We The People, Inc.
of the United States
Stop Chernobyl Here

BHC
A

QUOTES FROM NRC STAFF MEMBERS

1. "Seabrook is in the wrong location."

2. "If the people let Seabrook open, it is their own fault."

   But the NRC has not been playing a fair game."

3. I said "What do yu mean?"

   "Whenever safety allegations come into the NRC, which may pose a threat to the further operation or licensing of a nuclear plant, those allegations are pencilled away."

4. "Members of the NRC are mostly engineers so they do not rock the boat because the only place to go after working for the NRC is to work in the industry."

5. "Over the years I have looked at how rotten our agency is in my view. How pro-industry it is. Hey look, if they play it straight and you get stuck with your plant, so be it. Does that make sense? You may not like it but that is the American way, the majority rules. But when I see a system that is designed to thwart the majority or keep the majority ignorant and then one day it happens and you wonder how it happened..That is not fair..That is what turned me off. It is a shame to make you think you are getting a voice..."

6. When a member of the NRC staff was demoted he went to the present chairman and asked "Why?". He was told "What do you expect when you talk about your boss."

7. "The NRC protects the industry more than they protect the people."

8. "We will have a nuclear disaster in the U.S. worse than Chernobyl. It can happen any day because of the way our plants have been constructed and the way they are run." Confirmed by NRC Bulletin 88-05.

(NRC Bulletin 88-05 confirmed existance of counterfeit substandard parts in U.S. nuclear plants across the country.)

A non-profit, tax exempt organization

Main Office: Box 277, Rowley, MA 01969, (508) 948-7959
50 Court St., Plymouth, MA 02361, (508) 746-9300
National Press Bldg., 14 & F. Sts., N.W., Washington D.C. 20045, (202) 628-6611
Offices 5 & 6, 3 Pleasant St., Concord, NH 03301, (603) 228-9484
Bayberry Village, Route 9, Kennebunk, ME 04043, (207) 967-5111

EHC
B

Xcel Energy	$9,035
KPAC	$1,000
Susan B Anthony List	$625
AmeriPAC: The Fund for a Greater A...	$250

View all campaign finance data for John A. O'Donnell Sources: OpenSecrets.org

Lobbying

covers roughly through Q2, 2013

Lobbying by John A. O'Donnell

- **Lobbied with the Following Firms**

  Xcel Energy, Northern States Power, Nuclear Energy Institute

- **Most Frequently Disclosed Lobbying Issues**

  - Clean Air & Water,
  - Taxes,
  - Energy & Nuclear Power,
  - Utilities,
  - Environment & Superfund,
  - Fed Budget & Appropriations,
  - Homeland Security,
  - Transportation,
  - Fuel, Gas & Oil,
  - Hazardous & Solid Waste

- **Clients of Firms John A. O'Donnell Worked For**

  Xcel Energy, Northern States Power, Nuclear Energy Institute

View all lobbying data for John A. O'Donnell Sources: OpenSecrets.org

- About
- Changelog
- Contact

A Product of the Sunlight Foundation

Like this Project and Want to Discover Others Like It?

Join the Sunlight Foundation's open government community to learn more.

- Email Your email address
- Zip Code Your zip code
- Sign Up

- Sunlight Foundation
- Open Secrets
- National Institute on Money in State Politics
- Project on Government Oversight

Founded in 2006, the Sunlight Foundation is a non-partisan non-profit that uses cutting-edge technology and ideas to make government transparent and accountable. Visit SunlightFoundation.com to learn more.

SEARCH Go
Enter a politician, company or individual donor

Influence Explorer

- People
- Organizations
- Politicians
- Industries
- Realtime FEC
- Data

John A. O'Donnell

Not seeing what you expected?

We rely on our partner organizations, the Center for Responsive Politics and the National Institute on Money in State Politics, to uniquely identify individuals' campaign finance and lobbying activity. If data appears to be missing, it may be that they have not identified all influence activity for this individual. If the data is completely different than you expected, it may be that you're looking at a different person with the same name.

In these cases, we suggest searching the raw records in the campaign finance Data section, which provides extra information about each contribution, such as the donor's city, state and employer. This information should allow you to judge for yourself if the contribution came from the person for whom you searched.

Click here for campaign contributions with the name "John A. O'Donnell".

