



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

SECRETARIAT RECORD COPY

January 10, 1985

RECEIVED BY

1/16/85

MEMORANDUM FOR:

Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Commissioner Zech

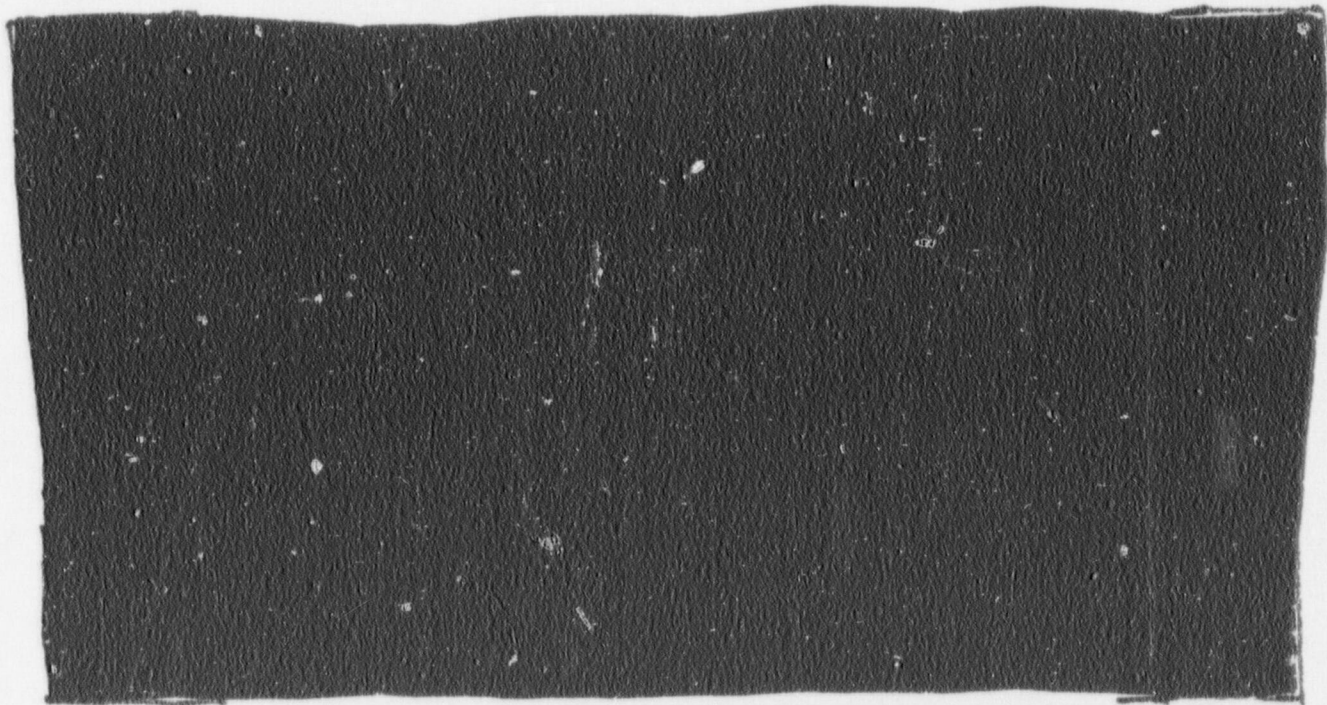
FROM:

Nunzio J. Palladino *NJP*

SUBJECT:

ALLEGATIONS ON OI REPORT ON COMANCHE PEAK

The OIA memorandum of January 7, 1985, titled "Allegations Regarding OI Report 4-84-006 - Comanche Peak," [REDACTED]



FOIA-86-133

E/5

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 5
FOIA-86-133

B707080392 B70701
PDR FOIA
GARDE86-133 PDR

August 30, 1984

Date of transcription

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 6
EOIA-86-133

Report of Contact

Juanita Ellis, [REDACTED] President, Citizens Alliance for Sound Energy (CASE) was contacted in connection with file number 84-30 for the purpose of determining the telephone number of the alleged in that case, Betty Brink. In addition to providing the number, Ellis said she had information of interest to OIA and within its jurisdiction. The matters raised are as follows:

