ensure that the hardware installed conforms to the DCA or CMC. In the Staff's view, OI Report Q4-83-009 is relevant to the issues of Applicants' commitment to quality and the adequacy of Applicants' quality control/quality assurance program.

OT ?

18. OI Report Q4-82-025 (5 November 1982)

Re: Alleged Irregularities In Comanche Peak Radiographic Operations

An individual identifying himself as "John" phoned the CPSES Resident Inspector to complain about certain practices of Radiography Shop employees. According to "John," Radiography Shop personnel: (i) changed the film automatic processor speed so as to get the correct film density; (ii) reamed "T-holes" in penetrameters to a larger size" to give the appearance of adequate file sensitivity; and (iii) "masked [defective welds] when shooting thin wall repairs." At OI's request, Resident Inspector contacted alleged to discuss his concerns. The alleged, however, denied that he had ever contacted NRC even though Resident Inspector recognized voice as belonging to the same person identifying himself as "John." According to Resident Inspector, alleged agreed to meet with OI Region IV; however, alleged failed to appear. Consequently, OI decided not to pursue any of the allegations made to Resident Inspector during first conversation with alleged. In the Staff's view, OI Report Q4-82-025 is marginally relevant to the adequacy of Applicants' QA/QC program insofar as it relates to Applicants' coatings and welding activities.

Not Assigned

Consultants - yes

OT

19. OI Report Q4-82-0011 (2 August 1982)

Re: Alleged Section 210 Violation

Purpose of investigation was to determine whether a CPSES QC inspector had been terminated for attempting to write an NCR concerning the improper installation of Hilti bolts. OI and the Department of Labor concluded that QC inspector was terminated for displaying a poor attitude and for being insubordinate, not for attempting to write an NCR. In the Staff's view, OI Report Q4-82-0011 is relevant to the issue of harassment and intimidation of CPSES quality control inspectors.

Not Assigned

Consultants - yes

*OI ?
who is
this*

20. LI Report Q4-82-0005 (2 August 1982)

Re: Alleged Welding Irregularities

Former CPSES welder contacted OI to complain about welding practices, lack of welding training and experience on part of welders and inspectors, and possible falsification of weld radiographs. Specifically, alleged indicated that during his tenure at CPSES from 1977-80, welders were not trained adequately and that QC inspectors lacked sufficient technical expertise to perform their duties. In addition, alleged indicated that the "poorest quality weld rods are being used" at CPSES; that welders fail to make welds in limited access locations; and that welders do not always comply with preheat requirements. Finally, alleged suggests that "if radiography of these welds was done, someone must have falsified the identification of radiographs." In the Staff's view, OI Report Q4-82-0005 is relevant to issues relating to the adequacy of Applicants' welding practices.

Not Assigned

Consultants - yes

21. OI Report Q4-83-021 (29 August 1983)

Re: Alleged Intimidation of Electrical Craft

Electrical worker at CPSES contacted OI to complain about lack of training provided to electrical workers at CPSES. Caller informed OI that electrical workers are given one day to master 400-500 page manual and are discouraged from consulting manual in performing their duties. Caller also reported that electrical workers are subjected to frequent harassment from Electrical Superintendent and are often threatened by him with termination. Inasmuch as OI Report Q4-83-021 relates to possible harassment of craftworkers rather than quality control inspectors, the Staff does not believe that this document is relevant to any matter in issue in this proceeding.

Jane
Not intimidate
need para for
SSER

22. OI Report Q4-83-025 (10 February 1984)

Re: Discouraging Use of NCRs

Report transmits transcript of tape recorded meeting at which CPSES Site QA Manager purportedly ordered quality control inspectors to document non-conforming condition on inspection reports rather than NCRs. In the Staff's view, OI Report Q4-83-025 is relevant to the issues relating to the adequacy of Applicants' QA/QC program and to Applicants' commitment to quality.

Jane
Substantive
need para.
consn Hand-90s

23. OI Report Q4-84-016 (11 April 1984)

Re: Alleged Improper Construction Practices

OI received call from an inmate at the Texas State Mental Hospital concerning safety problems at CPSES. Inmate, diagnosed as paranoid psychotic, is a former CPSES electrician. Specifically, alleged indicated that: (i) bent steel rods had been emplaced in the "upper internals behind a missile shield in the core of the nuclear reactor"; (ii) the concrete pad at the bottom of the reactor core was cracked; (iii) the polar crane on top of the reactor vessel collided with hangers when rotated; and (iv) festume cables located on the polar crane contained broken internal wiring. Inmate's concerns were investigated by Region IV and found to be without merit. In the Staff's view, OI Report Q4-84-016 is relevant to the issues relating to the alleged cracks in the concrete pad in the reactor core and the alleged damaged polar crane.

Not Assign
consn Hand-90s

24. OI Report Q4-83-023 (20 September 1983)

Re: Alleged Poor Management Practices

Former CPSES electrician contacted OI to lodge complaint against CPSES electrical foreman and general foreman. According to alleged, general foreman and foreman hired a pipefitter as an electrician and

call
Jane 2
need SSER para

continued his employment even though they were aware that he was incompetent. Alleger said other electricians were assigned to make pipe-fitter's work acceptable. Alleger also complained that foreman refused to permit him to requisition materials from the Fab Shop or to provide him with the documentation for the work he was to perform. Last, alleger complained that the 60-70 cable tray hangers on elevation 810 in the Safeguards Building were not constructed in accordance with the applicable design change authorization (DCA).

Insofar as it calls into question the ability of QC inspectors to detect deviations from DCAs, the Staff believes that OI Report Q4-83-023 is relevant to the issue of the adequacy of Applicants' QA/QC program.

In Consatant's Report
but not listed here

Q4-83-026

Q4-84-014 (intimidation)

4-83-005

Provided by Brook
but not listed here

Q4-83-026

4-84-013

4-84-025

4-84-050

1 TRT. The first item I would like to cover is under
2 category one. Involves allegations identified as AW-38
3 and AQW-24. The subject of this, [REDACTED] and
4 I'd like to confirm this with you, is welding repairs
5 were performed out of procedure, and without
6 authorizing documentation, on a tube steel structural
7 member on a diesel generator. Is that essentially
8 correct?

FOIA-85-799

9 [REDACTED] Right. That's correct.

10 [REDACTED] According to TUGCO, it was a arc
11 strike, with their lying, it was torqued, some arcs was
12 cut into it several places.

E/2

13 MR. THOMPSON: Well, let me tell you what the TRT
14 did on this. When we started investigating, we
15 determined that this related to an unauthorized welding
16 repair, as we understood it, of a base metal defect in
17 an auxiliary support skid, for one of the Dela Valley
18 emergency diesel generator systems in unit 2.

19 [REDACTED] It was -- the work was performed
20 on account of a millwright did not use a torch. And he
21 made several cuts when he was cutting a piece of steel
22 off. So they decided to repair it before someone seen
23 it. That was a cover-up, is what it was.

24 MR. THOMPSON: Are you taking notes on this,
25 Chet? Because I'm not taking notes from what Mr.

1 [REDACTED] saying. Okay. And your allegation stated
2 the incident occurred in August, 1982. That's the time
3 period we have got.

4 Now we related this allegation to a TUGCO NCR,
5 [REDACTED]
6 [REDACTED], and which was reported by you. You're the
7 originator of this NCR.

8 MS. GARDE: What's this number again, please?

9 MR. THOMPSON: [REDACTED] Now this
10 NCR stated that during rework of the diesel generator
11 support structure, there was a structural steel
12 member. And it was identified on the NCR as item G,
13 was damaged. And the damage which was called a base
14 metal discontinuity, was repaired by welding.

15 However, that the filler -- the weld filler metal
16 was not issued specifically to accomplish that repair,
17 which violated the Brown & Root procedure, CP-CPM-6.9B,
18 which is weld filler material control. I think that
19 was all right in the NCR that you had originated.

20 Now the TRT reviewed the history related to -- the
21 NRC history related to the unit two support skids. And
22 there was an NCR number M-8200581. Again, no revision,
23 which reported on May 13, 1982, that both of the unit
24 two auxiliary skids, which should have been to ASME
25 brought on pressure vessel code, section 3NF component

1 supports were not in fact NF.

2 And this NCR disposition, which was dated May 20,
3 1982, about a week later, specified in part that the
4 accessible welds not meeting a Brown & Root
5 specification -- or, pardon me, procedure, CP-QP-11.11,
6 revision 1, should be reworked, these accessible
7 welds. Now the TRT was unable to find any
8 authorization for that.

9 [REDACTED] Let me say this. My whole
10 complaint was -- my complaint was this. We tell our
11 people, do not work out of procedure on safety
12 meetings. These guys -- George Townley and Lee Carnes
13 came by, that's the two high supervisors of the
14 millwright department, and told these people, if they
15 didn't repair that before five o'clock, they better do
16 it or else hit the gate.

17 So my foreman called me on the radio, and said we
18 have got a problem on the diesel generator. So I came
19 by to see what the problem was. He told me, he said,
20 "Lee and George told me to repair this without
21 paperwork or else."

22 I said, "He told you or else?"

23 And he said, "Yeah."

24 I said, "Go ahead and repair it."

25 And you he said, "You have got to be kidding me."

1 Because I always told me to make sure -- I always
2 stood up for them. I said, "I'm going to Houston
3 anyway."

4 I was going to squirrel on these people. I said,
5 "Go ahead and do it. I'm going to Houston. It's time
6 for me to go on vacation." I had already had a lot of
7 stuff to tell the people in Houston.

8 That was the whole purpose of this. All the skids
9 had been replaced and all that stuff. Even the piece
10 they welded on, they found cracks in it. They cut it
11 out and threw it away.

12 MR. THOMPSON: Yes, that's correct. All right
13 then we have essentially --

14 ██████████ The whole idea was just these
15 upper supervisors telling these people one day to work
16 by procedure, the next day tell them, either if they
17 don't, they're going to run them off. If they don't
18 work against them, they're going to run them off.

19 MR. THOMPSON: We found exactly, or essentially
20 what you have been saying. We found out that we in
21 essence have substantiated your allegation, we also
22 have substantiated that both of the auxiliary support
23 skids were scrapped, and are being replaced. So in
24 that sense, we find no safety significance. The
25 hardware is being replaced.

1 We did find some concern about the NCR being --
2 the way the NCR's were handled, with respect to -- I
3 have found no justification or documentation that said
4 that he could even make the repairs of welds that
5 existed. And there's been some time lapses and there's
6 been -- I think one of the things I got here is the
7 documentation of weld repairs continued for almost five
8 weeks after disposition to scrap and replace.

9 So we have some concerns about the NCR history.
10 And we're going to turn those over to the QA/QC group
11 for looking into. But --.

12 Okay. Then basically we have affirmed your
13 allegation, and we feel it has no safety significance
14 because it's going to be scrapped out and replaced.

15 MS. GARDE: Okay. I have two questions. One,
16 when the SSER is written, will the fact that it was --
17 will it just say that there was no safety significance,
18 or will it go through the history as you have just
19 presented it, and say that they have scrapped them, and
20 therefore, there's no safety problem? Is it going to
21 include that?

22 MR. THOMPSON: Unless something gets drastically
23 changed, this full history will be in here, yeah.

24 MS. GARDE: Okay. Now you say that you have not
25 yet referred to the QA/QC part of the TRT, your

1 The welder also stated that if he had a make an
2 attachment, they would use what they call an
3 electrician seat clamp to make such an attachment. So
4 no welding would be needed to adequately support
5 something.

6 So we found a single procedure dealing with it.
7 We found nothing to substantiate the allegation, and no
8 evidence that the tack welding to rebar had occurred.

9 And that's the sum total of the investigation.

10 [REDACTED] We're going to bring up new
11 allegations, and prove it. That's beside the point. A
12 different area, not this area. So let's go ahead.

13 MR. THOMPSON: Let's see. Where am I at now?

14 Charlie, let let me have 45. That's the fuel
15 transfer tubes. I'll cover that one. Just give me the
16 SSER report, which you have got the graph there. I
17 think I can work from that. Give me that one.

18 MR. RICHARDS: Stay put for you better.

19 MR. THOMPSON: This final item I have here is
20 category 45, allegation AW-65. Now this allegation
21 states that there were sum circumferential butt welds
22 made in the fuel transfer tubes of units one and two.
23 And that these welds had incomplete penetration.
24 okay. Let me see if I'm at the start of this right at
25 the first. Looks like it's here.

1 Okay. First thing I did in assessing this
2 allegation, I went into the fuel -- spent fuel pool,
3 and I went into one of the transfer tubes, and examined
4 the internal surface of it. And I established that
5 there's no circumferential weld in the fuel transfer
6 tube.

7 The tube itself is made out of -- apparantly out
8 of plate stock. It's bumped around. And it has one
9 longitudinal welder.

10 ██████████ You have got the expansion joint
11 going above it, where it comes to the wall and come
12 down? And you have got a weld up in here.

13 MR. THOMPSON: Right. That's what I thought you
14 might be talking about. The way it came through, it
15 says fuels transfer tube, but you were talking about
16 the penetration sleeve through the bellows expansion
17 joint. Right. Okay. We got into that, and we found
18 it.

19 All right. Let's see. Okay. You're in
20 agreement that there's no circumferential weld in the
21 fuel transfer tube.

22 Okay. What I determined here and they identified
23 these as with other weld numbers, weld 3A and weld 3C.
24 These were on some other sketches. We figured you must
25 have been -- referring to what was originally described

1 as a circumferential weld between the expansion joint
2 assembly and the penetration sleeve.

3 And indeed these were modified in their joint
4 design. There was diametrical mismatch between the
5 penetration sleeve and the expansion joint. I guess
6 it's an end ring, like it's welded on to the end of the
7 bellows. And because of this this mismatch, it was
8 gross enough that they had to modify the joint.

9 And they made a transition with a washer type of
10 plate stock. They cut it out of a washer, or out of
11 plate stock, a washer type of a material. And I think
12 you probably know how it went together. It was
13 something on the order of -- in cross section, like
14 this, with the penetration sleeve coming in one side,
15 and the bellows joint coming in the other.

16 And there was a mismatch, so one was higher or
17 lower than the other.

18 [REDACTED] All right. Again, my concern was
19 I had a welder down there welding, had two welders.
20 All right. When a millwright needs something welded,
21 there supervisor comes and say, [REDACTED] I need two
22 welders tomorrow to do welding so and so."

23 Well, my -- then he writes the ticket out, and
24 sees what type goes. He writes out the writer ticket.

25 Okay. The next day one of my welders comes and

1 tells me, supposed to be a full pin weld. We're
2 welding a full pin weld. It's sucking together. We're
3 making a partial pin. Butt, in other words.

4 He's checking the paperwork. Here comes the
5 millwright supervision. You need to get rid of that
6 man. He's trouble. All he wants to do is question all
7 the paperwork. I said, "Well, that's what I teach them
8 to do, is question the paperwork, so they go by
9 procedure."

10 MR. THOMPSON: This is the will welder now, was
11 questioning the paperwork, you're talking about.

12 [REDACTED] Yeah. Because the paperwork
13 showed a full pin weld, and it wasn't a full pin. But
14 anyway, to make a long story short, "The other welder
15 would go ahead and weld anything he wants to."

16 He said, "He's down there welding on brackets he
17 didn't even have a rod ticket for it. You know, my
18 hand are tied, because I was getting ready to get run
19 off, because I kept on trying to get them to go right.

20 So this welder was a super good welder, and they
21 was putting the pressure on him. So I took him and I
22 moved him away from the millwrights, and put another
23 welder in there, just so they -- he wouldn't get run
24 off. And his name's Mike Ratliff. And I suggested NRC
25 might want to talk to him.

1 MR. POSLUSNY: R-a-t-l-e-y?

2 [REDACTED] Ratliff? Okay. His name's Mike
3 Ratliff; two l's. And that was my whole problem there.

4 MR. POSLUSNY: And he was the welder --

5 [REDACTED] He was the welder that tried to
6 go by procedure. Most of them did. But them
7 millwrights not too crazy about going by procedures.
8 All they want is to something done, you know.

9 But anyway, the millwright general foreman came
10 to me, and said, "You need to get rid of that man.
11 He's nothing but trouble. He wants -- every piece of
12 paper, he wants to question, even the travelers."

