



REPORT OF INVESTIGATION

TITLE: ALLEGATIONS REGARDING OI REPORT 4-84-006 -
COMANCHE PEAK

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Ronald M. Smith

PREPARED BY: Ronald M. Smith
Senior Investigator
Office of Inspector and Auditor

DATE: January 7, 1985

Hollis Bowers

APPROVED BY: Hollis Bowers
Assistant Director for Investigations
Office of Inspector and Auditor

DATE: January 7, 1985

Sharon R. Connelly
Sharon R. Connelly, Director
Office of Inspector and Auditor

**OFFICE OF INSPECTOR & AUDITOR
U.S. NUCLEAR REGULATORY COMMISSION**

FREEDOM OF INFORMATION/PRIVACY ACT EXEMPTION (b)(5) & (7)

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SUMMARY

This investigation was initiated based on a letter dated May 10, 1984, from Betty B. Brink, Former Intervenor, Citizen's for Fair Utility Regulation, to the NRC (Attachment A). In the letter, she expressed her main concern as being the release, in an Office of Investigations (OI) Report of Investigation #4-84-006, of the names of two former Comanche Peak welders, whom she had named in confidence to Brooks Griffin, an investigator in the OI Field Office, Region IV.

When interviewed (Attachment B), Brink reaffirmed her comments contained in the May 10 letter, and specifically that she had discussed confidentiality for the two welders with Griffin. To highlight the issue of the names being released, Brink noted that an NRC attorney, Stuart Treby, had released a redacted version of the OI investigative report which did not delete the names but only the locations of some interviews. (Investigator Note: A check with Treby disclosed that he was not responsible for the redacted version of the report but only forwarded it to the licensing board for Comanche Peak.)

In his interview (Attachment C), Griffin denied that there had been any discussion of confidentiality for the two welders, either in the August 17, 1983 or the February 24, 1984 discussion with Brink. In support of his contention, Griffin provided copies of his notes (Exhibits 3 and 4 to Attachment C), neither of which indicated any discussion of confidentiality. Griffin also asserted that Brink, herself, had agreed with Griffin in an April 11, 1984 telephone call to him that she had not mentioned confidentiality in the February conversation with him when she gave him the two names. Finally, Griffin noted that the two individuals identified by Brink were not contacted because they seemed to have only information on welding deficiencies and not about wrongdoing. Accordingly, the information was passed to Region IV via the OI investigative report (4-84-006).

Collateral Matters

In addition to the alleged act of misconduct addressed above, Brink raised several other issues. Two of the more prominent ones have to do with follow up on information given to the NRC and the protection of the identity of potential "whistleblowers" identities beyond NRC normal practice of protecting confidentiality and the unwarranted invasion of personal privacy.

Regarding the first issue, OIA confirmed with Richard Wessman, Technical Assistant to the Assistant Director for Safety Assessment, NRR, and a member of the Technical Review Team (TRT) addressing allegations at Comanche Peak, that the NRC has not tried to locate the two welders mentioned by Brink. According to Wessman, they were not pursued because of the nonspecific nature of the information provided and the apparent traceability problems in finding the welders. Because of these factors and the over 400 allegations otherwise identified, Wessman determined that the information did not meet the threshold of issues to be pursued (Attachment D).

Brink, when reinterviewed (Attachment E), also could not provide information on where the two welders are and last saw them in 1980-81. She did clarify

that she thought the welders had information on "trash in the welds" of the liners of the containment and the transfer canal.

Richard Bachman, Attorney, ELD, was familiar with the issue of welds in the liners. At the time Mr. Bachman was interviewed, he said that the NRC had not yet decided whether to require sample ultrasonic testing of the welds because the applicant is currently unable to provide documentation which would substantiate that the areas to be welded were inspected for cleanliness prior to the welding of the liners. He thought that the welders might be of help only if they could point out specific instances and locations, thereby possibly negating the need for ultrasonic testing (Attachment F).