1. Ellis characterized OI Report #4-84-006 as being "meaningless and worthless." She then raised the matters addressed below as demonstrating her conclusion. One of the names she gave to OI, Danny Grisso, still works at Comanche Peak and wants to keep his job. He was supposed to be a confidential source for the NRC, but they called him up on the phone at the plant so he told OI he didn't know anything. She thought he was probably under pressure because CASE had not previously disclosed his name and he should not have been identified in the report. (Brooks Griffin, OI Region IV Investigator, when contacted, denied that Grisso had a problem because Grisso keeps asking the OI investigators how CASE got his name).
2. Charles Atchison, former employee at Comanche Peak (telephone [REDACTED]) reportedly has problems with OI Report #4-84-006.
3. Ellis said that Dick Fouke [REDACTED] was also concerned about what was said in the OI report (4-84-006) because he felt there was a difference between what he had said and what he was reported to have said. She preferred that Fouke be talked to directly for the details.
4. A tape of a conversation was given by Bill Dunham, a former employee at Comanche Peak, to OI. Later when he and his attorney tried to get a copy, they found it had been erased. The transcript was very unintelligible. (Griffin was also aware of this matter and advised that the tape was not erased, but rather was lost during a move of the OI Field Office from one location in their building to another. Don Driskill, OI Investigator, had the tape and "really felt bad" that it had been lost. OI then only had the transcript of the tape.)
5. Robert Taylor, former Resident Inspector at Comanche Peak, in a deposition this past July, said that there was an unwritten policy in Region IV that when someone who is terminated from their job at Comanche Peak, confidentiality no longer applies. There supposedly is something in William Crossman's safe at Region IV which reportedly shows Atchison was told he no longer had confidentiality. She asked whether Taylor's comment is true, and, if so, what is Region IV's policy?

Investigation on August 29, 1984 at Bethesda, MD File # _____
by Ronald M. Smith, Senior Investigator, OIA Date dictated August 30, 1984
THIS DOCUMENT IS PROPERTY OF NRC. IF LOANED TO ANOTHER AGENCY IT AND ITS CONTENTS ARE NOT TO BE DISTRIBUTED
OUTSIDE THE RECEIVING AGENCY WITHOUT PERMISSION OF THE OFFICE OF INSPECTOR AND AUDITOR.

FOIA-86-133

E/6
Attachment A

6. Ellis also mentioned the witness "F" disclosure and Geary Mizuno's (ELD) shaking of his finger in witness Barne's face raised by Sue Neumeyer in her interview with OIA (File 84-37).

Investigator's Note: On the following evening, Ellis raised two additional matters as follows:

7. In the Taylor deposition, he talked about Sue Stargill (Neumeyer) and the NDER that she had written on a gouge in a pipe found by Henry Stiner (former employee at Comanche Peak). Taylor did not bring this out until March of this year and he has yet to confirm what Stiner said. Taylor had known all along that Neumeyer could support Stiner's comment that there was a NDER. Taylor's finally putting the NDER into the record of the licensing board proceeding was not enough when he didn't describe the circumstances behind the NDER, i.e. Stiner's supervisor, Jimmy Green, and the welder who would fix the gouge, Cliff Brown, had seen Neumeyer talking to Stiner. Shortly thereafter, Stiner was fired. The incident with Neumeyer had occurred in September or October 1983. Ellis also raised a question as to Mizuna's knowledge of this and his actions as NRC counsel.
8. J. R. Dillingham was supposed to meet with Thomas Ippolito, NRR, on Friday, August 24, 1984. Ellis asked that the reporting investigator call on Monday to learn if Dillingham could talk about something concerning two OI investigators (On 8/27/84 the reporting investigator was advised by Ellis that Dillingham will either call direct or will call her and she will provide the information. She gave no definite time when such a call will come.)

Date of transcription August 28, 1984

Report of Interview

Richard Fouke, Electrical Engineer, [REDACTED]
(Tel [REDACTED]), was interviewed by telephone because Juanita Ellis, President, Citizens Association for Sound Energy (CASE), had indicated to the reporting investigator on August 23, 1984, that Fouke might have some information within the jurisdiction of OIA. She thought his concern was with the Office of Investigations (OI) Report No. 4-84-006.