13 Which I told them to. We told them at the safety
14 meeting every Monday morning, work by procedure. Go by
15 your whole point. Don't jump in a whole point."

16 And then Monday evening they're wanting to run
17 somebody off. So that was my question -- my problem
18 again there.

19 MS. GARDE: Who was the general foreman?

20 [REDACTED] The general foreman was Al Moore.

21 MR. THOMPSON: The -- now -- okay. You have got
22 all that down, and it's --

23 [REDACTED] Now Ratliff came to me and said,
24 "We're -- that's supposed to be a full pin weld we're
25 welding on. It's not. We're -- it's sucked together,

1 and we're making a butt weld, which is partial pin,
2 just a cap.

3 That's what he told me. My hands was tied. I was
4 getting to the point I couldn't get involved, because I
5 knew I was getting ready to get the axe, you know.

6 MR. THOMPSON: Well, let me -- I can give you the
7 technical summary of those welds you're concerned
8 about. The other part here --

9 [REDACTED] If those are the ones he is
10 concerned about. I didn't know. He just told me. I
11 knew it was somewheres on the transfer tube.

12 MR. THOMPSON: There are sketches and DCA's, which
13 show how they accommodated this diameter mismatch,
14 which I'll try to show you briefly here. Now the
15 sketches show them -- in one case, are single bevel
16 welds, I believe, which were supposed to be, I believe,
17 full penetration.

18 And I think that was on one -- in one case. And
19 in another case. I think they showed them as coming in
20 with just fillet welds. I did go in and examine behind
21 two welds, at least two welds. It might have been more
22 than that, but at least two welds, where you could get
23 in behind the wall, and take a look at the backside.

24 One weld had intermittent penetration. In other
25 words, I could see that it had melted through in part,

1 all. And then I had figured what -- his allegation and
2 concern, and then I looked into that.

3 MS. GARDE: Okay.

4 [REDACTED] Well, here's what all of it boils
5 down to. I had one good welder who was all super good
6 welders, and a real good worker. He tried to go by
7 procedure. He got pressure on him. The other welder,
8 he was also a good welder, but he wasn't a good
9 worker.

10 He was, you know, he was welding any way he wanted
11 to. As a matter of fact he was standing there welding
12 on a -- that is what he told me. Said he's down there
13 welding on some attachment he don't even have a rod
14 ticket for. But the guy that welded anywhere they
15 wanted him to, is a good guy, and the one that wanted
16 to go by procedures is no good. I need to get rid of
17 him.

18 MR. POSLUSNY: What's the name of the second
19 welder, the one who --

20 [REDACTED] Johnny Ziebo. As a matter of
21 fact, here a while back, they caught him going out of
22 procedure, and he had to sit in the shop for a week.

23 MR. POSLUSNY: Z-i-e-b-o maybe? And the other one
24 is Mike Ratliff?

25 [REDACTED] Yeah.

1 MR. POSLUSNY: Could you tell me the millwright
2 supervisor who was giving him the pressure?

3 [REDACTED] Well, the most person giving the
4 pressure is Lee Carnes and George Townley.

5 MR. POSLUSNY: Lee Carnes?

6 [REDACTED] Right. And George Townley. But
7 in this certain incident, I think the man's name was Al
8 Moore.

9 MR. POSLUSNY: Okay.

10 [REDACTED] What he would do, Al would go to
11 Lee, and Lee would come to me.

12 MR. POSLUSNY: Okay. So we, safety -- his safety
13 evaluation, you accept that?

14 [REDACTED] Well, if it was supposed to be a
15 full pin weld, and it's a Q item, and it's not a full
16 pin weld, it was a partial pin --

17 MR. THOMPSON: There may be a violation.

18 [REDACTED] -- against procedure -- against a
19 print.

20 MR. THOMPSON: -- of the DCA even, of the DCA
21 change. I looked into it, and I was concerned about it
22 until I realized that the balance was so thin, and the
23 weld was so thick, that the -- the weld in question.

24 MS. GARDE: Are you not going to follow-up on any
25 procedural violation? You're going to send it to QA/QC?

1 MR. RICHARDS: Category 43 pertains to the
2 liners. And I will do category 45 first, pertaining to
3 the allegation number AW-60. I might note that this
4 particular review was done by another party.
5 Therefore, I would have no recall value. It is,
6 though, real short and simple.

7 The characterization of the allegation is that
8 there are defective welds on the steam generator top
9 head insulation supports.

10 [REDACTED] That was -- okay. We can make it
11 real short and sweet. I reported that when I went to
12 Houston and went to TUGCO.

13 Brown & Root, how they was going to solve the
14 problem with a bad welds, they had wrote a letter. Mr.
15 Brown -- I forgot his name, Brown, engineer for Brown &
16 Root, one day told me, said, "By the way, [REDACTED] I have
17 corrected the problem of the bad welds."

18 He said, "Corrected it by writing Westinghouse a
19 letter by saying, 'In the future, have your
20 subcontractor ascribe for better craftsmanship.'"

21 Okay. That's how he solved the problem. When
22 TUGCO got hold of it, and went down and looked at it,
23 they seen the welds were bad. They took it all down,
24 cut it down, redid it, and that's the end of it.

25 MR. RICHARDS: Okay. Well, the assessment here

1 states that the codes and specifications, quality
2 control, inspection reports and other pertinent
3 documents, were reviewed. Excuse me. I feel like this
4 is not in the order of the -- in the same order of the
5 characterization. Okay.

6 [REDACTED] It also -- we had to take it all
7 out, cut it up, repair it, and hot function. They was
8 getting ready the do the hot function, and they
9 couldn't do it without it. You can see why they got
10 more pressure on it. Cost a lot of time and money.

11 MR. RICHARDS: I doubt -- I don't see anything
12 here relative, necessarily, you know, totally relative
13 to what you're saying. The review is applied to
14 obviously several allegations in the same area.

15 For the AW-60, the vendor drawings were reviewed,
16 and a nonconformance report, number M-8201178, which
17 was initiated by QC. And it states here that the
18 vendor drawings for mirror insulation to -- they
19 reviewed these vendor drawings to determine if full
20 penetration weld joints were called for, as was the
21 concern.

22 And they found that these drawings called for
23 fillet joints, and partial penetration joints, and
24 found no callouts on the drawings for full penetration
25 joints.

1 [REDACTED] The problem with them was, you
2 could stick a pencil through them in places, the weld
3 was so bad, and they welded downhill. But I got the
4 report where TUGCO had already inspected them, and
5 redid -- took them out, took the weld out, rewelded all
6 of them. I can find it.

7 MR. RICHARDS: Okay. So this review of, being
8 subsequent to that, they would probably have found no
9 bad welds or areas where that were void of welds.

10 [REDACTED] They wouldn't admit it anyway
11 now.

12 MR. RICHARDS: However in the meantime, those, I'm
13 sure that those same drawing requirements, not calling
14 out of full penetration weld, they probably -- I'm sure
15 that they didn't make efforts to assure that it was a
16 full penetration weld.

17 [REDACTED] All right. Again, the reason
18 that was brought up because I told -- I reported the
19 same material accident found. And I get a bunch of red
20 tags pulled on it.

21
22
23
24
25

1 About three hours I walked in the paint shop,
2 there was the framework for the lagging. What it's
3 for, for the steam generators. I told them -- I walked
4 back and seen George.

5 I said, "George, you better go get you a
6 handfull of red tags, and take them down there." I
7 said, "That weld looks like crap."

8 And he said, [REDACTED]
9 [REDACTED]

10 So we -- me and him went flying down there, and he
11 said, "Oh, my God. I can weld better than that."

12 So he went and got the mechanical engineer, and I
13 told you the rest of the story.

14 MR. RICHARDS: Okay. Now in the meantime, of the
15 review of another NCR, M-820 -- no, that's the same
16 one. Revealed rejectible defects in accordance to the
17 AWS structural code, D-1.1.

18 And these as documented were arc strikes,
19 undercut, overlapped, weld splatter, lack of fusion.
20 And it states that these were reworked per disposition
21 on that as -- on that NCR.

22 MS. GARDE: Are these NCR's generated by [REDACTED]
23 [REDACTED] concerns?

24 MR. RICHARDS: They don't say. However, these
25 NCR's were apparently found during the review, as a

1 result of his concerns. And it states that the NCR
2 was closed on August the 26th, 1982.

3 MS. GARDE: That was around the same time period.

4 [REDACTED] Oh, yeah. See that's the report
5 stuff I reported when I went to Houston.

6 MS. GARDE: They went wrote NCR's up?

7 [REDACTED] No. They just put -- they told
8 me they had already -- they already put it in place,
9 the lower ones, to go with. Okay.

10 When I reported all this stuff, and Brown & Root's
11 investigating team came down, they looked at it, from
12 Houston. And they said even though the welds didn't
13 look good, and this and that, Craig Brown, that's his
14 name, the mechanical engineer, wrote a letter saying
15 "use as is." Okay.

16 TUGCO went down and looked at it. And when they
17 looked at it, they tore up it up, carried it behind the
18 pipe shop, threw it down there, cut it all out, and
19 redid it.

20 MR. RICHARDS: Okay. At least from the technical
21 standpoint, and for the integrity of the welding at the
22 present, has been satisfied.

23 [REDACTED] It has. It looks better.

24 MR. RICHARDS: And that's the end of that one.

25 [REDACTED] That does call for full pin weld

1 on that, but anyway.

2 MR. RICHARDS: Well, I'll take it upon myself --

3 [REDACTED] Check --

4 MR. RICHARDS: -- to review that drawing.

5 MR. RICHARDS: Now the remaining --

6 [REDACTED] The good ones.

7 MR. RICHARDS: -- the remaining concerns of this

8 session.

9 MS. GARDE: Off the record.

10 (Whereupon there was a discussion held
11 off the record.)

12 MR. RICHARDS: This SSER category number 43,
13 regarding concerns about the fuel pool liners, there
14 are several concerns. But for be talking in --
15 particularly about four different concerns.

16 Prior to identifying an individual concern here,
17 I initially made an attempt to review all of the
18 requirements applicable to the liners.

19 Firstly, the ASME Section 3 code, addresses
20 requirements for those items which are classified as
21 safety related, category one. And makes mention of
22 fuel pool liners only to the extent to preclude them
23 from category one requirements. That is, seismic
24 category one requirements.

25 [REDACTED] So you're saying the stainless

1 anyway. AQ-55. Our favorite subject, fuel pool. And
2 our man for the fuel pool naturally isn't here. I'm
3 sure you heard that same old story, but we're going to
4 address it anyway.

5 I think the allegation we talked about here, we
6 had some statements here about the weld radiography not
7 being completed. And again, that has just been covered
8 by this other group, Mr. Mollonson, so we are deferring
9 to that.

10 The other write-up we had in there was alleged
11 that the fuel transfer canal liner documentation was
12 falsified. Is that yours?

13 [REDACTED] Yes.

14 MR. LIVERMORE: And we have another one. It says
15 that ^{hold} ~~whole~~ points on inspection travelers for the fuel
16 building were signed off improperly. We believe that
17 is [REDACTED] part of it. And I think we have
18 already addressed that.

19 [REDACTED] That's mine also.

20 MR. LIVERMORE: It's yours also?

21 [REDACTED] Did you find any false
22 documentation?

23 MR. LIVERMORE: Oh, yeah. Let me just go into
24 there and and tell you about safety versus nonsafety.
25 and there's something I will bring up now.

1 The determination whether the fuel pool liner is
2 safety or nonsafety is being addressed by Mr. Noonan.
3 I think it was rather premature to say it's going to
4 end up as nonsafety, in that the -- what the other
5 group just mentioned was an old memo from many years
6 ago that come out from IE. Did not come from NRR, et
7 cetera.

8 What has come out recently is a staff position
9 from one of the branches, one of the divisions. Now
10 that has to be reviewed by Mr. Noonan. And all those
11 involved, and then whatever the final position is taken
12 will have to be presented in letter form to the board
13 and to everyone else involved. That has not taken
14 place yet.

15 So until that is finalized, and does come out in
16 that position, it is premature at this time to say
17 whether it's safety or nonsafety.

18 As far as our group is concerned, my answer to
19 that is, as far as our group is concerned, it makes no
20 difference to us. The fuel pool, as far as we were
21 concerned, was built and constructed in a safety
22 related manner to appendix B, which is called out in a
23 Gibbs & Hill specification. It was constructed and
24 inspected under appendix B. And therefore we consider
25 it so.

1 And whether it turns out to be non-safety related
2 or not makes no difference to our QA/QC, in that the
3 things that we found that went on there, were
4 indicative of a QA/QC system in place at that time, and
5 the things we found certainly were indicative of many
6 generic problems.

7 And therefore we feel that these have to be
8 addressed by the company, in regards to generic
9 aspects. We identify these problems, and we say, "All
10 right. They did take place in the fuel pool. What
11 about other areas? If this is the way their QA system
12 acted when they acted in the fuel pool, then we
13 certainly have concerns about how they acted in other
14 areas.

15 That's where we're coming from, and that's what
16 our SSER on the fuel pool will end up addressing.

17 Now down to specific falsification. We did find
18 Mr. -- how would be the word? To call something
19 falsification is very harsh. To me that means intent
20 to falsify, intent to --

21 ████████████████████ It means in the present sentence
22 intentionally.

23 MR. LIVERMORE: Intent to defraud or whatever. We
24 found many -- how would you phrase those?

25 MR. LANGOWSKI: Suspicious --

1 MS. GARDE: Irregularities.

2 MR. LIVERMORE: Irregularities. Many, many
3 irregularities. We have many examples in here.

4 [REDACTED] Brown & Root said there is just
5 one. They have been working at one seam for two and a
6 half years now, trying to straighten it out.

7 MS. GARDE: That's what they told him. Have you
8 read the whole report, or has your team members read
9 the report, which was Brown & Root's own investigation
10 into [REDACTED] original allegations of fuel pool
11 liners?

12 MR. LIVERMORE: I don't know if I can answer
13 that. Does Tom want to get into this? Is this part of
14 the board testimony?

15 MS. GARDE: It was attached to one of our
16 pleadings. It was this document?

17 MR. LANGOWSKI: I would venture to say that we
18 did.

19 MS. GARDE: It was attached to our first
20 pleading, what we called cases evidence of quality
21 control breakdown. I mean you may -- if you reviewed
22 those documents, it was there.

23 If you didn't review the documents, it has been
24 entered into the record in the hearing also. It's an
25 exhibit now in the hearing.

1 MR. LANGOWSKI: I feel certain we have.

2 MR. LIVERMORE: That's something Tom has gone
3 there everything in the hearing. He made some
4 statements in here.

5 [REDACTED] The problem here, everybody
6 blaming QC all the time for all these problems, when
7 any time you have got QC and craft working together,
8 craft can actually buffalo QC just about any minute he
9 wants to, because QC is not there every second watching
10 you.

11 And a lot of this false documentation with Jim
12 Cole. He was tricked into doing it. He didn't
13 necessarily think he was doing it. But he was actually
14 tricked by people putting them out there, telling him
15 that he mistold points, or do this and do that. One of
16 them would be talking to him while he was trying to
17 eat, before he ever starts to work, and the others
18 saying, "Go ahead and sign it. You missed it last
19 night."

20 And he'd be signing the paperwork. That happened
21 two years ago. He should have been more alert and paid
22 attention to what he was doing. But a lot of this
23 stuff he didn't intentionally do it. Like they're
24 trying to use him for the fall guy.

25 And his superintendent and all, they told the day

1 shift people, they couldn't get them to sign it off.
2 So they had them, the superintendent and the clerk,
3 would get together with the night foreman, which the
4 foreman, and have him get Jim Cole in there, and he
5 said, "We got to buy off this new welds tonight, these,
6 and everything."

7 And I'd be standing there watching through the
8 door. And my superintendent tell me, "You get out in
9 the field with your people. It's about knock time."

10 And I said, "I got my foremans there," my people.

11 And I was watching Johnny Winham trick Jim Cole in
12 to signing those papers. And he said, "You come on and
13 go with me."

14 And he would haul me off, you know, "You get in
15 the field with your people."

16 But in all these hearings, it's got Jim Cole did
17 this and Jim Cole did that, like he was a criminal.

18 And then most of that stuff, he was tricked to
19 do it. I know he was in the early stages.

20 MR. LIVERMORE: That's a perfect example of what I
21 was saying, you know, a direct falsification of it.

22 [REDACTED] Yeah. But these people that had
23 him do it, was doing it intentionally.