On the issue of protecting names, Brink (Attachment E) reiterated the concern, expressed in her May 10, 1984 letter (Attachment A), that when names of potential "whistleblowers" are released, it could have economic impact on them in that they could lose their jobs and be blackballed. She believes the NRC has to do something to protect the names of such people.

Stuart Treby, Attorney, ELD, when interviewed (Attachment G), noted that he had been merely a conduit in the transmission of the OI report (#4-84-006) to the ASLB. However, he also noted that it is not NRC practice to delete names alone, although confidentiality and privacy information, e.g., home addresses and telephones, are protected.

Other matters raised by Brink in her May 10 letter (Attachment A) included the following:

1. Brink challenged Griffin's alleged statement to her that her name did not appear anywhere else in the OI report other than in the one page provided to her (page 2, third paragraph). Griffin denied having told her that because he knew her name appeared elsewhere in the report (page 2, "Paragraph 11," Attachment C).
2. Brink also asserted that Griffin said that he could not use the notes offered by her (page 3, first paragraph). Griffin strongly denied any such refusal to accept her notes although he allowed that he might have told her that if the notes did not pertain to harassment and intimidation, they might be sent to Region IV (page 3, "Paragraph 15," Attachment C).
3. Finally, Brink protested Griffin's and Herr's (Griffin's supervisor) refusal to contact her for names of people who would verify an alleged's (Clancy) allegations (page 2, fifth and sixth paragraphs and page 4, first paragraph). Griffin confirmed that Brink had not been further contacted after the interview of Clancy (page 3, "Paragraphs 13 and 14," Attachment C).

ATTACHMENTS

- A. Letter, Brink to NRC, 5/10/84.
- B. Report of Interview, Brink.
- C. Report of Interview, Griffin.
- D. Report of Interview, Wessman.
- E. Report of Interview, Brink.
- F. Report of Interview, Bachman.
- G. Report of Interview, Treby.

Date of transcription August 28, 1984

Report of Interview

Betty B. Brink, Route 2, Box 374, Kounce, TX 77625, upon telephonic interview [redacted] concerning her allegation that the confidentiality of two potential witnesses was breached by Brooks Griffin, Richard Herr and Wendel Frost, Office of Investigations (OI) Field Office, Region IV, provided the following information:

She confirmed what she had said previously in the May 10, 1984 letter to the Commission which precipitated this investigation. She also reaffirmed her view that she had discussed confidentiality with Griffin.

She offered that [redacted] (two former welders whose confidentiality allegedly was breached) had information on the welding of the fuel pool liner. She had no specifics that they had been harassed or intimidated.

She has never sent her notes on welding problems at Comanche Peak because she is waiting for the resolution of the alleged breach of confidentiality. (Investigators Note: She was at this time advised that she could send her notes to OI, Region IV or NRR at her option.)

Brink thought that extra effort should be made to find [redacted] because they told her there were spots in the liner where leaks would occur because the liner had not been kept clean enough when welding. She recently became more concerned because of the possibility of extending the life of the fuel pool containers to "30 years plus 30 years" in which case a leak could be a major catastrophe in her view.

Brink wanted to highlight the issue of names being released. She noted that Mr. Treby (NRC Attorney) released a "redacted" version of the investigative report which did not delete names but only the locations of some interviews. The letter sending this version to her is dated April 3, 1984.

Investigation on August 21, 1984 at Arlington, TX File # 84-30

by Ronald M. Smith, Senior Investigator, OIA Date dictated August 22, 1984

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Paragraph 3

Brink had not given the two names in confidence. No harassment and intimidation was mentioned, rather the two welders [REDACTED] were alleged to have concerns with welding as was reported in the report (Exhibit 2). Brink simply did not mention harassment and intimidation.

Paragraph 5

Brink claims a confidential arrangement, but she did not communicate such an agreement to Griffin.