When interviewed, Fouke's main concern was that the report of "Telephonic Interview" of him in the report by Brooks Griffin, OI Investigator, Region IV, (Exhibit 1) did not accurately reflect the conversation as he remembered it. Specifically, in the first paragraph he said that he talked about more than two welders, although he did not give specifics.

His concern with the second paragraph was that the impression is given that he did not know of any intimidation of anyone. He said the right questions had to be asked. Because of "macho image," you could not ask directly "have you been intimidated?" you will get a negative reply. You have to ask about problems they run into and then see how they deal with them to see the intimidation. Simply, you have to ask what happened and not were they intimidated to get an accurate answer. In sum, he really thinks the written interview was different than what he actually said to Griffin. He is not going to "beat the bushes for intimidated people" because that is not his job. He, on the other hand, is happy to tell what he has seen.

Exhibit:
As stated

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 6
FOIA-86-133

FOIA-86-133
E/7

Investigation on August 28, 1984 at Bethesda, MD File # _____
by Ronald M. Smith, Senior Investigator, OIA Date dictated August 28, 1984

THIS DOCUMENT IS PROPERTY OF NRC. IF LOANED TO ANOTHER AGENCY IT AND ITS CONTENTS ARE NOT TO BE DISTRIBUTED
OUTSIDE THE RECEIVING AGENCY WITHOUT PERMISSION OF THE OFFICE OF INSPECTOR AND AUDITOR

Attachment B

Telephonic Interview of Richard FOUKE

On August 17, 1983, Richard FOUKE, a former representative of the CPSES intervenor group, Citizens for Fair Utility Regulation, was telephonically interviewed by NRC Investigator H. Brooks GRIFFIN. FOUKE stated he had ceased his work as an intervenor when he realized how long the process would be. FOUKE stated that while he was working as an intervenor, he interviewed Henry STINER, a former B&R employee, and remembered talking to two welders who had a problem with some welding they were doing, although he did not remember their names.

When FOUKE was told his name had been provided to the NRC by CASE as a person possibly having knowledge of B&R employees who had been the subject of intimidation or harassment, he stated he believed that everyone who had come to his intervenor group felt intimidated over the fact that B&R might learn of their contact with an intervenor group. FOUKE said he did not know of any persons he believed were intimidated. FOUKE said he did not know the names of any other individuals who might have knowledge of employees who had been harassed or intimidated, other than his former intervenor associate Betty BRINK. FOUKE indicated he would try to identify to the NRC Office of Investigations Field Office (OI Field Office) anyone with knowledge of harassment or intimidation. (FOUKE was provided with the NRC Region IV IO Field Office telephone number.)

INVESTIGATOR's NOTE: As of February 22, 1983, FOUKE has not contacted the Region IV OI Field Office with the names of other individuals who had been harassed or intimidated.

Exhibit 1

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

Date of transcription August 30, 1984

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 6

Report of Interview

FOIA-86-133

Based on the previous contact with Juanita Ellis, President, Citizens Association for Sound Energy (CASE), Charles Atchison, a former Brown and Root, Inc. quality control inspector at Comanche Peak Steam ^{Electric} Station (CPSES), was contacted by telephone [REDACTED] to learn of his concerns regarding OI Report No. 4-84-006. Atchison indicated that there were 35 misstatements or misquotes by Brooks Griffin (OI Investigator) in the report of interview (Exhibit 1, extract from #4-84-006). Atchison said that he discussed the problems telephonically with Griffin but that Griffin failed to get back to him on the matter. Atchison sent a letter to Ellis pointing out the misstatements and misquotes. He thought he no longer had a copy but that she might. (Investigator Note: Ellis was contacted on August 30, 1984, and said she would look for and provide a copy to OIA).

Atchison noted that he has log books with 995 items demonstrating problems at Comanche Peak. He previously gave 85 selected items to an NRC inspection team. He does not know what they have done with them. The following week after Atchison gave the 85 items, a man named Harris or Harrington, from the NRC wanted all his information and not just "piece meal" information. He was very aggressive to Atchison.