24 MR. LIVERMORE: True. The pressure was always
25 there. You'll find that all through construction.

1 There's always pressure.

2 [REDACTED] You got plenty of other people
3 that was doing it intentionally.

4 MR. LIVERMORE: You'll find that in any plant
5 where quality isn't, say, on the same level of muscle,
6 so to speak, as construction. And it was -- certainly
7 this was evident in the fuel pool.

8 MS. GARDE: Well, Herb, don't you think the
9 example that he just gave you is an indication that it
10 wasn't just -- I mean innocent, usual, everyday
11 construction pressure?

12 MR. LIVERMORE: No, we never said innocent. We
13 just said that it's a result of that. I don't think
14 there was anything innocent there. It's something you
15 can't pin down and say the guy purposely did it.

16 MS. GARDE: But wouldn't OI?

17 MR. LIVERMORE: I don't know what OI would say.
18 All I'm saying is this is the way -- we're very careful
19 in the QA's group --

20 [REDACTED] There's several hundred.

21 MR. LIVERMORE: -- falsification. All I'm telling
22 you is we have many examples of what you just talked
23 about. And to get any more examples, just adds to
24 another myriad of it, and it really doesn't add
25 anything over it. Doesn't help us.

1 MS. GARDE: Doesn't help you.

2 MR. LIVERMORE: We have already made our findings,
3 and we have a basis of many examples of exactly what
4 you're talking about for our findings. We really don't
5 need any more.

6 [REDACTED] The problem is --

7 MR. LIVERMORE: So we can add it in there. But it
8 doesn't change our outcome, because our outcome still
9 still says that, "Hey, there's many irregularities."

10 [REDACTED] If these people are allowed to
11 get away with it on this job, they do the same thing
12 worse on other jobs.

13 MS. GARDE: That's why I asked if it's going to
14 OI. Not that I currently have a whole lot of faith in
15 OI following this stuff up.

16 But if he's alleging what is, at a minimum,
17 material false statement, and certainly misconduct on
18 the part of supervisory management personnel, for all
19 you know, and you know because you have done the
20 investigation more than I do, the guy who had his do
21 that is still there.

22 And I know that your conclusion pretty much ends
23 with, "Did it happen or did it not happen?" But I
24 think there is intent in the [REDACTED] situation and his
25 situation, that should be looked at.

1 So I guess my question is, is it going to be
2 referred officially to OI?

3 MR. LIVERMORE: Yes, you have just gave me a
4 specific that is on record here. And that specific
5 will be reviewed and addressed. My immediate reaction
6 would be intimidation. I'll ship that off to Mr. Guy
7 ~~Leonardo~~, and let him address that under that
8 intimidation panel. Now whether we'll also send it to
9 OI, I don't know. Someone will decide on that.

10 MS. GARDE: I just remembered that GAP
11 independently asked for an OI investigation in light of
12 this. But I don't know if they announced this or not.
13 I don't know if they have one. But we did ask for one
14 I think in October.

15 MR. LIVERMORE: Okay. So I guess really the
16 bottom line there is that there many of these
17 irregularities, and you can say one of the many causes
18 of them, poor practices, inadequate inspection forms,
19 pressure brought to bear by construction. These will
20 all be addressed, and their various causal factors.

21 As I said before, you add up the sum total of
22 this, we found that the construction practices in the
23 fuel pool were certainly subject to heavy question, and
24 we would certainly, as a part of the further action
25 that the company has to address this, and then make

1 sure to us that this didn't happen in any other area.

2 So I guess really what I'm saying in regard to
3 your allegation, yes, we agree. Whether we agree with
4 its out and out falsification or irregularities, we, at
5 this time, we're calling irregularities. We'll let --
6 I haven't seen any specifically that someone came up to
7 me and said, "Yes, I did specifically, with intent to
8 defraud, falsify this document."

9 MS. GARDE: Is that the kind of evidence you would
10 need to say it was?

11 MR. LIVERMORE: Myself personally, yes.

12 [REDACTED] In other words, just about
13 anything goes in nuclear power?

14 MR. LIVERMORE: No, I did not say that, no. I
15 said we would --- you know, back up a second.

16 [REDACTED] If people will get away with
17 that, that's just about as worse as you can get.

18 MR. LIVERMORE: I understand that. We're not
19 talking about letting them get away with it. We're
20 addressing the whole problem in that respect. What I'm
21 saying is, before you accuse somebody of falsification,
22 you have to really understand what that means, by
23 virtue of the law.

24 MS. GARDE: That's what I said isn't OI the ones
25 that have to do that?

1 MR. LIVERMORE: Well, I'm not sure. Like I said,
2 this will go up to intimidation panel and up to
3 management and up to OI if it's necessary.

4 Cliff, do you want to add anything to to that?

5 MR. HALE: Well, only with respect to like the
6 falsification issue. An example that we identified, at
7 the plant, a gentleman predated a training
8 certification. And he admitted it.

9 Well, now that's falsification. So you can -- I
10 mean, falsification takes on many masks. And I think
11 the intent behind, it's an intent to defraud, then I
12 think OI and maybe even the Department of Justice gets
13 involved in the thing. And I don't know that OI -- if
14 you requested OI to be involved in this issue, they
15 perhaps may already be now.

16 MS. GARDE: They may already be. I don't know if
17 they are or not.

18 MR. LIVERMORE: Well, they have been involved with
19 this whole fuel pool business. But in regards to your
20 specific detail one, we were talking about the specific
21 people pressuring this specific --

22 MS. GARDE: Jim Cole.

23 MR. LIVERMORE: -- this name, that's something we
24 will have to address, and pass that through.

25 MR. POSLUSNY: Just a background question. Cole

1 was a QA/QC inspector?

2 [REDACTED] Right.

3 MR. POSLUSNY: And Johnny Winder?

4 [REDACTED] He was my night bar foreman on
5 the -- boilermaker foreman on night shift. And we was
6 having to -- well, we had all those travelers we had to
7 get signed off, several hundred of them. And day shift
8 QC wouldn't have no part of it.

9 MR. HALE: I think one area we were looking at in
10 this same subject area was that -- where there appear
11 to be some, perhaps falsification, in the sense that
12 someone filling in a date or signed -- made a
13 signature, after the fact, was in the records review.
14 And they were going through and reviewing the records
15 to assure that they were complete and accurate.

16 We found some -- I think we found some that
17 appeared to have been dated, you know, predated, or
18 dated back a year or something like that. But again
19 you get to the -- you're at the point that, unless you
20 find somebody that will admit that they did that, and
21 point to it, then you have got a confession, all you
22 can do is suspect that may have occurred.

23 MS. GARDE: Okay. I just want the record to be
24 real clear that I think if you all, as -- even in the
25 QA/QC area, are making decisions on intent in this

1 whole -- in all these problems, that we have a real
2 problem with that. Because, frankly, as much as I
3 adore all you in QA/QC, and I think you're doing a
4 great job, I don't think that you're qualified as
5 criminal investigators.

6 MR. HALE: Well, I would hope that that wasn't the
7 way that I was -- that what I was saying was being
8 taken, because we're not trying to psychoanalyze this
9 thing.

10 MS. GARDE: Yeah, it does come --

11 MR. HALE: But what I'm saying is that we're
12 looking for falsified records, falsification in
13 records. And you can't -- you can't find that.

14 MS. GARDE: Well, what you find --

15 MR. HALE: You can suspect it, but --

16 MS. GARDE: Well, when you find something that's
17 not true okay. If you find something that is not true,
18 something did not happen on a day something was signed,
19 things don't match.

20 MR. HALE: Okay. Then you can line something up,
21 and you can see an error.

22 MS. GARDE: Right. And that's called a
23 material false statement, unless he can prove intent,
24 right?

25 MR. HALE: Or an error.

1 MS. GARDE: Well, that's true. That's why it's a
2 material false statement. The whole Midland plant was
3 built on an error.

4 MR. HALE: All right. It's an error. You're
5 calling it -- you're prejudging it and calling it, and
6 calling it a material false statement.

7 [REDACTED] When it is. In other words, what
8 you're trying to say, if you go out and rob a bank for
9 \$10, and you go out and rob it for \$10,000, there's a
10 difference. That's what you said earlier. When you
11 rob a bank, you rob a bank.

12 MR. HALE: Me? Me didn't say that.

13 MR. POSLUSNY: We have turned things over to OI
14 that we have suspected in false statements. And we'll
15 check on this one. It's Vince's policy to do such.
16 And we think we have been responsive.

17 MS. GARDE: Okay. Well, I'm not saying you're
18 not. I don't want to happen what happened at Zimmer
19 where IE held on to things that ultimately ended up
20 screwing up an FBI investigation.

21 And if there's things that should be referred -- I
22 mean, you all know what you're doing. You don't need
23 me to tell you what to do. But since I'm telling you
24 what to do anyway, if you have got that, I hope you're
25 referring it up.

APPENDIX FRECORDS PARTIALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION & EXEMPTION</u>
<u>- Portions Withheld Under Exemption 5 -</u>		
1.	06/24/85	OCC comments on final revision of SSER Draft 3 (27 pages)
<u>- Portions Withheld Under Exemption 7(c) -</u>		
2.	Undated	Analysis of Intimidation and Discrimination at Comanche Peak - 4-83-016 - William Dunham (3 pages)
<u>- Portions Withheld Under Exemptions 7(c) and 7(d) -</u>		
3.	Undated	Handwritten notes, unsigned, "Intimidation Incident", (11 pages)

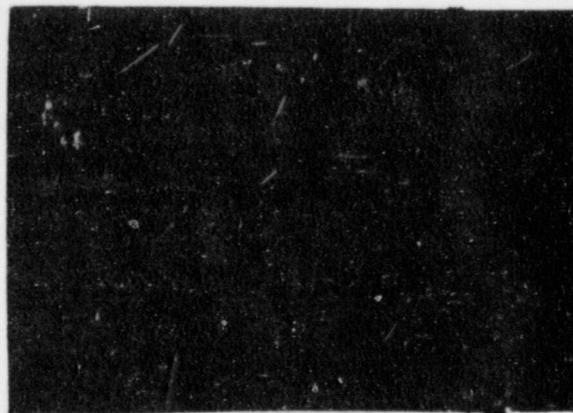
6/1/85 BACHMANN
June 24, 1985

To: CP INTIMIDATION PANEL

Attached is the latest copy of our
SSEA and a copy of the SAFSTEAM
Manual from CP.



A handwritten signature, possibly 'A. Bachmann', written in dark ink.



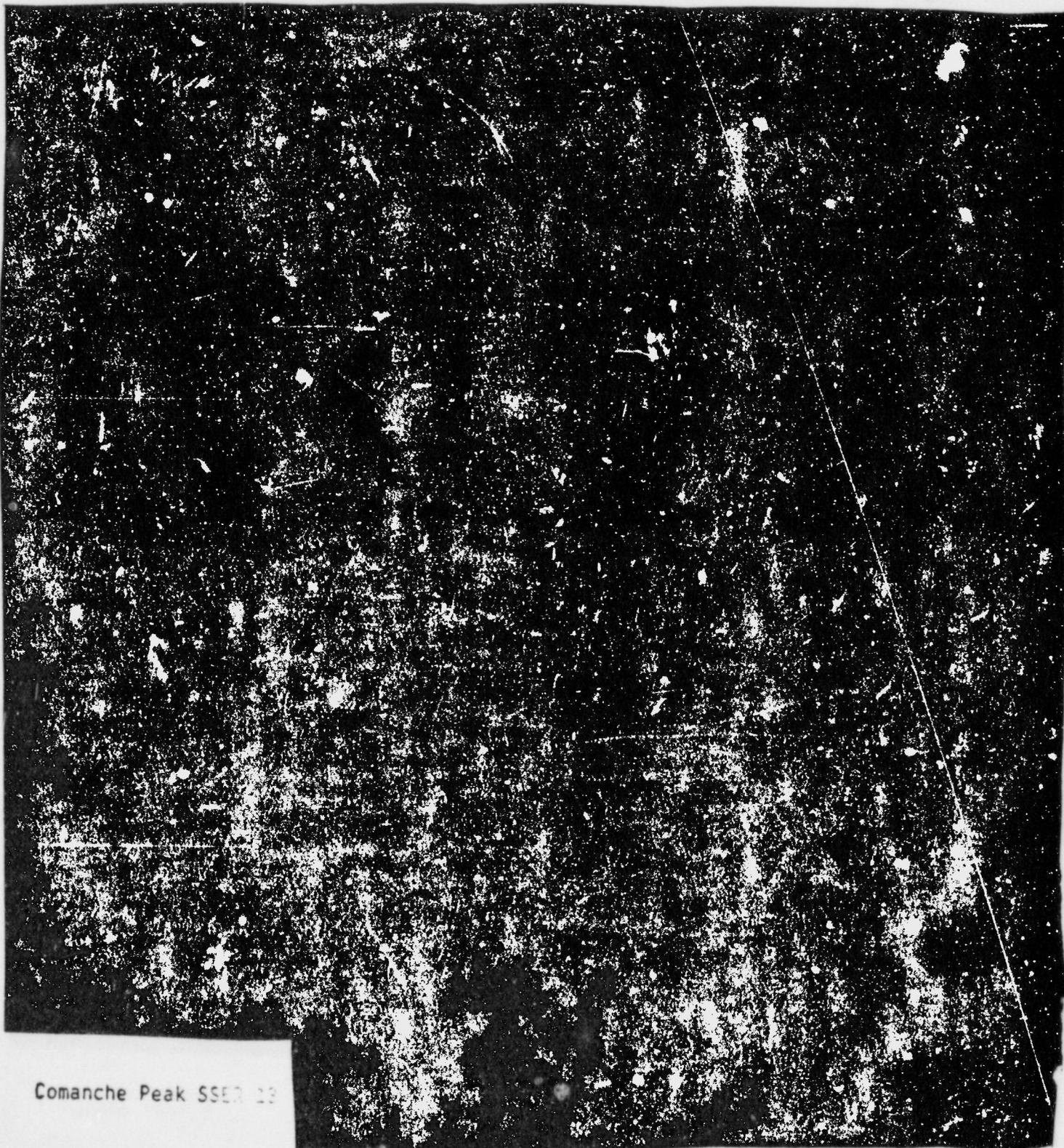
FOIA-85-799

F/1

n

ABSTRACT

Supplement 13 to the Safety Evaluation Report for the Texas Utilities Electric Company application for a license to operate Comanche Peak Steam Electric Station, Units 1 and 2 (Docket Nos. 50-445, 50-446), located in Somervell County,



Comanche Peak SSE 23

1 INTRODUCTION

On July 14, 1981, the U. S. Nuclear Regulatory Commission (NRC) issued a Safety Evaluation Report (SER) (NUREG-0797) related to the application by the Texas Utilities Electric Company (TUEC) for a license to operate Comanche Peak Steam

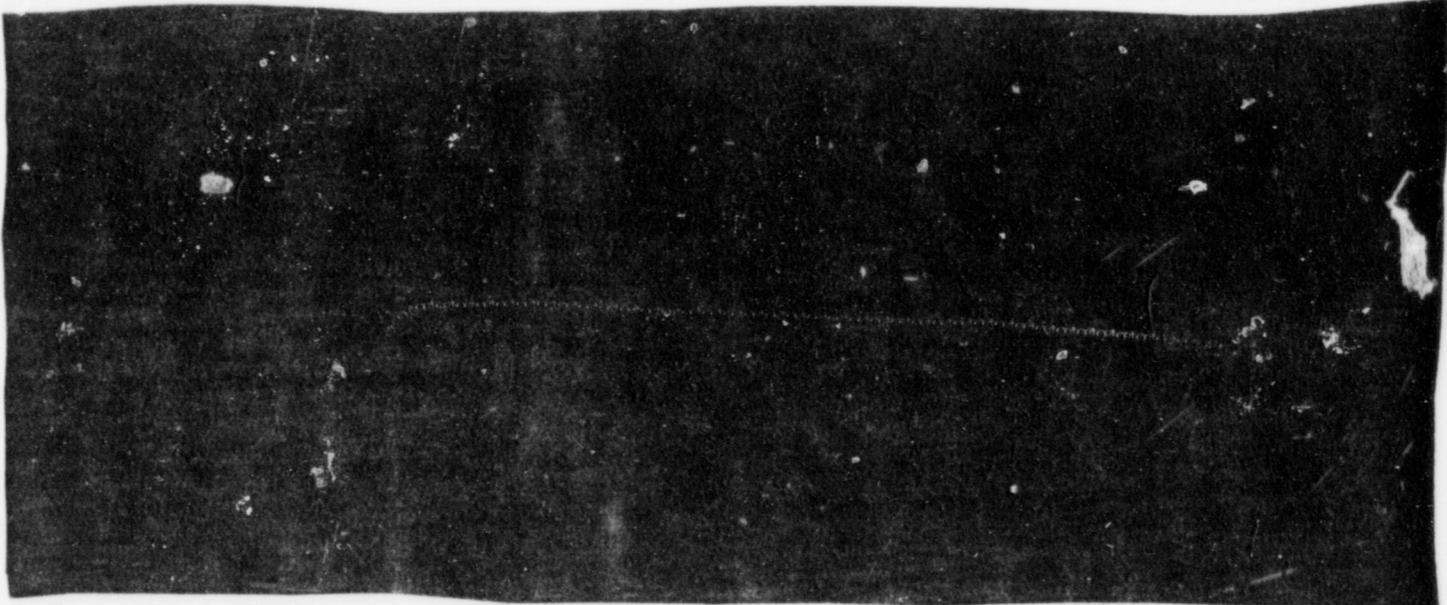


details of the Comanche Peak Intimidation Panel's evaluation of each allegation and the panel's findings.