Paragraph 6

Confidentiality was not discussed either in August (1983) or February (1984). When he talked to Brink on April 11, 1984, she agreed that they had not discussed it in February, contrary to what she said in the letter, therefore, she was inconsistent with the letter.

Paragraph 8

The paragraph is accurate. The two welders [REDACTED] were not contacted because they reportedly knew of welding deficiencies and not wrongdoing. Therefore, the matter was referred to Region IV via the OI Report of Investigation #4-84-006 (the same report of which Brink is complaining).

Paragraph 9

Does not remember if he specifically said that he could find anyone although he might have. Regardless, he was not looking for [REDACTED]

Paragraph 10

Accurate paragraph. Griffin also provided a copy of the telephone record of the August 17, 1983 telephone conversation in support of his version of the conversation that there was no mention of confidentiality or harassment and intimidation.

Paragraph 11

Griffin said that he did not make reference to Brink's name not appearing elsewhere in the report because it did. He further noted that he provided her with an extract (Exhibit 3) after clearing the release with OI Headquarters.

Paragraph 12

See again No. 11 above. On August 17, 1983, when he talked with Brink, Griffin was already aware of Clancy and an interview had already been set for August 19, 1983 in Austin, TX, with a court reporter. He just did not tell Brink about this planned interview.

Paragraph 13

Griffin already had Clancy's address, which he had previously obtained from Juanita Ellis.

Paragraph 14

Correct, he did not contact Brink.

Paragraph 15

Brink refers to notes on welders. Griffin's understanding was that she would provide all her notes (not just on the welders). He takes great exception to her characterization about his not accepting notes or that he could not use them. He may have told her that if the notes did not pertain to harassment and intimidation, they might be sent to Region IV (although he does not know for sure if he said that).

Paragraph 19

Again pointed out that Herr and Frost had no participation in the contact with Brink. (Investigators Note: This was confirmed with Herr on August 22, 1984. Frost is no longer with the NRC but Herr also thought that he was not involved with Brink.)

Paragraph 20

No conclusions were made in the investigative report (#4-84-006). They merely reported what people told OI.

Finally, Griffin noted that based on the telephone note at Exhibit 4, he added the third paragraph to his report on the matter (see again Exhibit 2).

Exhibits:

As stated

Telephonic Interview of Betty BRINK

On August 17, 1983, Betty BRINK, a former CPSES intervenor for Citizens for Fair Utility Regulation, was telephonically interviewed by NRC Investigator H. Brooks GRIFFIN. BRINK stated she had been one of the intervenor representatives to first talk to Henry STINER. BRINK stated she no longer worked as an intervenor, but had become a reporter/writer and had written articles concerning the nuclear industry.

When asked about individuals who might have been harassed or intimidated, BRINK stated she believed a former B&R QA inspector by the name of George CLANCY might know of some problems including harassment. BRINK also stated she had the names of two welders in her notes who told her they had concerns over certain welds they performed. BRINK stated she would attempt to locate the names and would provide them to the NRC. BRINK indicated that the concerns of the welders did not involve intimidation as far as she knew.

On February 24, 1984, BRINK was telephonically contacted by the NRC OI seeking the names of the two welders she had mentioned in her earlier interview. BRINK identified the welders as [REDACTED] Brown & Root employees who had worked at CPSES in 1979 and 1980. BRINK indicated she did not know where these former employees lived, but offered to provide the NRC with the records she assembled during her work as an intervenor to assist in the NRC's inquiries.

INVESTIGATOR'S NOTE: The identities of the two welders with technical concerns will be furnished to the RIV staff for appropriate action. Upon receipt, BRINK's records will be evaluated for inspection and/or investigative merit. Any resulting investigation will be documented under a separate report number.