Atchison was particularly concerned about one item involving the cutting up of \$500,000 worth of steel and its dumping in the lake. This reportedly had been done because of the use of inferior Japanese steel in various parts of the plant, e.g., Class I, II and III hangers, and the enstamping of the inferior steel with heat numbers from the good (cut up) steel. Atchison claimed that he had written a corrective action number 41 about the misuse of the heat numbers. Apparently the problem had originally arisen because of 2000 feet excess material being on hand. Atchison said that he also gave to NRC the name of an individual who was present when the material was cut up.

Atchison also noted that when the special team headed by Thomas Ippolito, Office of Analysis and Evaluation for Operational Data, was to go to Comanche Peak one time, John Collins, Regional Administrator, Region IV, called the utility and told them Ippolito was coming. Then when Ippolito arrived the utilities computer was "shut down" and consequently the proposed actions could not be accomplished. This was reported in the local Dallas newspaper.

Investigator Note: At this point it was determined by the reporting investigator that to continue the telephonic interview would not be effective, particularly in light of the need to get more detailed information than provided above.

Investigation on August 29, 1984 *fw* at Bethesda, MD File # _____

by Ronald M. Smith, Senior Investigator, OIA Date dictated August 30, 1984

THIS DOCUMENT IS PROPERTY OF NRC. IF LOANED TO ANOTHER AGENCY IT AND ITS CONTENTS ARE NOT TO BE DISTRIBUTED OUTSIDE THE RECEIVING AGENCY WITHOUT PERMISSION OF THE OFFICE OF INSPECTOR AND AUDITOR

FOIA-86-133 E/8

Attachment C

Accordingly Atchison was advised that he would be contacted again about whether a face-to-face interview might be accomplished after the new Director, OIA is on board. Atchison seemed eager to cooperate but repeatedly talked of his distrust of the NRC (Region IV). He also mentioned prior contact with Congressional staffs, e.g., Henry Myers, Technical Advisor, House Interior Committee.

Exhibit:
As stated

Telephonic Interview of Charles ATCHISON

On August 23, 1983, Charles ATCHISON, a former Brown & Root, Inc., QC inspector at Comanche Peak Steam Electric Station, was telephonically interviewed by NRC Investigator H. Brooks GRIFFIN. ATCHISON stated he was employed at CPSES from February 27, 1979 until April 12, 1982, and he worked in Vendor Audits, Training, the Document Section and, for a time, was a Level III inspector for Training. ATCHISON stated that at the time he left CPSES, Randy SMITH was his lead and Mike FOOT was his supervisor.

ATCHISON recalled the following three instances which he believed constituted intimidation:

- (1) ATCHISON said that in about March 1982, he wrote an NCR (not further identified) addressing vendor welds on a pressurizer tank in Reactor I, Level 822. ATCHISON stated his NCR was forwarded to Thomas BRANDT, Non-ASME Supervisor, and then "disappeared." ATCHISON stated Darlene STINER, a QC inspector, later found the NCR, and BRANDT issued it in August 1982 under his (ATCHISON'S) name. ATCHISON said he had been terminated prior to the time this NCR was issued.
- (2) ATCHISON stated that in March 1982 at the same location in Reactor I, he wrote an NCR (not further identified) on a Hilti bolt that was broken during a hydro-torquing procedure. ATCHISON stated he also identified other bolts that were elongated and had stripped threads. ATCHISON stated a QA engineer by the name of Bill HORSHORM examined the Hilti bolts and said they were defective. ATCHISON stated that Ron TOLSON (a site QA manager at TUGCO) and BRANDT examined the bolts, and that BRANDT told him (ATCHISON) he did not know what he was doing. ATCHISON stated a representative from Chicago Bridge & Iron, Inc., tested the bolts, and the bolts failed during testing. ATCHISON said this issue had not been resolved as far as he knew. ATCHISON stated this incident discouraged him from reporting deficiencies.