The allegations of intimidation and harassment at Comanche Peak were part of the regulatory issues that remained outstanding as construction of the Comanche Peak facility neared completion. The Atomic Safety and Licensing Board presiding over the proceedings related to the CPSES operating license application had determined in March 1984 that it must address and resolve the allegations of intimidation and harassment to resolve the only remaining contention (Contention 5) in the proceeding. The Board began its proceedings on the intimidation and harassment issues in the summer of 1984.

In July 1984, the Project Manager of the Comanche Peak Technical Review Team (TRT) directed a team of consultants to review the record of allegations of intimidation and the work climate at the CPSES site to determine whether a climate of intimidation existed among QA/QC personnel at the site. Their report,

issued in September 1984, concluded that a climate of intimidation did not exist



Operations (EDO) issued a directive on December 24, 1984, establishing the Comanche Peak Intimidation Panel to provide findings on intimidation to NRC management. The study team subsequently became consultants to the Intimidation Panel. Attachment 2 to this Appendix is a listing of intimidation allegations reviewed by the panel and the study team.

Attachment 3 to this Appendix is a supplement the study team's initial report and includes its evaluation of each alleged incident of intimidation. The Comanche Peak Intimidation Panel has reviewed the results of this evaluation and concurs with its findings. The recommendations of the Intimidation Panel are discussed in Section 5 of this Appendix.



Management and coordination of all the outstanding regulatory actions for Comanche Peak are under the overall direction of Mr. Vincent S. Noonan, the NRC Comanche Peak Project Director. Mr. Noonan may be contacted by calling 301-492-7903 or by writing to the following address:

Mr. Vincent S. Noonan
Division of Licensing
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Copies of this Supplement are available for public inspection at the NRC's Public Document Room at 1717 H Street, NW, Washington, D. C. 20555, and the Local Public Document Room, located at the Somervell County Public Library On The Square, P. O. Box 1417, Glen Rose, Texas, 76043. Availability of all material cited is described on the inside front cover of this report.

2. THE COMANCHE PEAK INTIMIDATION PANEL AND ITS ADVISORS AND CONSULTANTS

Panel Members

- Axelrad, J. - Enforcement Staff, IE, NRC
- Gagliardo, J. - Technical Training Center, IE, NRC
- Hunter, D. - Reactor Projects Branch - RIV, NRC
- Lieberman, J. - Regional Operations Enforcement Division, ELD, NRC

Panel Advisors

- Griffin, B. - OI Field Office, RIV, OI, NRC
- Ippolito, T. - Office for Analysis and Evaluation of Operational Data,
NRC
- Kaplan, B. - EG&G
- Noonan, V. - Comanche Peak Project, NRR, NRC
- Scinto, J. - Hearing Division, ELD, NRC
- Treby, S. - Hearing Division, ELD, NRC

The EG&G Study Team and Its Consultants:

- Andognini, G. - LRS Consultants
- Bowers, D. - Rensis Likert Associates
- Kaplan, B. - EG&G
- Margulies, N. - Graduate School of Management, University of California
at Irvine
- Rice, C. - LRS Consultants
- Stratton, W. - Idaho State University

APPENDIX Q
STATUS OF STAFF EVALUATION
AND RESOLUTION OF ALLEGATIONS OF
INTIMIDATION AND HARASSMENT OF
QA/QC PERSONNEL AT
COMANCHE PEAK STEAM ELECTRIC STATION
UNITS 1 AND 2

TABLE OF CONTENTS

	<u>Page</u>
1. Introduction	Q-1
2. Allegation Review Process	
2.1 Definition	
2.2 Documentation Reviewed	
2.3 Review Format.	
2.4 Panel Review and Discussion.	
2.5 Interaction with Study Team.	
3. Conclusions	
3.1 Study Team Conclusions	
3.2 Events and Documents Not Reviewed by the Study Team.	
3.2.1 Discussion	
3.2.2 Intimidation Panel Conclusions	
3.3 TRT Findings in Those Areas Where Intimidation Occurred.	
4. Managment Implications.	
4.1 Climate of Intimidation.	
4.2 Management Style	
5. Action Recommended.	

1. INTRODUCTION

As construction of the Comanche Peak Steam Electric Station was nearing completion, issues that remained to be resolved prior to the consideration of issuance of an operating license were complex, resource intensive, and spanned more than one NRC office. To ensure the overall coordination and integration of these issues, and to ensure their resolution prior to licensing decisions, the NRC's Executive Director for Operations (EDO) issued a memorandum on March 12, 1984, directing the NRC's Office of Nuclear Reactor Regulation to manage all necessary NRC actions leading to prompt licensing decisions, and assigning the Director, NRC's Division of Licensing, the lead responsibility for coordinating and integrating the related efforts of various offices within the NRC.

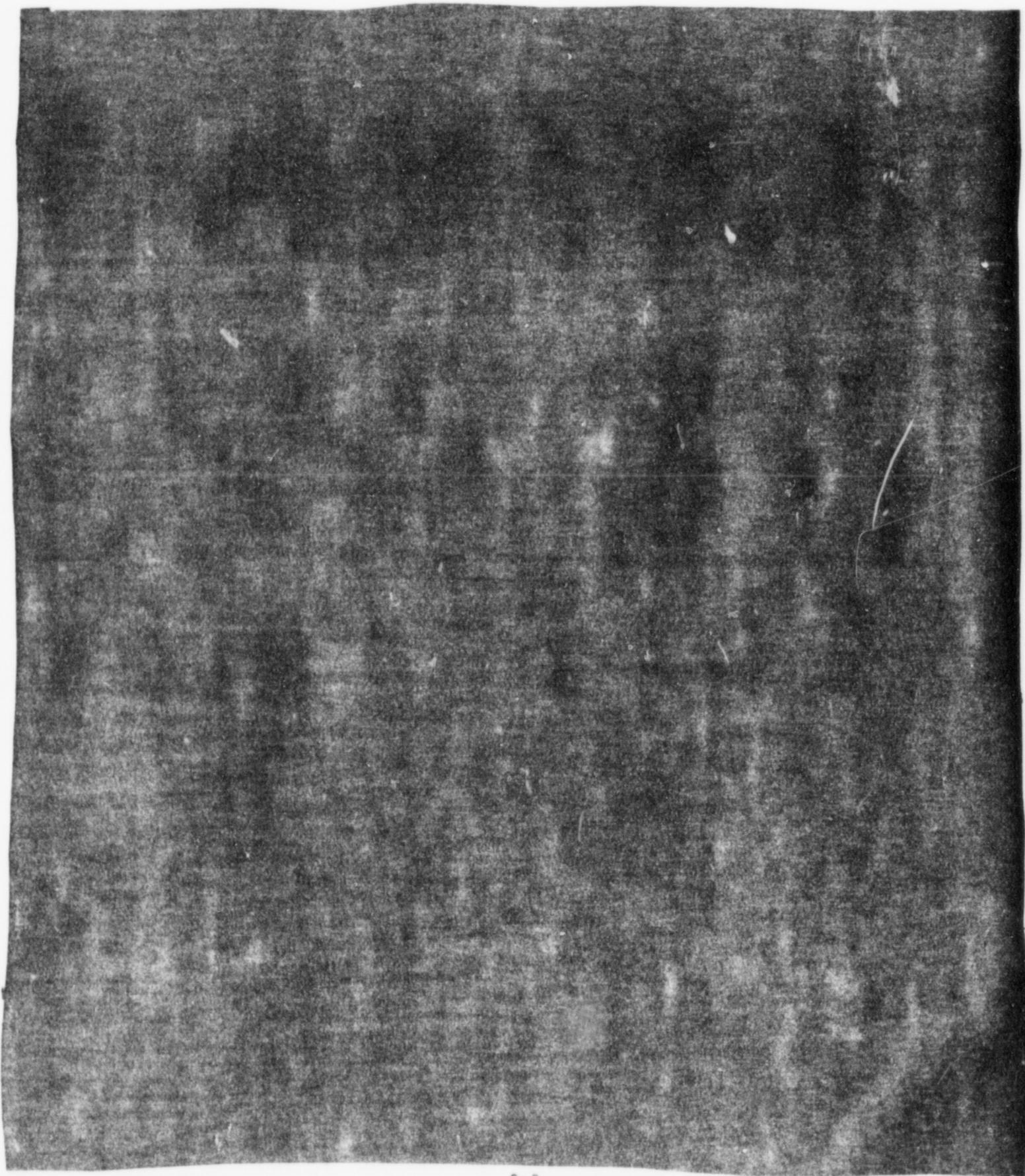
The principal areas needing resolution before a licensing decision on Comanche Peak could be reached included: (1) the completion and documentation of the staff's review of the Final Safety Analysis Report (FSAR); (2) those issues in contention before the NRC's Atomic Safety and Licensing Board (ASLB); (3) the completion of necessary NRC regional inspection actions; and (4) the completion and documentation of the staff's review of technical concerns and allegations regarding design and construction of the plant.

To evaluate and resolve the technical concerns and allegations regarding design and construction of the plant, a Technical Review Team was formed. On July 9, 1984, the TRT began [REDACTED] 10-week (five 2-week sessions) onsite effort, including interviews of alleged and TUEC personnel, to determine the validity of the technical concerns and allegations, to evaluate their safety significance, and

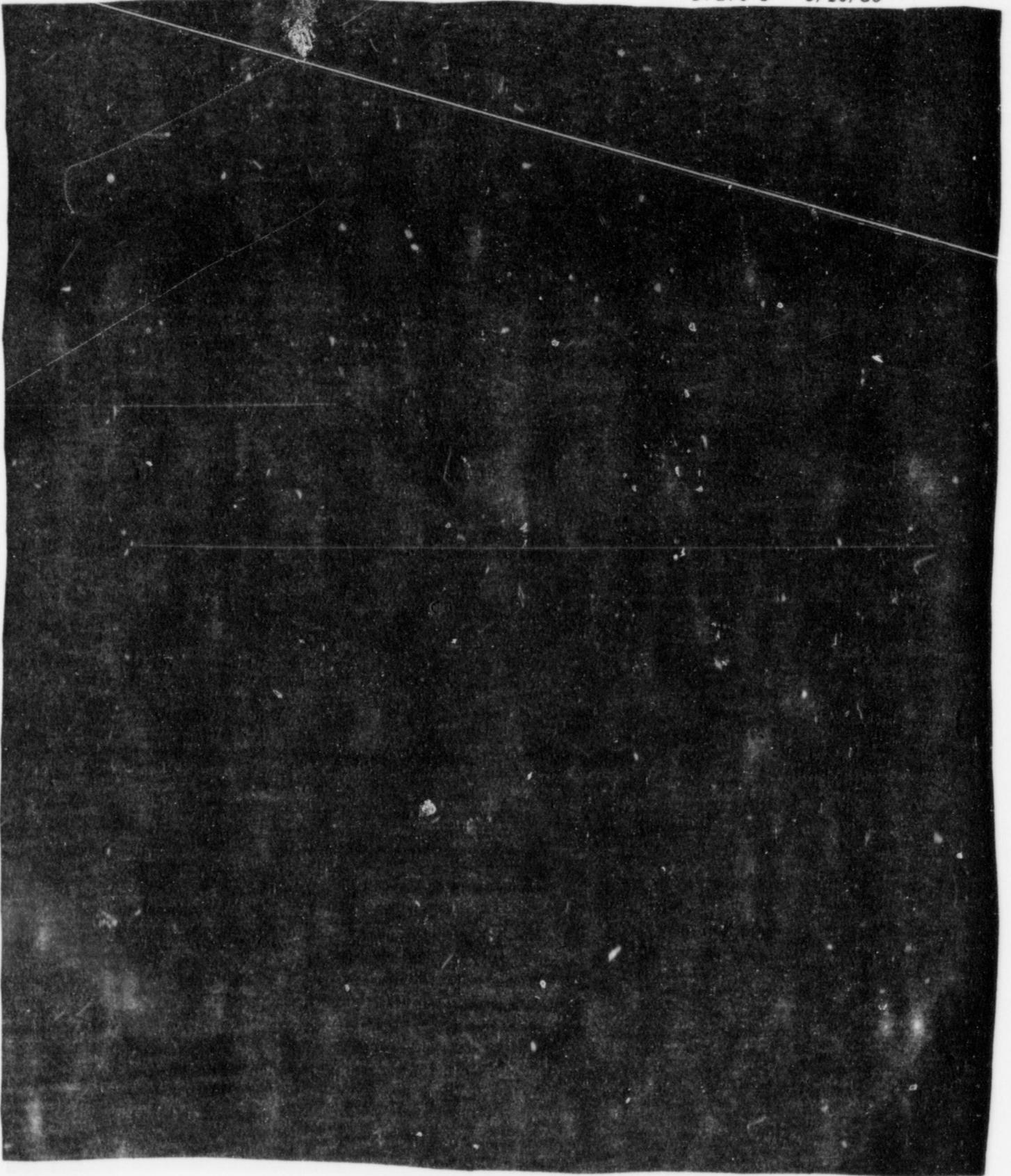
to assess their generic implications. The TRT consisted of about 50 technical specialists from NRC Headquarters and NRC Regional Offices, and NRC consultants, who were divided into groups according to technical disciplines. Each group was also assigned a group leader.