MEMORANDUM OF CALLS Previous editions usable

TO: _____

YOU WERE CALLED BY _____ YOU WERE VISITED BY _____

OF (Organization) _____

PLEASE PHONE _____ FTS _____ AUTOVON _____

WILL CALL AGAIN _____ IS WAITING TO SEE YOU _____

RETURNED YOUR CALL _____ WISHES AN APPOINTMENT _____



CONVERSATION RECORD

TIM: 1:25pm

DATE: 8-17-83

TYPE

VISIT

CONFERENCE

TELEPHONE

INCOMING

OUTGOING

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO.

Betty Brink

X-intervenor

SUBJECT

ROUTING

NAME/SYMBOL INT

SUMMARY

Former intervenor. Citizen of Paris
Utility Regulation: Talk to Henry
Stines

Knows names of welders re.
welding on lines of containment.

Reporter./writer.

Call George Clancy - he might
know names.

will provide names of welders.

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

ACTION TAKEN

SIGNATURE

TITLE

DATE

Date of transcription August 28, 1984

Report of Interview

Brooks Griffin, Investigator, Office of Investigations (OI) Field Office, Region IV, upon interview concerning an allegation that the confidentiality of two potential witnesses was breached by Brooks Griffin, Richard Herr and Wendel Frost, OI Field Office, Region IV, provided the following information:

Betty Brink (allegor) was originally talked to because of a decision by Roger Fortuna, Deputy Director, OI and Paul Check, Deputy Regional Administrator, Region IV, based on their talk with Juanita Ellis, President, Citizens Association for Sound Energy (CASE). Mrs. Ellis had provided a list of 24 people who reportedly had information on intimidation and harassment of workers at the Comanche Peak nuclear facility. Betty Brink was one of the 24 people so listed.

On August 17, 1983, Griffin telephoned Brink at her residence in Kounce, TX, [REDACTED] and learned that she was an ex-intervenor at Comanche Peak but had no direct information on harassment and intimidation. Brink said that she knew of two people but could not remember their names. Griffin did not call Brink back nor did she call him back. However when the case was being closed, Griffin's supervisor, Richard Herr, suggested that Griffin call Brink back and see if she had the names. On or about February 24, 1984, Griffin talked to Brink and she provided two names -- [REDACTED]

On April 11, 1984, Griffin received a call from Brink who claimed that, when talked to on August 17, 1983, she had represented the two names (which she did not recall at that time) as being confidential sources. Griffin has no recollection of such a discussion of confidentiality. Griffin also said that she agreed that she did not mention confidentiality in February. Griffin in sum noted that he had a clear recollection that there was no confidentiality. He further noted that Herr and Frost had nothing to do with the interaction with Brink.

Investigator Note: Griffin was then shown a copy of the May 10, 1984 letter Brink had sent to the Commission and which precipitated this investigation. For ease of discussion, a copy of the letter was annotated with paragraph numbers (Exhibit 1).

Griffin began by stating that he was not verifying each and every paragraph of Brink's letter but rather was only commenting on things which he recognized as being different from what he knew to be the facts.

Investigation on August 20, 1984 at Austin, TX File # 84-30
by Ronald M. Smith, Senior Investigator, OIA Date dictated August 22, 1984

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U.S. NUCLEAR REGULATORY COMMISSION
Office of Inspector and Auditor

Date of transcription November 1, 1984

Report of Interview

Richard Wessman, Technical Assistant to the Assistant Director for Safety Assessment, Division of Licensing, Office of Nuclear Reactor Regulation, upon telephonic interview concerning follow up on information about possible welding problems at the Comanche Peak nuclear facility, provided the following information:

Wessman noted that he started with the special Technical Review Team (TRT) looking at allegations about Comanche Peak in approximately March-April 1984. As a part of the team, he went through several years of Office of Inspection and Enforcement Inspection Reports and Office of Investigations (OI) Reports of Investigation. This process led to the identification of in excess of 400 allegations from about 60 allegeders concerning various aspects of Comanche Peak.