ATCHISON Exhibit 1

- (3) ATCHISON stated that in February 1982 in Reactor I, some Westinghouse whip restraints for the main steam generator had design changes that were made on site by Chris DUPREE, a TUGCO representative, without design and engineering approval from Westinghouse in Pittsburgh, Pennsylvania. ATCHISON stated that engineering approval from the Westinghouse Pittsburgh headquarters was required by procedure. ATCHISON stated the Millwright Department at CPSES had cut out a section of the whip restraint, and he (ATCHISON) inspected it. ATCHISON stated there was no blueprint documenting Westinghouse approval. ATCHISON stated that without the blueprint, he refused to inspect the whip restraint. ATCHISON stated he told HORSHORN, who then called DUPREE. ATCHISON stated DUPREE and the lead for the Millwright Department (identification unknown) came to him and told him that if he did not sign it off, he would either "end up at the bottom of the reactor (dead) or would be fired." ATCHISON stated nobody else heard this threat. ATCHISON stated that over this same incident BRANDT told him to "back off, or I'll fire you."

When ATCHISON was asked about other B&R employees who may have been subject to intimidation, he identified Larry HITE as a QC inspector who he believed may have been pressured into accepting defective work. ATCHISON also said HITE'S wife (not further identified), a millwright, had been ordered to destroy vendor documentation (not further identified) by her superintendent (not further identified).

ATCHISON said he also believed that both D. D. BETTINGFIELD, a Level III inspector at B&R, and John MAXWELL, a Level III inspector in NDE (nondestructive examination) at B&R, blackballed a QC inspector by the name Ray WHITE. ATCHISON stated another QC inspector by the name of Steve DODD may have heard conversation regarding WHITE'S blackballing. ATCHISON also identified David STENSON, a former QC inspector, Darlene STINER, supra, and Janice KELLY (not further identified) as other B&R employees who may have possibly been intimidated.

ATCHISON stated that in March and April 1982, there were whip restraints in Reactors I and II in the reactor coolant lines which had defective welds. ATCHISON stated

that Corrective Action Report No. 41 had been "pencil-whipped" (dispositioned without actually conducting the rework)

ATCHISON stated he believed the above described instances constituted intimidation and harassment. ATCHISON said he had already testified to many of these concerns before the ASLB and that the NRC was already aware of these issues.

ATCHISON stated that his discriminatory termination suit was presently before the U.S. Fifth Circuit Court of Appeals, and that he plans to testify in the next CPSES hearings. ATCHISON stated he was presently in possession of color pictures of hangers and supports he believes would lead to the necessary correction of at least a half million dollars worth of steel, which he believed would amount to 3 to 5 million dollars worth of backfit at CPSES. ATCHISON stated he had not provided this material to the intervenor, CASE, and was unwilling to provide this information to the U.S. Nuclear Regulatory Commission. ATCHISON indicated he would present it to the CPSES ASLB hearing himself.



US NUCLEAR REGULATORY COMMISSION
OFFICE OF INVESTIGATIONS

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 6 + 7(c)
FOIA-86-133

WARNING

- ☒ The attached document/report has not been reviewed pursuant to 10 C.F.R. § 2.790(a) except that any exempt material has been deleted. Do not disseminate or discuss its contents outside NRC. "OFFICIAL USE ONLY"
- ☐ Pursuant to 10 C.F.R. § 2.790(a) the attached document/report has been reviewed and any exempt material except proprietary has been deleted. The report is suitable for dissemination outside NRC, etc., for a proprietary review.

The attached document/report is a

FOIA-86-133

E/9



US NUCLEAR REGULATORY COMMISSION
OFFICE OF INVESTIGATIONS

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 6 + 7(c)
FOIA-86-133

WARNING

- ☒ The attached document/report has not been reviewed pursuant to 10 C.F.R. § 2.790(a) except that any exempt material has been deleted. Do not disseminate or discuss its contents outside the NRC. "OFFICIAL USE ONLY"
- ☐ Pursuant to 10 C.F.R. § 2.790(a), the attached document/report has been reviewed and any exempt material except proprietary has been deleted. The document/report is suitable for dissemination outside the NRC, etc., for a proprietary review.

The attached document/report is:

FOIA-86-133

E/9