Of the contentions before the ASLB, only one (Contention 5) remained unresolved in the CPSES operating license application proceeding. Contention 5 alleges that:

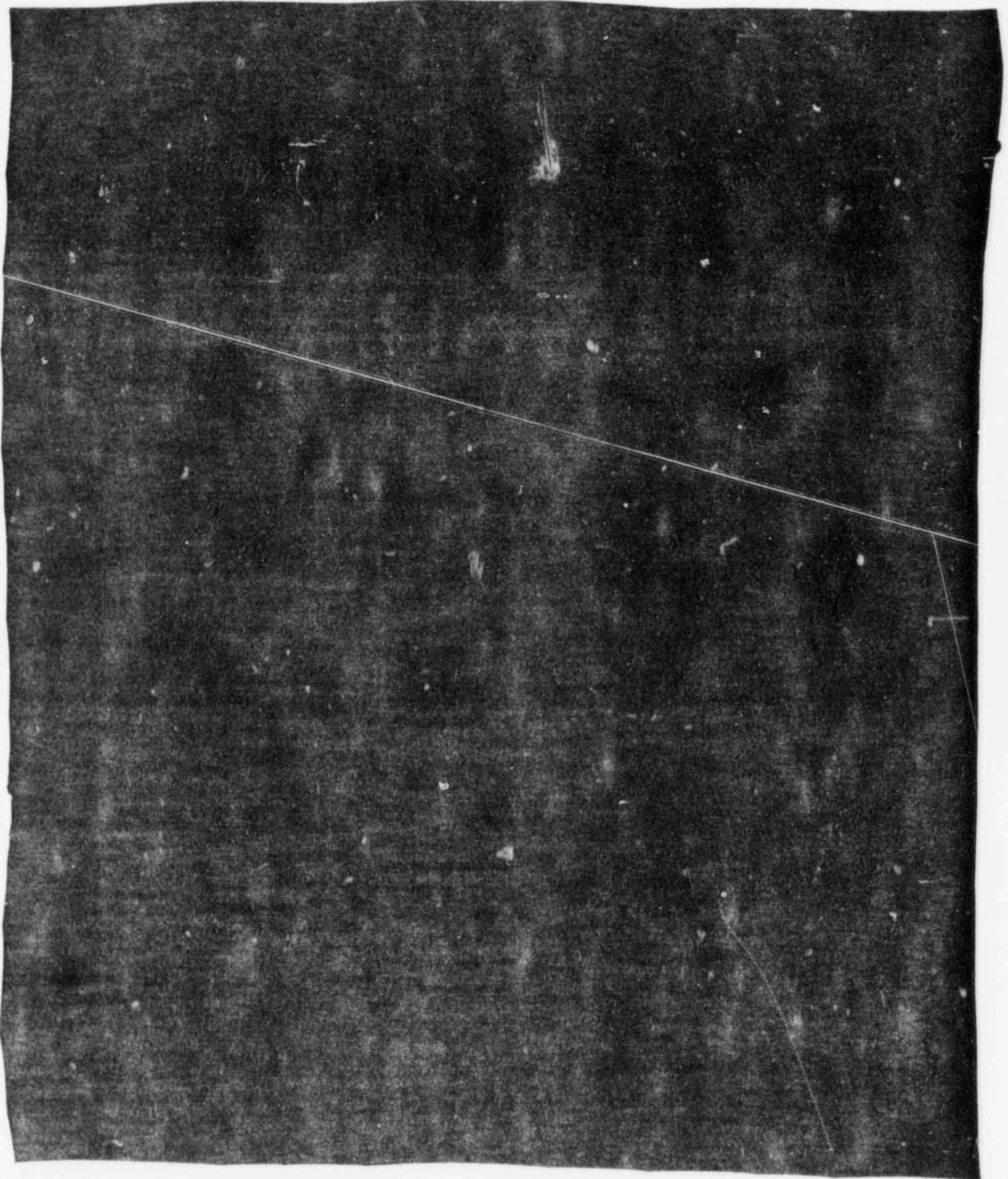
The Applicant's failure to adhere to the quality assurance/. quality control provisions required by the construction permits for Comanche Peak, Units 1 and 2, and the requirements of Appendix B of 10 CFR Part 50, and the construction practices employed, specifically in regard to concrete work; mortar blocks; steel; fracture toughness testing; expansion joints; placement of the reactor vessel for Unit 2; welding; inspection and testing; materials used; craft labor qualifications and working conditions (as they may affect QA/QC and training and organization of QA/QC personnel), have raised substantial questions as to the adequacy of the construction of the facility. As a result, the Commission cannot make the findings required by 10 CFR § [REDACTED] necessary for issuance of an operating license for Comanche Peak.