Wessman did recall his review of OI Report of Investigation #4-84-006. In making a threshold determination of what matters/issues to pursue, he determined that the mention of the two welders by Brink to Griffin did not meet that threshold. He cited the lack of specificity in the information provided and the fact that the welders did not appear to be traceable as reasons for the determination not to pursue the matter. He further noted that the TRT had already identified a lot of weld allegations.

Investigation on October 29, 1984 at Bethesda, MD File # 84-30
by Ronald M. Smith, Investigator, OIA Date dictated October 31, 1984

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Date of transcription November 1, 1984

Report of Interview

Betty B. Brink, Route 2, Box 374, Kounce, Texas, 77625, upon telephonic interview [REDACTED] concerning follow up on information about possible problems at the Comanche Peak nuclear facility and the protection of the names of potential "whistleblowers," provided the following information:

Brink confirmed that she still did not know where the two welders were although the last she heard one of them was supposed to have been working on a power plant construction site somewhere in Nebraska. (She also noted that when the individual had worked at Comanche Peak, he had not had a home telephone.) The other is supposed to have a [REDACTED] although she did not know the brother's name. The last time she saw the two of them was in their homes in [REDACTED] in 1980 and 1981, respectively.

The welders are supposed to have information on the liners for the containment and transfer canal. They reportedly thought that the welds would go bad in the future because of "trash in the welds." According to Brink, the NRC looked at the issue some time ago and substantiated some allegations but found it to be a non-safety problem. Judge Bloch (Administrative Judge for the Atomic Safety and Licensing Board considering the licensing of Comanche Peak) has since (September 1984) ordered the reopening of the investigation into the allegations. She did not know any further details.

On the issue of protection of names, Brink reiterated her concern expressed in her May 10, 1984 letter to the Commission, that is, basically that the mention of individuals' names in the "whistleblower" context could have serious economic impact on them, e.g., loss of employment and "blackballing." She expressed particular concern that the NRC do something about this issue.

Investigation on October 30, 1984 at Bethesda, MD File # 84-30
by Ronald M. Smith, Investigator, OIA Date dictated October 31, 1984

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U.S. NUCLEAR REGULATORY COMMISSION
Office of Inspector and Auditor

Date of transcription November 1, 1984

Report of Interview

Richard Bachman, Attorney, Office of the Executive Legal Director, upon telephonic interview concerning the follow up on information about possible problems at the Comanche Peak nuclear facility, provided the following information:

Bachman was not present at the hearing referenced by Brink (interview of October 30, 1984) where Judge Bloch reportedly directed reopening of the investigation into allegations about welds in the spent fuel pool and containment liner. However he has read the transcript of the 18-19 September and previous week hearings and has talked to other attorneys who were there. Further the intervenors, in a filing before the Atomic Safety and Licensing Board dated September 27, 1984, raised problems with welding done back in 1978-1979.

The NRC has found that apparently paper work is missing which would demonstrate whether the areas welded had been inspected for cleanliness prior to welding. Bachman explained that the welding in question was really like caulking to prevent the liner from leaking. He further noted that the inspection paperwork at that time had only one line for an entry, which showed the inspection of the outside welds. The paperwork format has since been changed.

No decision has been made yet by NRC on how to fix the problem. The matter is a technical issue which was not supposed to have been raised at this point in the hearing process. Thus the NRC is not yet prepared to go forward with a fix but may require ultrasonic testing of a sampling of the welds (10 percent) to see if the welds are alright in the event the utility can not produce the appropriate inspection documentation. If the welds are found to be bad, corrective action will be required. In any event, Bachman believed that the issue of welds in the spent fuel pool and containment liner are being addressed and that any input from the two welders would be redundant. If they were able to point to specific instances and locations, that could affect whether sampling of welds were necessary, but otherwise would probably not impact on the issue.

