



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

April 1, 1985

MEMORANDUM FOR: Sharon R. Connelly, Director
Office of Inspector and Auditor *Sharon R. Connelly*

THFJ: Keith G. Logan, Assistant Director
for Investigations *Keith G. Logan*
Office Of Inspector and Auditor

FROM: Anthony Ward, Investigator *Anthony Ward*
Office of Inspector and Auditor

SUBJECT: INQUIRY 85-11 (WATERFORD 3 - ALLEGATION OF
INEFFECTIVE NRC INSPECTIONS)

A review of subject inquiry was performed and disclosed that without the cooperation of Ms. Billie GARDE, Citizens Clinic, Government Accountability Project (GAP), and Ms. Lynn BERNABEI, also of GAP, no further substantiation of the allegations can be accomplished.

The original allegation as outlined in Robert D. MARTIN's January 4, 1985, memorandum to OIA (Attachment 1) are vague and general in substance. All require the additional assistance of GAP to pursue these allegations further. This was originally brought out by Investigator Henry BLUMENTHAL, OIA, in his January 17, 1985, memo on the investigative analysis of the allegations (Attachment 2).

On January 30, 1985, a letter was sent to GARDE by OIA listing the 13 allegations made by her for the "Citizens Clinic for Accountable Government." In that letter, Ms. GARDE was asked for her cooperation in providing this office with any specific information on the allegations. At that time, GARDE was informed that upon receipt of that information, OIA would be in a position to determine if a follow up investigation was warranted (Attachment 3).

On February 5, 1985, Mr. BLUMENTHAL was contacted by GARDE and informed that she was reluctant to spend time with an OIA investigator until she sees progress with George MULLEY's case on Comanche Peak (Attachment 4).

On February 11, 12, and 15, 1985, BLUMENTHAL attempted to contact GARDE at her office and was told that she was on travel the 11th and 12th and in town, but out of the office on the 15th.

On February 20, 1985, GARDE was contacted by BLUMENTHAL and she indicated that she had not been able to return previous calls due to her being ill with the flu. At that time she indicated her willingness to discuss Waterford 3 during the week of February 25, 1985, and wanted either Mr. Tom DEVINE or BERNABEI of GAP to accompany her during the interview (Attachment 5).

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On February 22, 1985, Mr. Thomas HENDERSON advised that he was an employee of GARDE's and that he would contact OIA on February 25, 1985.

On February 25, 1985, GARDE related to BLUMENTHAL that she would be unable to meet with OIA as previously arranged. This was allegedly due to BERNABEI being at Three Mile Island and BERNABEI having the specific information needed by OIA. GARDE stated she would call back before close of business on this date to reschedule the interview. GARDE did not call by close of business.

On February 26, 1985, two attempts to contact GARDE were unsuccessful due to her being unavailable to answer her phone because of meetings.

On February 28, 1985, an attempt to contact GARDE was unsuccessful due to her being out of her office.

On March 1, 1985, GARDE called to arrange a date for interview. March 8, 1985, was acceptable to GARDE, however, she was unsure of BERNABEI's schedule. GARDE indicated strong objections to the proposed use of a court reporter to record the interview. She related that she would have to discuss this with BERNABEI prior to consenting to the interview. GARDE further related that she would inform MULLEY of her decision at their March 4, 1985, meeting on Comanche Peak allegations.

On March 14, 1985, GARDE informed MULLEY that neither she nor BERNABEI would agree to an OIA interview concerning Waterford 3. GARDE and BERNABEI had allegedly discussed with their sources the release of identities to OIA and their sources refused. GARDE contended that the information she could provide OIA on the Waterford 3 allegations was specific enough to identify its sources. The sources are alleged by GARDE to be licensee and NRC employees who were fearful that their jobs and careers would be jeopardized if they came forward with detailed allegations.

GARDE further related that when Waterford 3 became less of an emotional issue, the GAP sources might be more inclined to discuss their information with OIA (Attachment 6).

Based on the foregoing, it is apparent that GARDE and GAP have stalled and declined to provide any additional information on these allegations. The allegations by themselves are without investigative merit or substance.

I recommend this inquiry be closed and the attached letter be sent to GAP (Garde).

Attachments:
As Stated