Q-3



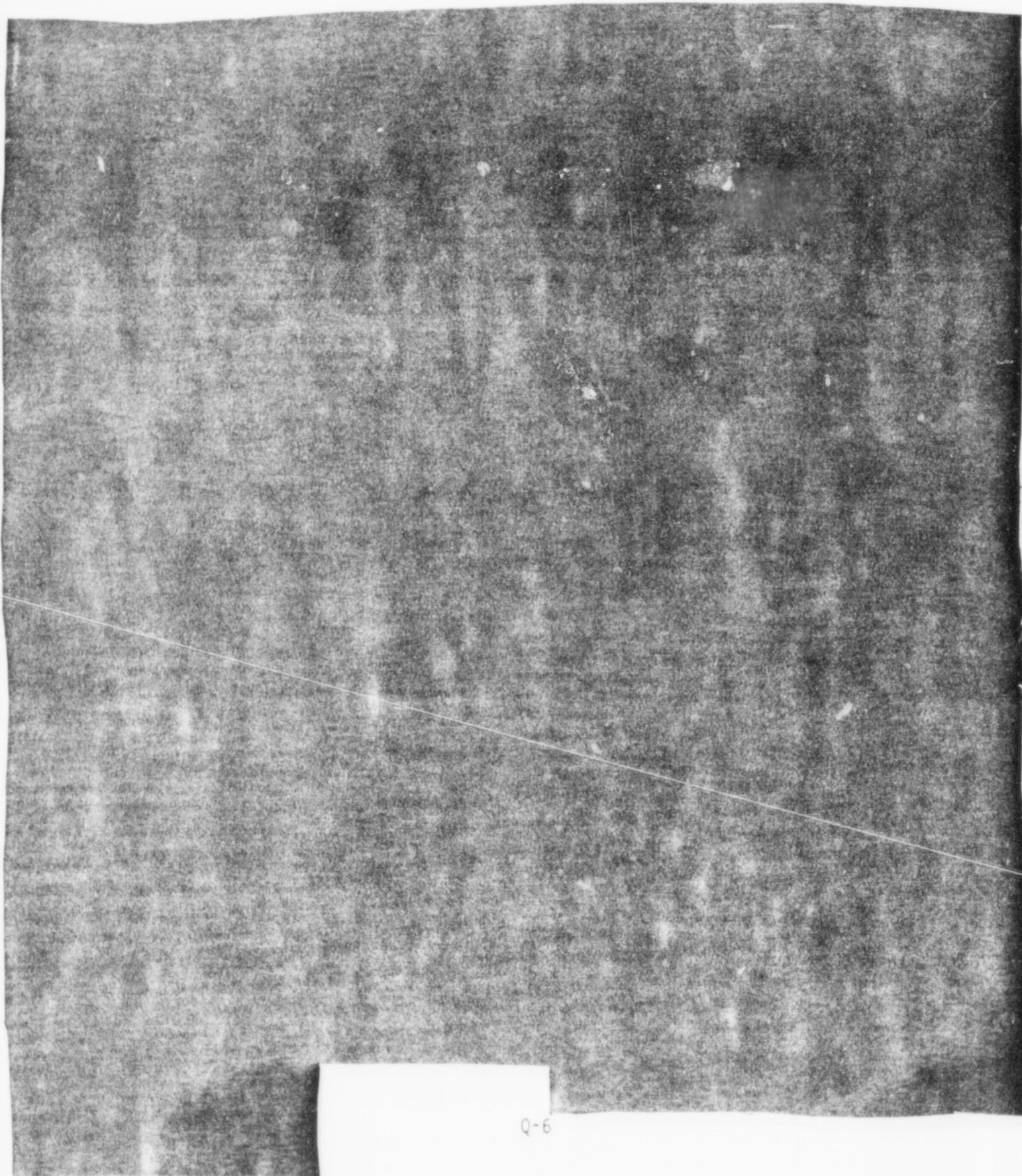
Q-4



Q-5

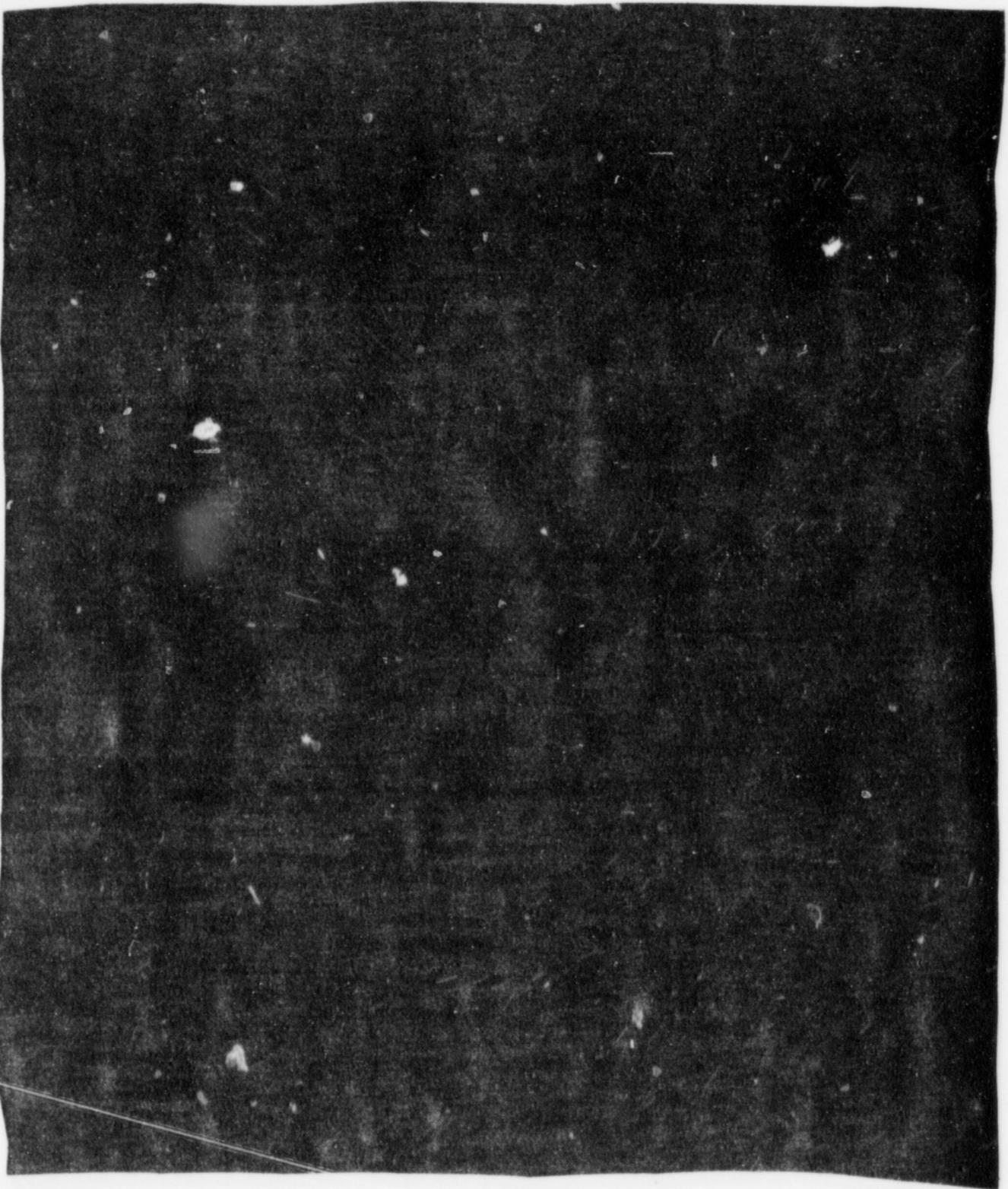
Comanche Peak CER 13

Draft 3 - 6/10/85

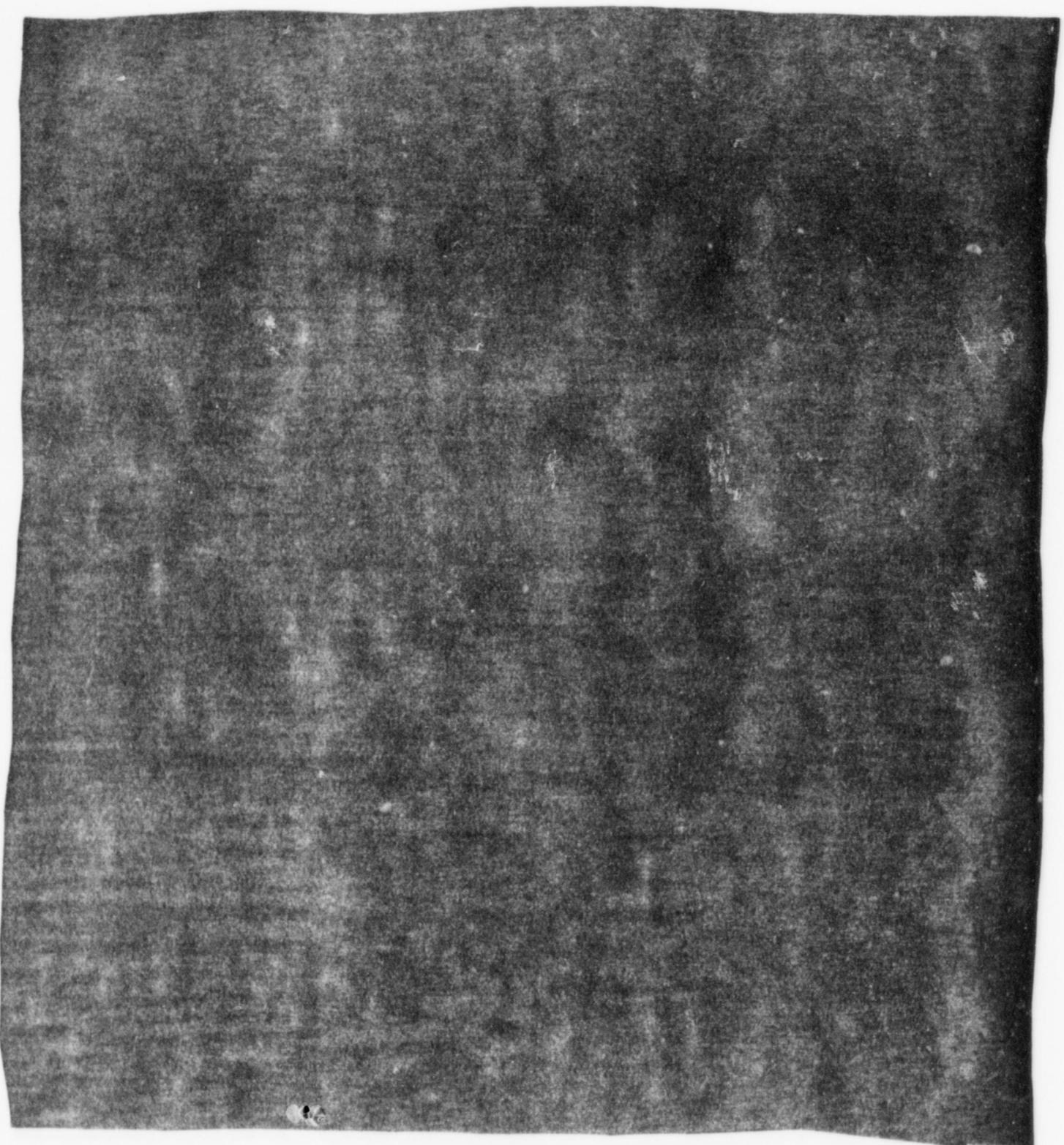


Q-6

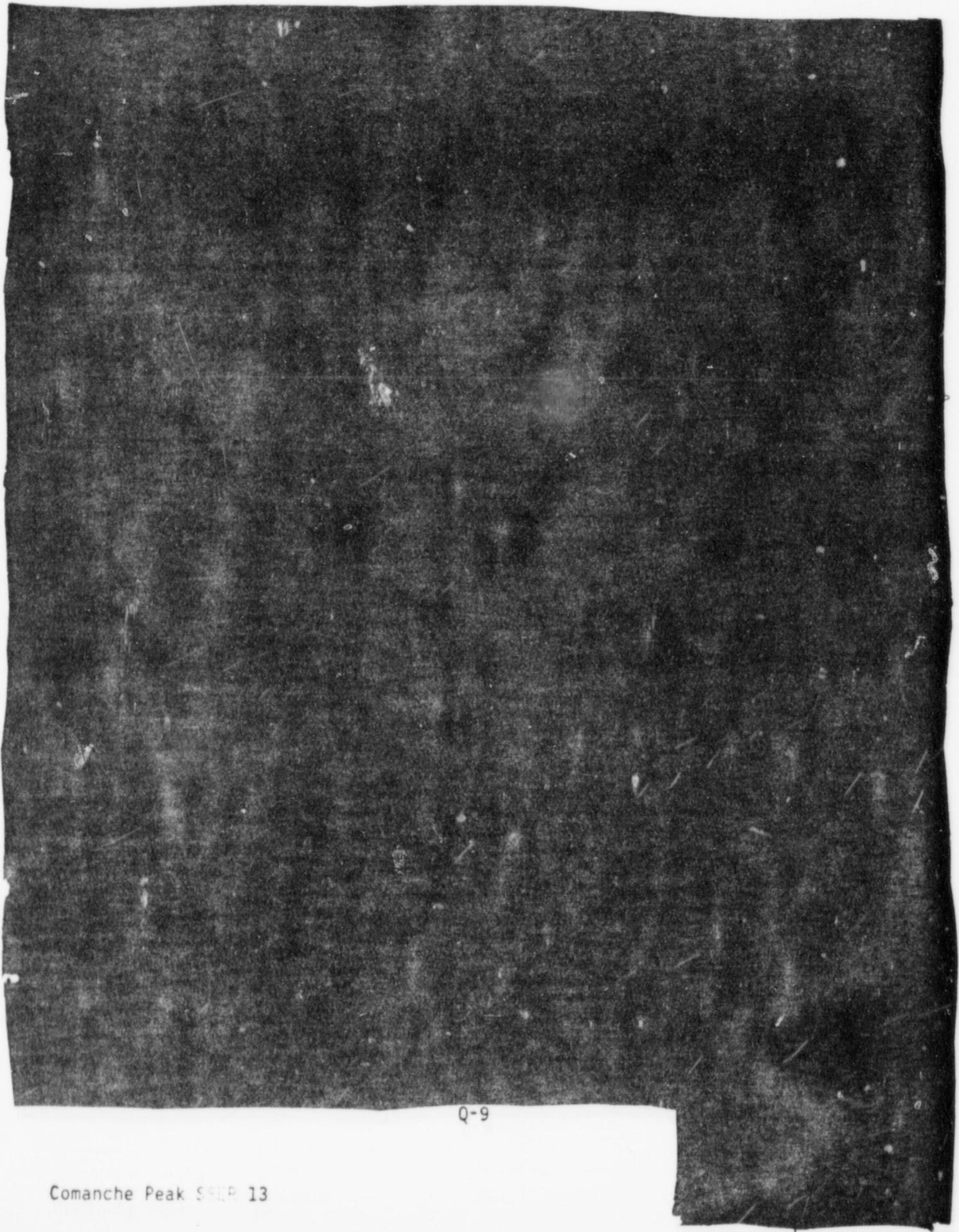
Comanche Peak SSER 13



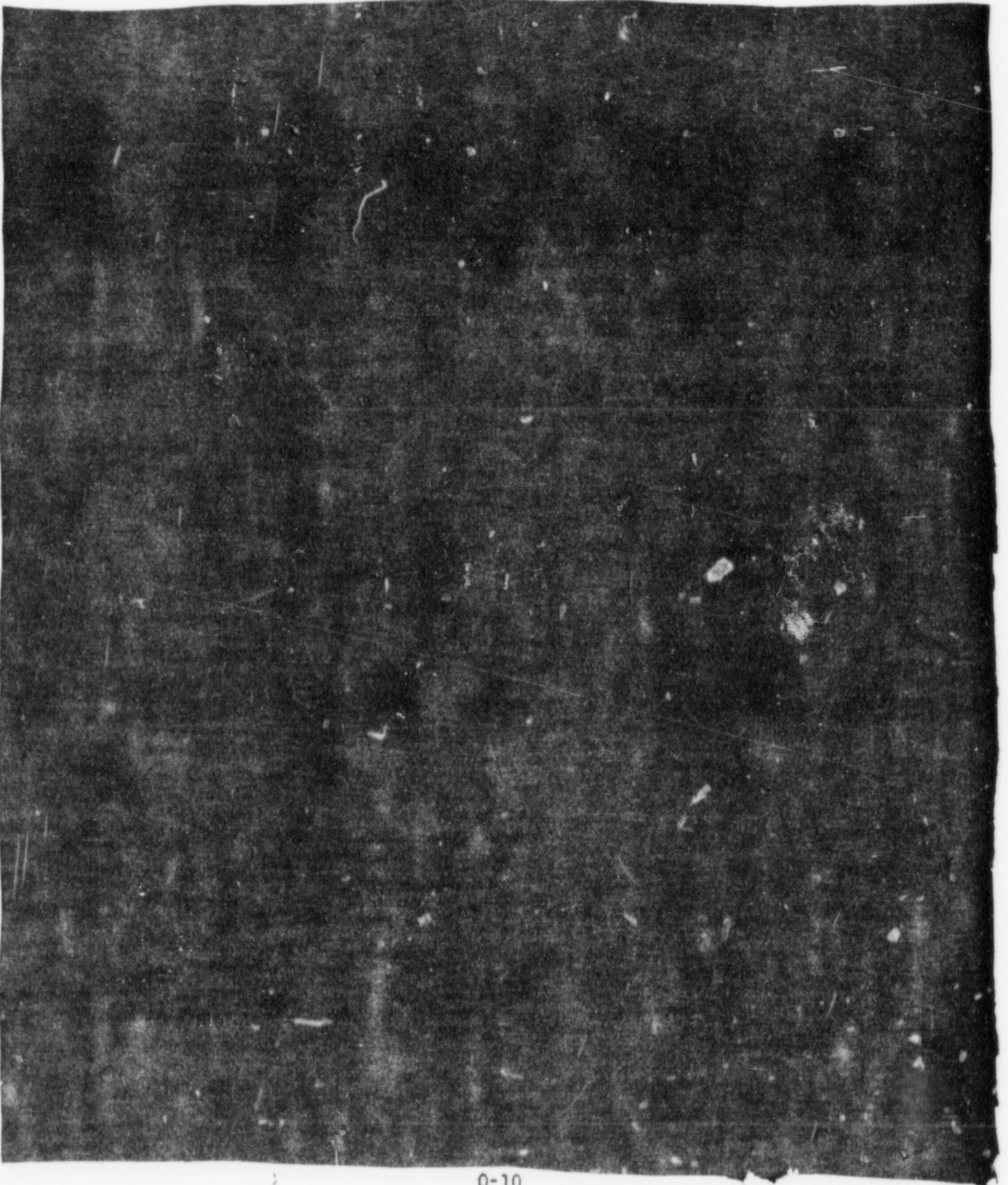
Q-7



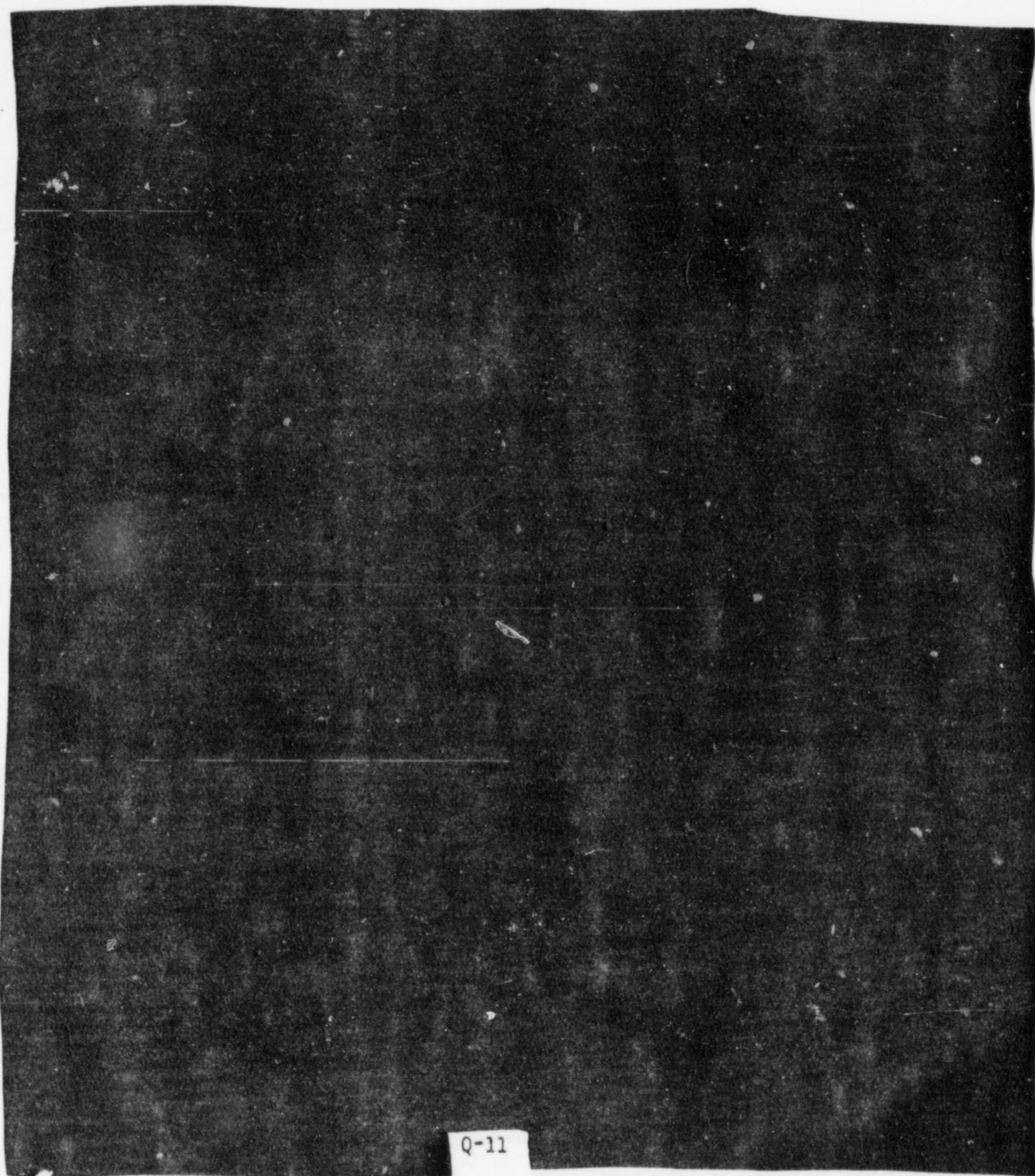
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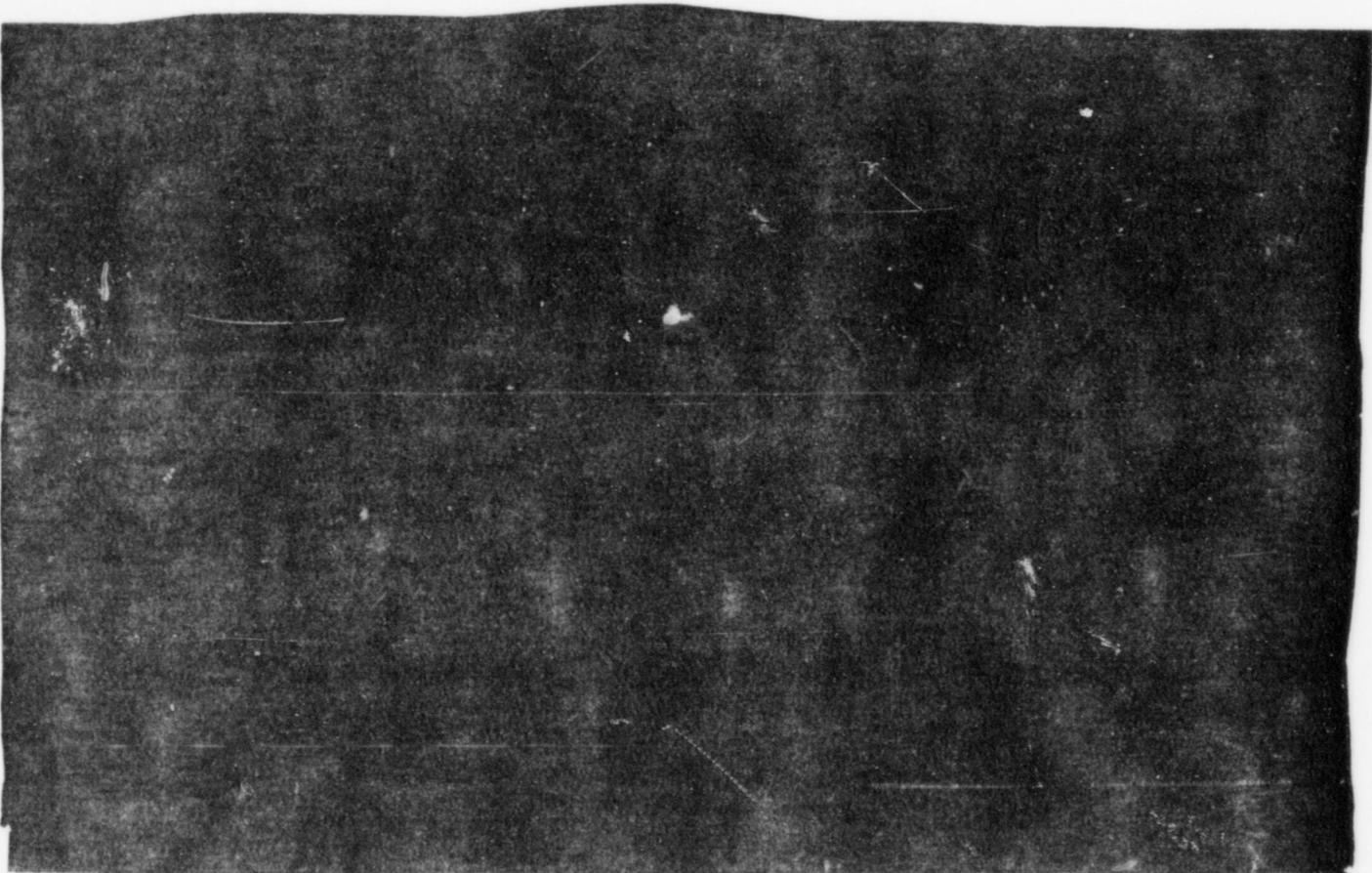
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Q-10