Investigation on October 30, 1984 at Bethesda, MD File # 84-30
by Ronald M. Smith, Investigator Date dictated October 31, 1984

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U.S. NUCLEAR REGULATORY COMMISSION
Office of Inspector and Auditor

Date of transcription November 1, 1984

Report of Interview

Stuart Treby, Attorney, Office of the Executive Legal Director, upon telephonic interview concerning the protection of names from release in Office of Investigations Report #4-84-006, provided the following information:

Treby acted merely as the conduit in the transmission of the above referenced OI report to the Atomic Safety and Licensing Board considering the licensing of the Comanche Peak nuclear facility. He did not do anything else. All excisions to the report had been accomplished prior to his receipt of the report. He thought that OI had provided the report to him but could not recall specifically.

Treby further noted that it is not NRC policy to delete the names of people simply because they are their names. Confidentiality and privacy information (e.g., home address and telephone) are protected by the removal of such information.

Investigation on October 26, 1984 at Bethesda, MD File # 84-30
by Ronald M. Smith, Investigator, OIA *RMS* Date dictated October 31, 1984

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Betty Brink
Route 2, Box 374
Kountze, Texas 77625
May 10, 1984

The Nuclear Regulatory Commission
Office of the Commissioners
Washington, DC

Re: Comanche Peak Steam Electric Station
Docket Numbers 50-445/50-446
Report of Office of Investigations 4-84-006

Sirs:

On April 13, 1984 a reporter for the Fort Worth Star-Telegram told me that I had been named in several places in the above referenced report which covered alleged intimidation of QC personnel prepared by H. Brooks Griffin, Richard Herr and Wendel E. Frost (all OI investigators) and which he (the reporter) had received with a cover letter from Stuart Treby, Assistant Chief Hearings Counsel.

The cover letter stated that Mr. Treby was making a complete version available to the Board members with redacted versions going to all parties. Mr. Treby further stated the "redacted" version of the report had been prepared by OI. (The reporter received his copy from an unnamed source.)

The reporter further said that two former Comanche Peak welders whom I had named in confidence for Mr. Griffin to interview because of their possible knowledge of intimidation and/or construction defects, had also been named in the report and that their names had not been censored. He then read the names to me over the phone.

I was greatly surprised and angered by that revelation.

The two men whom I had named had both requested that their names remain confidential when I last talked to them about two years ago. Since both men have left the Comanche Peak site and since I have not heard from either man during that time, I did not have the right to release them from that request of confidentiality.

In a telephone conversation with Mr. Griffin in August of 1983 and again in February of 1984, I told Mr. Griffin that I would give him (Griffin) the names of the two welders on the condition that the two men must maintain their confidential status unless and until Griffin had been able to talk to each man personally and receive permission from each man personally to release their names.

It seemed to me an obvious condition in any event.

Neither of the two men were ever found or interviewed by Mr. Griffin or anyone else conducting this investigation. Yet both men have been named publicly in the report.

8608/80438
LMB

Brink, page 2

(The fact that neither man could be found is also hard to understand since Mr. Griffin told me over the phone in April of this year, that he (Griffin) had the resources to find just about anybody he wanted to find. Mr. Griffin had the two men's names, their employer, Brown & Root, their approximate times of employment at CP, and their job descriptions (welders) as well as the area where they worked (the fuel pool liner and the main loop) as well as the name of the town where they lived while they worked at Comanche Peak.)

When I questioned Mr. Griffin about his violation of a confidential request, he said he had no recollection that I ever made such a request. He proceeded to check out his notes and found no such notation, he said. He said it was just a "misunderstanding" and while he did not believe that I was wrong, he simply did not remember any such request.

Mr. Griffin also stated that he could only send me a copy of the one page which referred to me and the welders and nothing else since my name did not appear anywhere else in the report.* That statement, too, is incorrect.

In the transcribed interview with George Clancy, former QC inspector at CP which appears in full in the report, Mr. Clancy twice mentions my name as a source of information about other workers who might have knowledge confirming some of Mr. Clancy's allegations.

I was never contacted by Mr. Griffin or Mr. Herr, both of whom attended the interview with Mr. Clancy. In fact, when I talked to Mr. Griffin in August of 1983, I gave him George Clancy's name and told him that Mrs. Juanita Ellis might have a current address for him. I was the first person--as an intervenor in 1979--to talk to Mr. Clancy after he had left CP about his numerous concerns regarding construction deficiencies and the QA/QC problems there. I, along with my friend Dick Fouke, arranged Mr. Clancy's first interview with NRC Region IV investigators and sat in on the interview. I also have tapes of an interview with Mr. Clancy and another construction worker who claims to have seen the shoddy repair of the overexcavation for the foundation for Comanche Peak which was completed in the early 70's.

The OI investigators never contacted me even though their interview with Mr. Clancy happened in August of 1983 shortly after Mr. Griffin and I talked. When I talked to Mr. Griffin

* I recieved a copy of the "redacted" version of the report from Region IV several days later at my request. ✓

again in February of 1984, I asked him if he had talked to Mr. Clancy and replied that he had, but he did not mention that Mr. Clancy had named me as a source of more names.

Further, in an investigators note, Mr. Griffin said that my notes regarding the technical concerns of the welders would be furnished by me and that after evaluation the notes would be turned over to the RIV staff. This is again misleading and incorrect. I offered my notes to Mr. Griffin, explaining that they were rough and Mr. Griffin said that he could not use them because he was only mandated to cover intimidation and harassment, but that if he decided to use them he would contact me. He did not contact me.

This serious breach of confidentiality must not be taken lightly by either the Commission or the Board. In light of the obvious pattern (being uncovered by the Department of Labor) of illegal firings at Comanche Peak by Brown & Root and the difficulty whistleblowers are having finding work, i.e., Chuck Atchison, the Stiners, it is inconceivable to me that any worker's name would be made public without that worker's permission, irregardless of the manner in which investigators were given the name. For all Mr. Griffin knew, I could have picked those names out of the phone book or, worse, I could have held a grudge against the men and named them spitefully.

But of even more concern to me, it seems obvious and should have been obvious to the investigators, that we are dealing with a highly sensitive area of peoples lives: their livelihood. And this report not only wound up in the hands of a number of reporters, the Attorney General's office, the intervenor CASE, but it also wound up in the corporate offices of Texas Utilities which is only a short step away from their constructor, Brown & Root. I am sure that Brown & Root management and probably most of the personnel are now in full knowledge of the contents of report 4-84-006.

If the two men I named are still employed by Brown & Root in another place or apply for jobs elsewhere in the industry and give Brown & Root as a former employer, the consequences of their names being made public as whistleblowers is grave. They could likely lose their jobs or refuse to be hired. And the very real possibility remains that they could be identified publicly by the news media. One simply does not take a person's life and livelihood so lightly and brush off a violation of confidentiality with such a cavalier attitude as Mr. Griffin demonstrated.

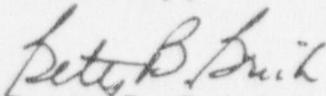
I am protesting this breach of confidence to everyone I can in the strongest possible way. I request an independent investigation of the Griffin/Herr/Frost investigation and that disciplinary action be taken against any and all responsible for the violation.

Brink, page 4

I submit that this violation, along with Mr. Griffin's and Mr. Herr's obvious refusal to honor George Clancy's request that they contact me as to other names to verify his (Clancy's) allegations, throws doubt on the validity of the entire investigation by Mr. Griffin, Mr. Herr and Mr. Frost, along with their conclusions, and should not be given any weight by the Board or the Commission.

The investigation is obviously seriously flawed and should be reopened with different investigators and oversight by the Commission, Congressional committees, the Justice Department and the Texas Attorney General's office.

Sincerely,



Betty B. Brink
Former Intervenor
Citizen's for Fair Utility Regulation

Note: H. Brooks Griffin's breach of confidentiality was reported via telephone by Mrs. Juanita Ellis to Peter Bloch, Board Chairman, on or about April 13, 1984, shortly after both Mrs. Ellis and I received copies of the referenced report.