Q-11

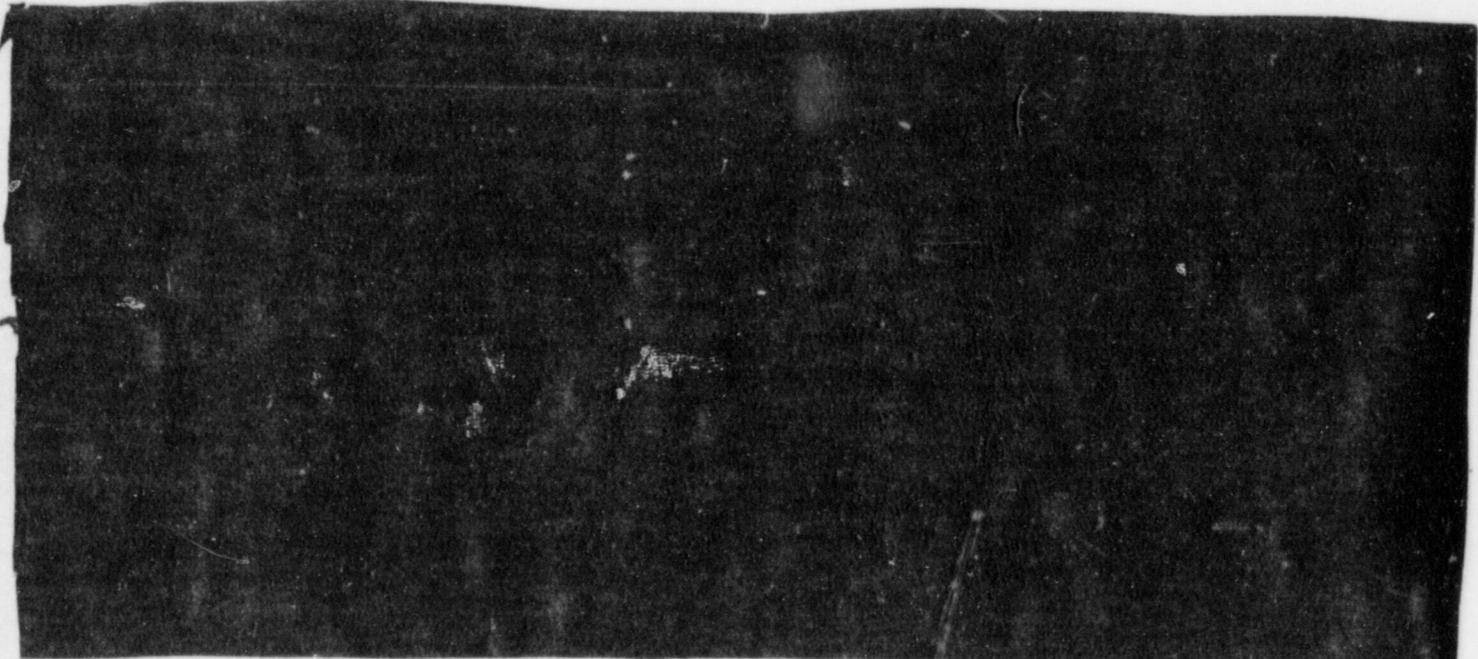


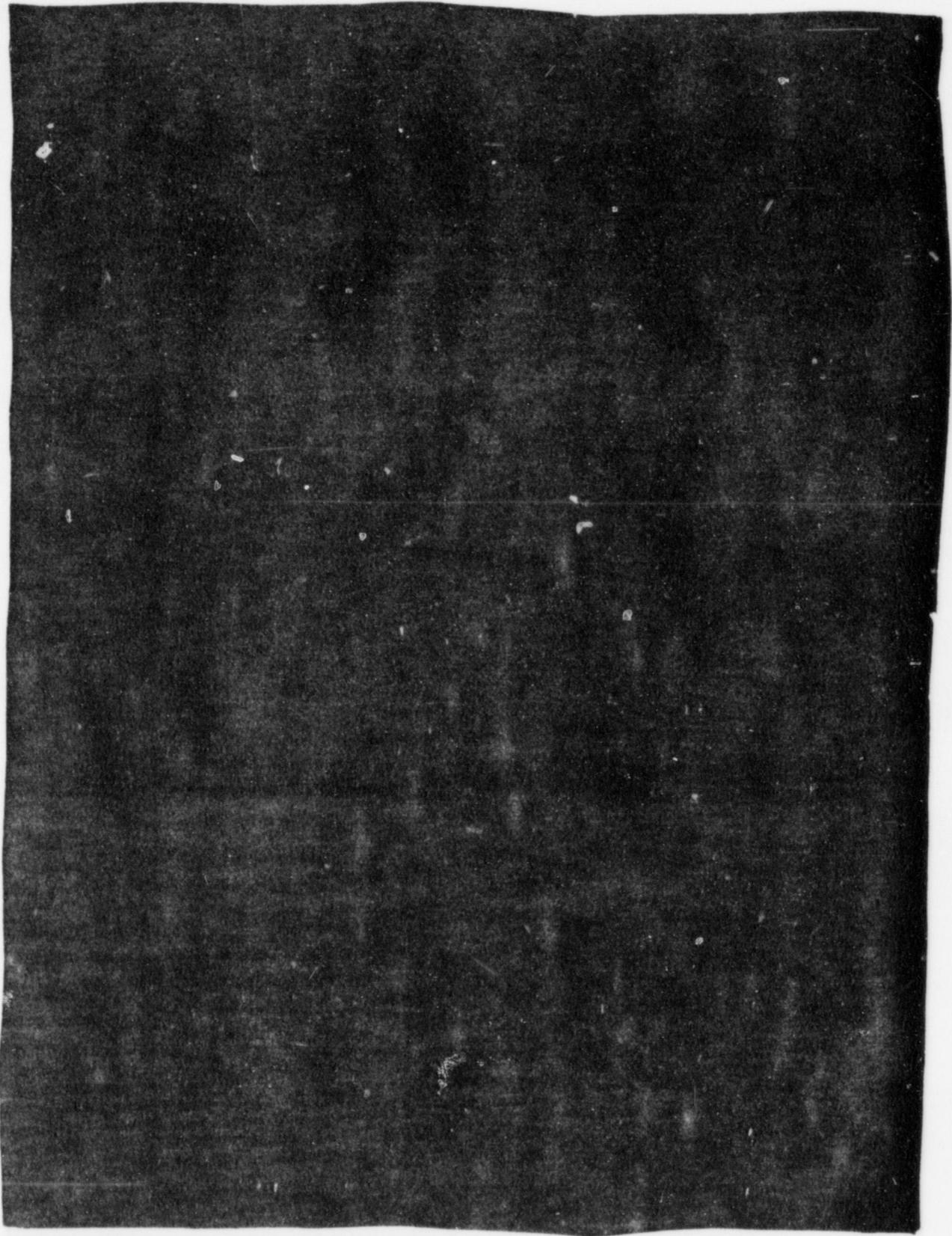
- a. On January 15, 1985 the Comanche Peak Project Director forwarded to the Intimidation Panel a portion of the deposition of Mr. Mouser, a former CPSES QC inspector. (The material was forwarded to the panel at the suggestion of the Chairman of the ASLB.) In the deposition, Mr. Mouser stated that he had informed Mr. Tolson (TUEC QA Manager) as to how he and his fellow workers were going to review and verify individual DCAs (Design Change Authorizations) and CMCs (Component Modification Cards). Mr. Tolson became upset and told them, "No. That's not the way I want it done." Subsequent to this meeting Mr. Mouser and his supervisor went back to Mr. Tolson,

who agreed to allow them to do the review as they had originally proposed.

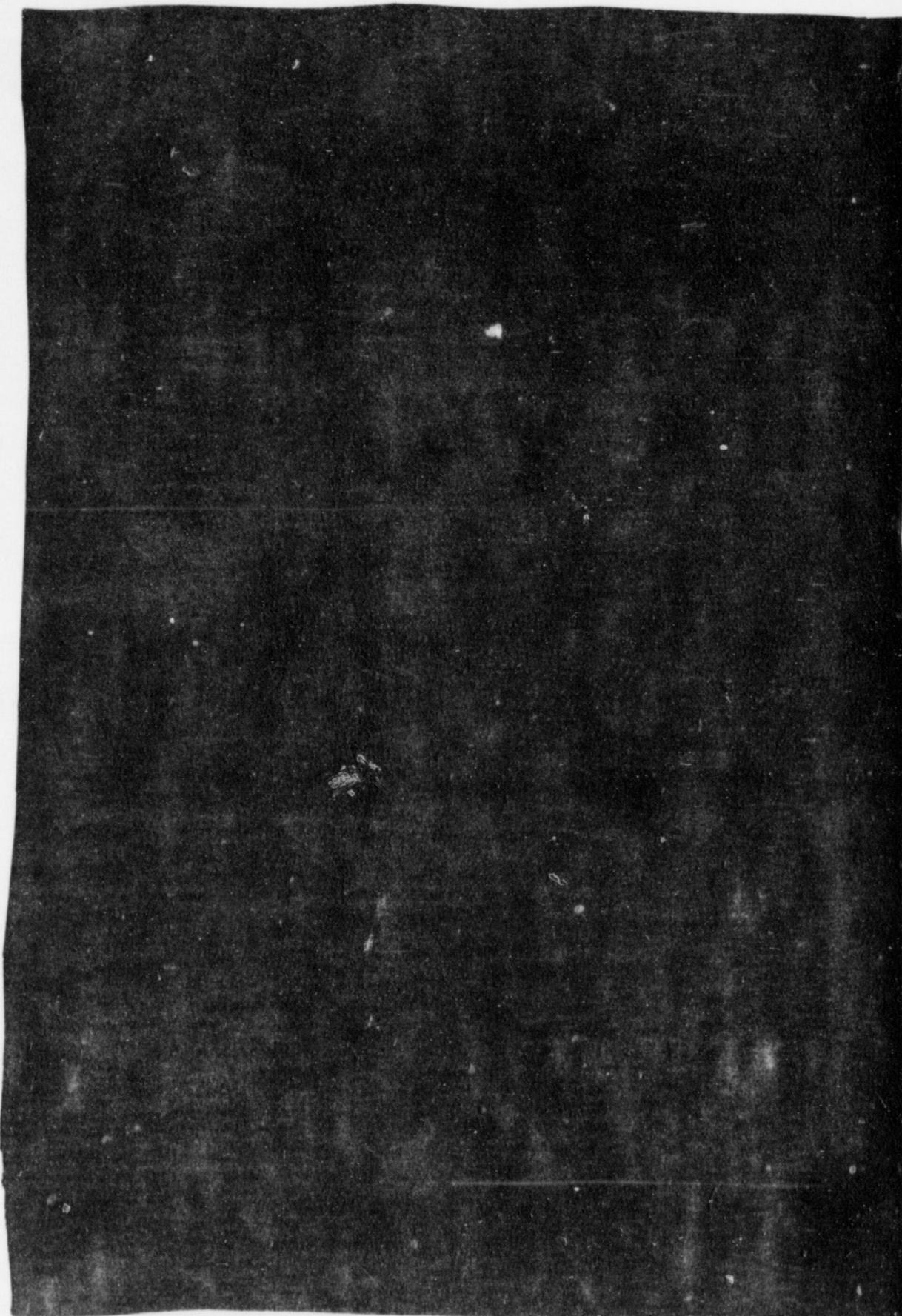
This incident does not constitute an act of intimidation, because Mr. Tolson's statement was not likely to have caused a reasonable individual to do something that was contrary to existing requirements. Further, Mr. [REDACTED] later changed his position at the urging of his employees.

- b. On January 28, 1985 the Comanche Peak Project Director forwarded to the intimidation panel a portion of Mr. Mouser's deposition in which he alleged that an NRC OI investigator had apparently disclosed confidential information to TUEC employees. Nothing in this alleged incident linked any CPSES employees to any improper actions, and thus this event does not constitute an act of intimidation.