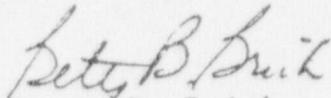
cc: Board members
Edward Markey, Congressman
Morris Udall, Congressman
Attorney General's Office, Texas
Billie Garde, Government Accountability Project
Juantia Ellis, CASE
Richard Fouke
George Clancy
Jim Wright, Congressman
John Bryant, Congressman
Lloyd Bentsen, Senator
U. S. Justice Department

9. (The fact that neither man could be found is also hard to understand since Mr. Griffin told me over the phone in April of this year, that he (Griffin) had the resources to find just about anybody he wanted to find. Mr. Griffin had the two men's names, their employer, Brown & Root, their approximate times of employment at CP, and their job descriptions (welders) as well as the area where they worked (the fuel pool liner and the main loop) as well as the name of the town where they lived while they worked at Comanche Peak.)
10. When I questioned ~~Mr. Griffin~~ about his violation of a confidential request, he said he had no recollection that I ever made such a request. He proceeded to check out his notes and found no such notation, he said. He ~~was~~ just a "misunderstanding" while he did not believe that I was wrong, he simply did not remember my request.
11. Mr. Griffin also stated that he could only send me a copy of the one page which referred to me and the welders and nothing else since my name did not appear anywhere else in the report.* That statement, too, is incorrect.
12. In the transcribed interview with George Clancy, former QC inspector at CP which appears in full in the report, Mr. Clancy mentions my name as a source of information about other workers who might have knowledge confirming some of Mr. Clancy's allegations.
13. I was never contacted by Mr. Griffin or Mr. Herr, both of whom attended the interview with Mr. Clancy. In fact, when I talked to Mr. Griffin in August of 1983, I gave him George Clancy's name and told him that Mrs. Juanita Ellis might have a current address for him. I was the first person--as an intervenor in 1979--to talk to Mr. Clancy after he had left CP about his numerous concerns regarding construction deficiencies and the QA/QC problems there. I, along with my friend Dick Fouke, arranged Mr. Clancy's first interview with NRC Region IV investigators and sat in on the interview. I also have tapes of an interview with Mr. Clancy and another construction worker who claims to have seen the shoddy repair of the overexcavation for the foundation for Comanche Peak which was completed in the early 70's.
14. ~~Investigators never contacted me even though the~~
~~interview with Mr. Clancy happened in August of 1980 shortly~~
~~after Mr. Griffin and I talked. When I talked to Mr. Griffin~~

* I recieved a copy of the "redacted" version of the report from Region IV several days later at my request.

20. I submit that this violation, along with Mr. Griffin's and Mr. Herr's obvious refusal to honor George Clancy's request that they contact me as to other names to verify his (Clancy's) allegations, throws doubt on the validity of the entire investigation by Mr. Griffin, Mr. Herr and Mr. Frost, along with their conclusions, and should not be given any weight by the Board or the Commission.
21. The investigation is obviously seriously flawed and should be reopened with different investigators and oversight by the Commission, Congressional committees, the Justice Department and the Texas Attorney General's office.

Sincerely,



Betty B. Brink
Former Intervenor
Citizen's for Fair Utility Regulation

Note: H. Brooks Griffin's breach of confidentiality was reported via telephone by Mrs. Juanita Ellis to Peter Bloch, Board Chairman, on or about April 13, 1984, shortly after both Mrs. Ellis and I received copies of the referenced report.

cc: Board members
Edward Markey, Congressman
Morris Udall, Congressman
Attorney General's Office, Texas
Billie Garde, Government Accountability Project
Juanita Ellis, CASE
Richard Fouke
George Clancy
Jim Wright, Congressman
John Bryant, Congressman
Lloyd Bentsen, Senator
U. S. Justice Department