Q-14

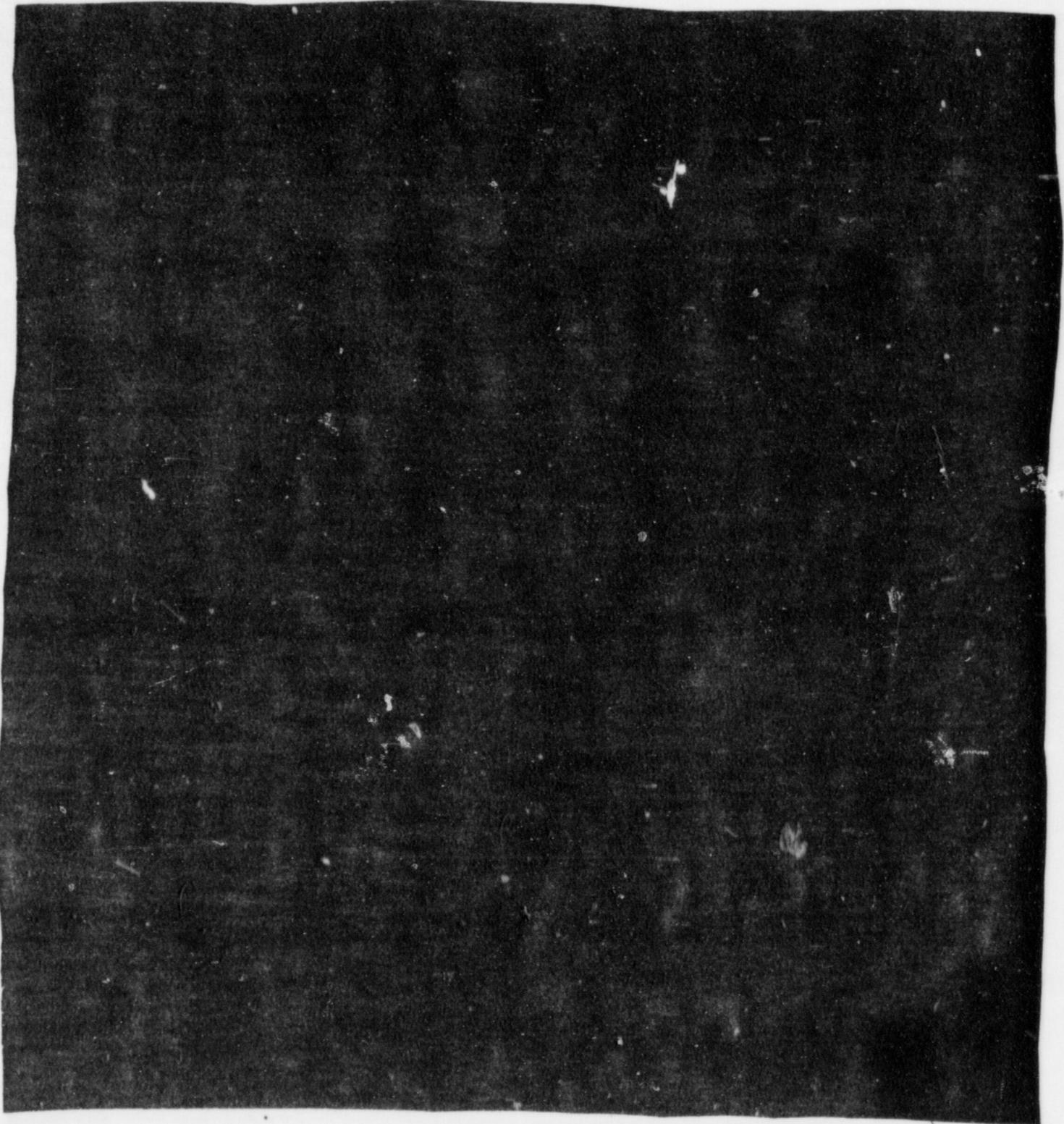


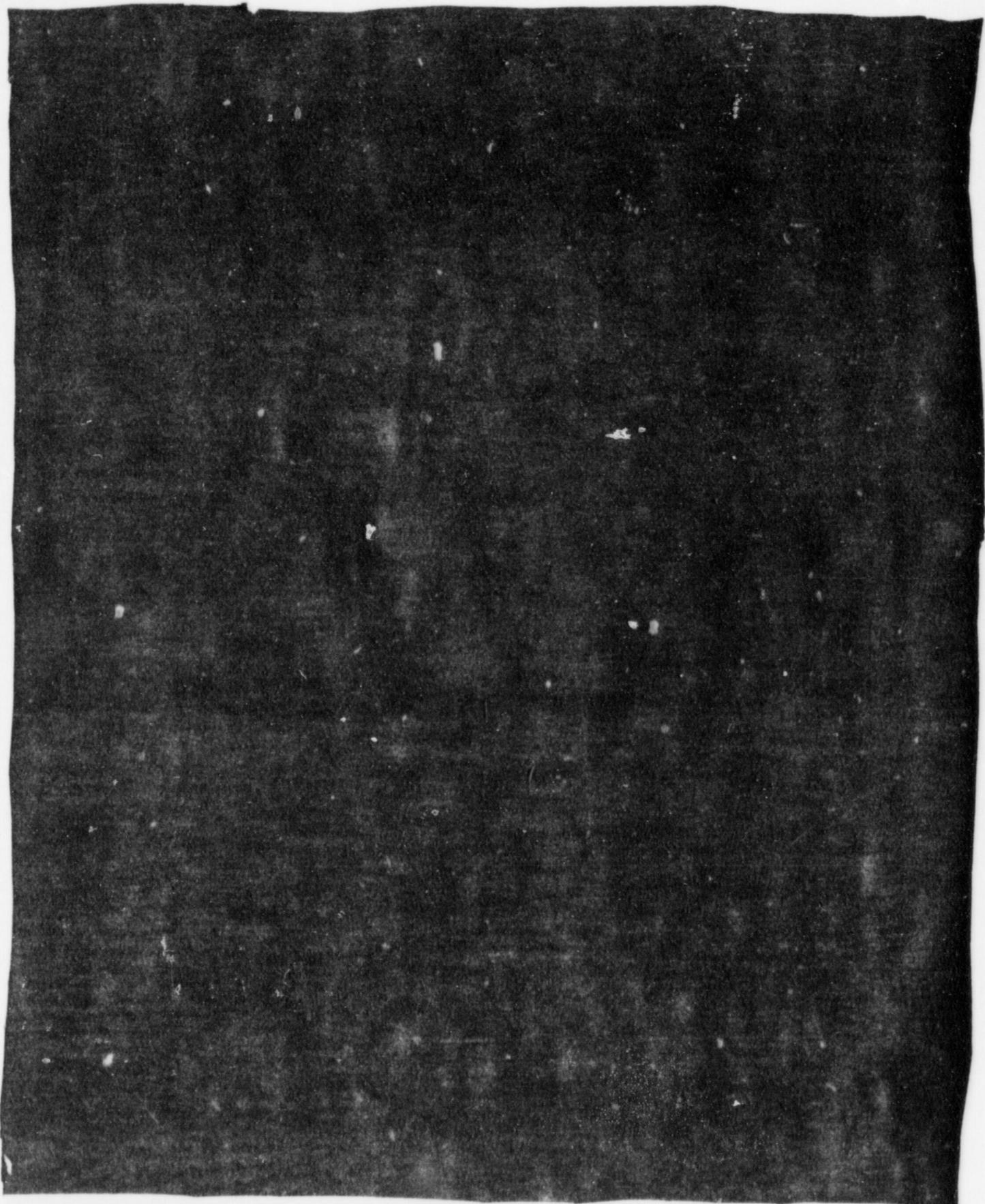
Q-15

Comanche Peak SSER 13

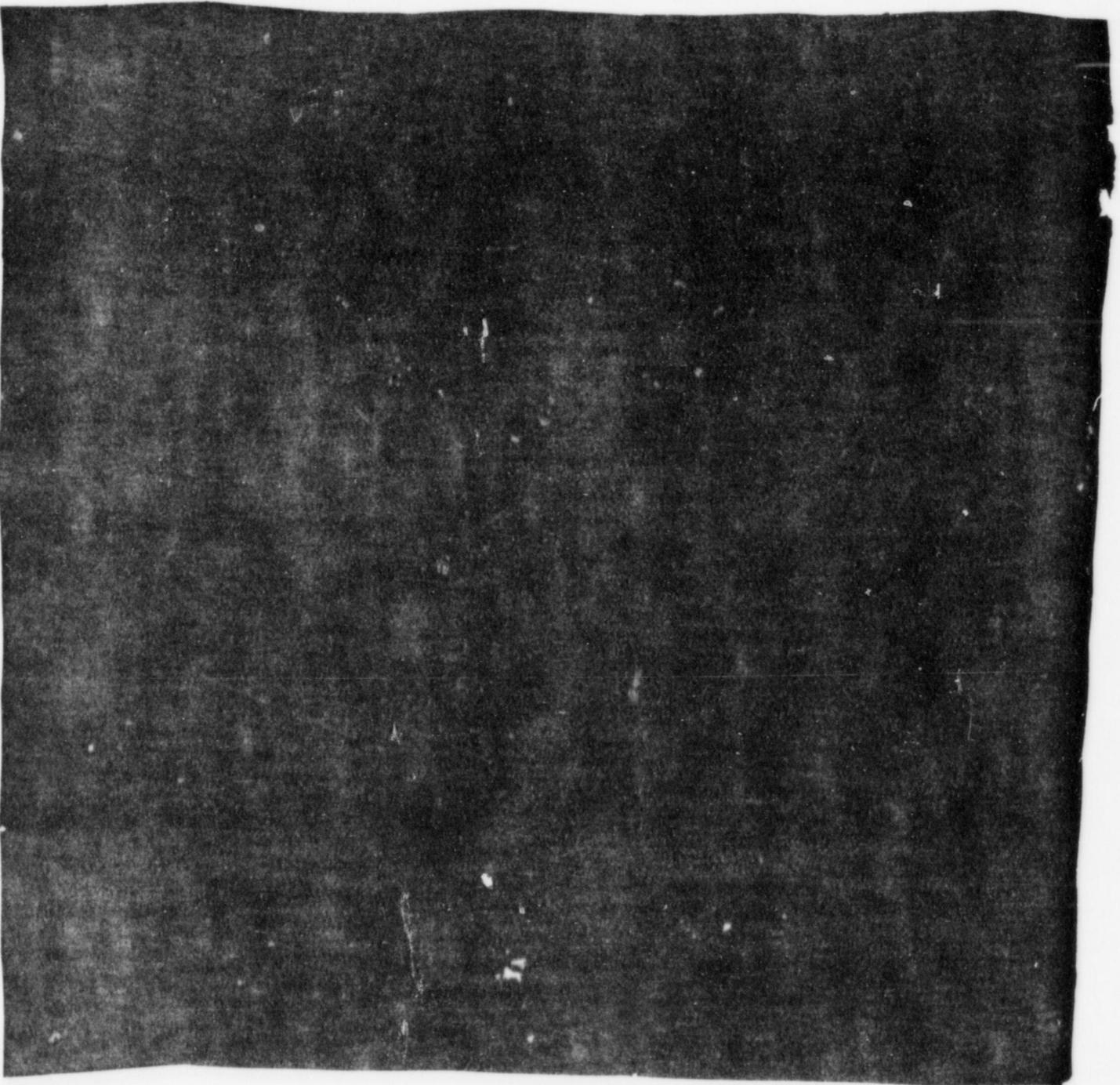
4. MANAGEMENT IMPLICATIONS

4.1 Climate of Intimidation





Q-17



ANALYSIS OF INTIMIDATION AND DISCRIMINATION AT COMANCHE PEAK

i. INTIMIDATION INCIDENT Allegation that William A Dugham was terminated for statements made at a meeting and this action intimidated other QC realigning

a) Name, position and duties of person subject to intimidation; J. Vehlman, C. Allen, [redacted]

b) Name, position and duties of person alleged to have intimidated;

c) Names and positions of other persons either subject to or involved in the incident; [redacted] (Principal Corrosion Eng - EBASCO) J. Firtel (Corrosion Eng EBASCO) [redacted] (Coatings QC Insp) J. Vehlman (Coating QC Insp) [redacted] (Coating QC Insp), D. Darda (Coatings QC Insp)

d) Area of work involved - welding, coatings, etc.; Coatings

e) Date and place of incident; Early Aug 1993 in Ron Tolson - five QC Supv office

f) the nature of the statement or action; Dugham told Puddy that Williams was intimidating and harassing coatings inspectors. About an hour later he was called into Tolson's office where he was interrogated by Tolson and Bernal.

On Aug 24, 1993 two EBASCO Engineers (Kelly & FIRTTEL) held mtg with CPSES coatings inspectors to explain changes in Coatings QC Program. He said that during (cont)

g) the intent of the person making the statement of taking the action;

8 (cont)

the meeting he asked several questions and pointed out QC problems, such as management ordering inspectors to sign IAs with data they disagreed with.

On Aug 26, 1993 Mauer (head QC Insp) informed Durham of a meeting in Purdy's office. During the meeting Purdy asked him to sign a counselling report which stated that he had been a "disruptive influence" at the meeting. Durham said he refused to sign it because he did not believe he was disruptive at the meeting. He was then terminated.

██████████ said that he and Firtel met on Aug 24, 1993 with coatings QC inspectors to explain proposed changes in coatings specs, procedures and QC criteria. Durham was discomfited and suspicious and referred to lack of support by supervision. He also said he was being

Firtel said he attended the meeting of Aug 24, 1993 and that an inspector (presumably Durham) used meeting as forum to air personal grievances. Durham had a "poor attitude" was "disruptive" and "out of line". Firtel said that Durham commented concerning inspectors being intimidated but his comments were irresponsible since he had no control

██████████ attended Aug 24 mtg and said that Durham asked several technical questions that "were not out of the ordinary". Durham made statements that coatings inspectors were "receiving pressure to buy off on inspections". He said ██████████ tried to reconcile Durham's concerns with technical answers, and some answers prompted further response from Durham. He said that he believed Durham would be in trouble, and Durham's firing confirmed this. ██████████ said that he had not improperly reported or failed to report QC inspection findings as a result.

Vehlein was at the 8/24/93 mtg. He recalled that Durham asked a number of questions during the meeting. He said that Durham's questions related to technical issues and "how all hell breaks loose when an inspector rejects work". He said Durham talked more than others, but did not disrupt the meeting even though the two (E) engineers appeared displeased. He said the Durham firing made him cautious, but had not caused him to raise concerns in presence of mgmt.

- h) the perception of the recipient of the statement or action; and [redacted] said he was intimidated. Vehlein said he became cautious. [redacted] said he can't discuss problems with his super.
- i) the positions of and relationship between the person making the statement or taking the action and the recipient. _____

2. The effect of the statement on the recipient including any specific failures to report safety problems and the basis for the conclusion that the effect occurred. [redacted] Vehlein, [redacted] said the Durham firm had not caused him to improperly report or fail to report findings. [redacted] said he was not intimidated

3. Analysis of the incident using Panel's Definition of intimidation/harassment. _____

4. Reference to documents where incident is described such as Investigation Reports, deposition, hearing transcripts, etc. (title, dated, pages). _____

Intimidation Incident

F/3

Characterization of Incident

It was alleged ^{that} a civil quality control supervisor (Harry Williams) had intimidated QC inspection personnel working for him on two separate occasions in January 1985.

Assessment of the Incident

On January 7, 1983, Individual A, ^{a Coatings QC Inspr} telephoned the Region II Director, Office of Investigations Field Office ^(OIFO), and advised him that he wanted to report allegations of intimidation of QC inspectors at Comanche Peak (CP).

The alleged was told that Region IV Office of Investigation was responsible for CP investigations and passed the information on to Region IV.

The Region IV Office of Investigation Field Office initiated an investigation within the following week (Case Number 4-83-001).

The Region IV investigator interviewed the alleged on January 10, 1983. The alleged stated that on January 5, 1983 Individual B, another coatings QC inspector, found numerous non-conforming conditions in the coatings application in the Skinner Pump Room of Reactor Control Building 1 and had documented the findings on an inspection report.

Later on the same day, Mr Harry Williams, the civil QC Supervisor (the supervisor of Individual A and B) called a meeting in the Paint QC Office for all coatings QC inspectors. During the meeting Mr Williams stated that he had

received complaints from construction supervision concerning QC "nitpicking" and that the next time he received such a complaint we would come down with a magnifying glass and if he found things that the inspector ^{had} missed he would ~~nitpick~~ nitpick them out the gate.

~~The~~ ^{Dumham} ~~allegor~~ said that on January 7, 1983 Mr Williams called another meeting of the ~~meeting~~ QC inspectors in the Skinner Pump Room.

~~The~~ ^{Dumham} ~~allegor~~ said that Mr Williams stated that the next time he received a complaint and ~~had~~ ^{had} to come down to the work area, he was going to start jerking some people's certification. ^{Dumham} The ~~allegor~~ stated that Mr Williams was implying that inspectors who create problems for him would lose their job.

The following documents relevant to this incident were reviewed:

(4)

The CP Intimidation Panel evaluated this alleged incident by reviewing OIFO: Region IV Investigation Report 4-83-001; Department of Labor Transcript, Dunham v. Brown & Root Inc., 84-ECA-1; testimony of CP Hearing Board sessions of September 11 and 12, 1984; and depositions of CP site QA/QC supervisors taken in July 1984.

During the investigation performed by OIFO: Region IV, the investigators interviewed twenty-five coating QC inspectors. Seven of the QC inspectors generally substantiated the allegation.

Three of the QC inspectors, provided more detailed information concerning the statements by Mr Williams and their stories were essentially in agreement, that on the January 7 meeting Mr Williams was

directing them to conduct inspections at arms length. The inspection procedure required that pinholes in the coatings application be identified as rejectable items. According to the inspectors, pinholes could not be detected at arms length.

Seven of the QC inspectors interviewed said that Mr. Williams' statements implied that an inspector would be fired if he continued to identify problems with the coatings. It was noted that ~~Individual D~~ admitted that he did not report the rejectable deficiencies he discovered on the liver plate coatings in the Unit-1 Reactor Containment Building (RCB) on January 7, 1983. He said that he failed to report the deficiencies for fear of being terminated by Mr. Williams. It was

also noted that ^{James Bracken} Individual F, a painting foreman at CP, told the investigator that Individual B (the inspector whose finding precipitated the Williams statements) approved an inspection of inadequate coatings on the inner plate of the Unit 1 RCB in late February 1983.

Individual B who was the coatings QC lead (Individual B's immediate supervisor) told the OI investigator that Individual B had over-inspected ^{Skinner King} the area ^{January 5} and incorrectly identified some areas as rejectable. He said that Mr Williams did say he would not tolerate "over-inspection" and "nitpicking", but he did not recall Mr Williams making a statement concerning what he would do to the inspector who over-inspected. He said that he

did not interpret Mr Williams statements as being intimidating. It is noted that

I. ^{Widemann} ~~Individuals~~ E and H ^{Walker} stated to the investigator that Individual G originally agreed with the findings identified by Individual B.

Individual G subsequently changed his mind.

It is further noted that a costings documentation

review at CP (^{Reid} Individual I) had examined the

Skinner Pump Room area and agreed with some of the findings of Individual B. ^{Mitch}

The Region IV investigator interviewed Mr Williams

and Mr C. T. Brandt, QA/QC Supervisor, CP

during the course of the investigation. Mr Williams

admitted making statements to the inspectors regarding

the pulling of certifications if they repeatedly make

errors. Although he did not specifically recall

doing so, he admitted that he may have said that inspectors would be fired. Mr Williams said that he now realized that his comments could have been misinterpreted and thus could have been intimidating.

investigation
Mr Brandt said that he had investigated the incident. He said that Mr Williams had handled the meeting in a poor manner and agreed that Mr Williams' statements could easily have intimidated some costumed inspectors.

Conclusions

Based on the evidence reviewed, the CP Intimidation Panel concludes that the Williams statements of January 5 and 7, 1983 satisfy the Panel's criteria for incidents of intimidation. The nature of the Williams' statements have clear

implications that an employee, because of fear of losing his job, might be reasonably likely to refrain from identifying rejectable findings. It was found that ^{stated that he} one inspector ~~did~~ failed to report defects because he feared losing his job.

There was ^{no} evidence to indicate why Individual B failed to report defects in the liner plate coatings or why Individual G was less than candid ^{and changed his story} with the investigator. The statements by Ma Williams may have been a contributor.

It was clear to the panel that the intent of Ma Williams' statement was to influence the QC inspectors to ignore the procedural requirements of looking for pinholes in the coatings and thus minimize the impact that rejectable coatings would have on the production schedule of the crafts.

The perception of the QC inspectors (statements of Individuals) were that Mr.

Williams ^(their supervisor) would terminate them if they over-inspected continued in his rooms with the station.

Since Mr Williams was their supervisor he would be in an ideal position to carry out his threats.

In conclusion the Intimidation Panel finds that this incident does constitute an act of intimidation.

The panel was distressed to find (TR-16793) that ^{TUEC} management became aware of Mr Williams' weaknesses in September 1982, and was aware

of the intimidation incident as early as June 1983.

Despite the fact that TUEC had recently received a civil court ^{for discrimination} action was taken by management ~~and~~ against a QC inspector, no

Mr Williams left the site for another position at the end of August 1983. The inaction

on the part of management suggests
tacit support of this type of action
and promotes a climate of intimidation
at the site.

Government Accountability Project

1555 Connecticut Avenue, N.W., Suite 202
Washington, D.C. 20036 • (202) 232-8550

Billie Garde
Director, Environmental Whistleblower Clinic

December 3, 1985

FREEDOM OF INFORMATION ACT REQUEST

Director
Office of Administration
Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-85-799
Rec'd 12-6-85

To Whom It May Concern:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §552, the Government Accountability Project ("GAP") requests copies of any and all agency 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, voice recordings, computer runoffs, any other data compilations, interim and/or final reports, status reports, and any and all other records developed by the harrassment and intimidation panel report issued November 4, 1985.

This request includes all agency records as defined in 10 C.F.R. §9.3a(b) and the NRC Manual, Appendix 0211, Parts 1.A.2 and A.3 (approved October 8, 1980) whether they currently exist in the NRC official, "working", investigative or other files, or at any other location, including private residences.

If any records as defined in 10 C.F.R. §9.3a(b) and the NRC Manual, supra, and covered by this request have been destroyed and/or removed after this request, please provide all surrounding records, including but not limited to a list of all records which have been or are destroyed and/or removed, a description of the action(s) taken relevant to, generated in connection with, and/or issued in order to implement the action(s).

3603760052

GAP requests that fees be waived, because "finding the information can be considered as primarily benefitting the general public," 5 U.S.C. §552(a)(4)(a). GAP is a non-profit, non-partisan public interest organization concerned with honest and open government. Through public outreach, the Project promotes whistleblowers as agents of government accountability. Through its Citizens Clinic, GAP offers assistance to local public interest and citizens groups seeking to ensure the health and safety of their communities. The Citizens Clinic is currently assisting several citizens groups, local governments and intervenors in Tennessee concerning the construction of the Watts Bar nuclear power plant.

We are requesting the above information as part of an ongoing monitoring project on the adequacy of Region II and the NRC's efforts to protect public safety and health at nuclear power plants.

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 relevant to the document or portion of the document withheld. This index is required under Vaughn v. Rosen (I), 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

We look forward to your response to this request within ten days.

Sincerely,

Billie Pirner Garde

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Director
Environmental Whistleblower Clinic