Organizational Associations: Xcel Energy Murray, Scheer, et al Murray, Scheer et al Murray, Montgomery & O'Donnell

- Campaign Finance
- Lobbying

Currently Viewing John A. O'Donnell from All Years

Campaign Finance

$61,210 Given
Information

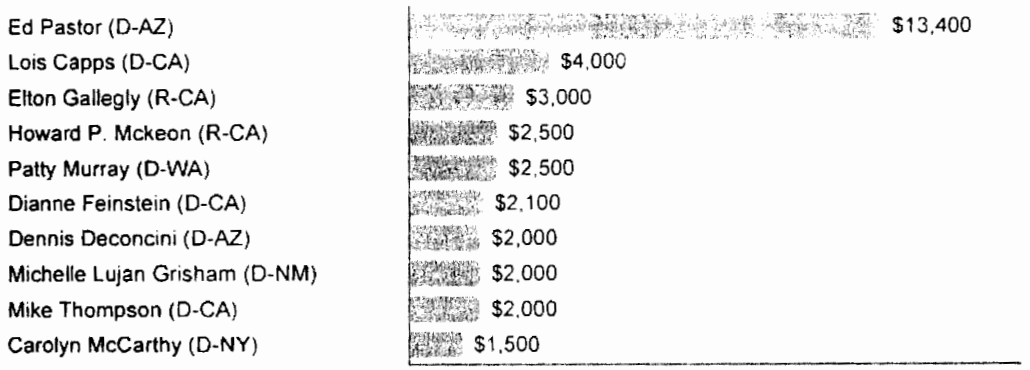
Figures are based on itemized contributions reported to the Federal Election Commission and state agencies. Please note that:

- contributions under $200 are not reported, and so are not included in totals.
- only contributions from individuals and organizations to candidates are included. Various accounting measures and more exotic contribution types are excluded.
- contributions are matched based on organization and recipient name reported within each election cycle. Contributions using an incorrect or non-standard version of the name may be missed.
- corporate name changes and mergers may cause figures to differ from those of the Center for Responsive Politics.
- organization totals include known subsidiaries of the organization.

For more information, please see our campaign finance methodology page. Lobbyist bundling data is described on our lobbyist bundling methodology page.

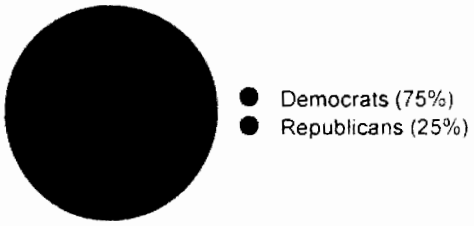
covers roughly through Q3 2013

- **Top Politicians**



- **Republicans vs. Democrats**

in dollars



- **Top Organizations**

UNION LEADER
12-12-86

EHC
C

Sununu Would Support Smaller Seabrook Zone

By RICHARD MARCH

CONCORD (UPI) — Gov. John Sununu, breaking ranks with New Hampshire's congressional delegation, said yesterday he would support a smaller evacuation zone for the Seabrook nuclear power plant if approved by federal regulators.

Sununu, who has supported the existing federally required 10-mile zone for Seabrook, said he would defer to the Nuclear Regulatory Commission if the federal agency decides a smaller zone is appropriate.

"I prefer that it be kept at the 10-mile zone, but I recognize that the NRC has both the authority and a responsibility to determine what should take place within that region," said Sununu, a Republican who has supported Seabrook and was re-elected last month to a third term.

New Hampshire's all-Republican congressional delegation, however, last week said it supports keeping the zone at 10 miles and opposed any move to compromise emergency plans.

Asked whether his support of a smaller zone would create a perception of a rift between Republicans, Sununu said he did not know. He said the stand taken by delegation members was "their decision."

Seabrook management has been considering whether to ask the NRC to authorize a smaller zone. Management is expected to file an official request to the NRC later this month involving evacuation regulations.

Approval of the evacuation plans is required before the estimated $5 billion plant can receive an operating license. But Massachusetts Gov. Michael Dukakis, citing safety concerns, has refused to submit plans for the six communities in his state within 10 miles of Seabrook.

Reducing the evacuation zone from 10 miles to 1 mile or 2 miles would reduce the role Massachusetts plays in the evacuation process and remove a major stumbling block in Seabrook management's request for an operating license. The project is already seven years behind schedule.

"If the NRC finds that it is in the best interest of everyone involved, and assures the safety of the public that a smaller zone is appropriate, I defer to the NRC," Sununu said in an interview with United Press International.

"The NRC has both the authority and the responsibility to make that decision. And they're going to make that on the basis of what is technically and practically the most appropriate distance to have," Sununu said.

Providing Seabrook management requests a change, Sununu said he expected the NRC probably would "put it in the context of a graded response," which would involve different degrees of emergency plans in different distances from the plant.

"If an evacuation is not necessary for public safety, then it is not in the public interest to require an evacuation," Sununu added. "Because every time you evacuate, just the transportation and the automobile travel and so on under an evacuation condition puts the public at risk.

"If they would be safer by not being evacuated, I think it is ludicrous for anybody to ask for a public policy to ask for unnecessary evacuation," he said.

Sununu acknowledged that his support of smaller zone would be a change in his previous stand, but said his support of a "graded" response plan has been consistent.

He also said there should be no political pressure put on the NRC.

"To suggest that the NRC ought to be pressured politically one way or the other to change its conclusion, is inappropriate," Sununu said.

UNTIL HE BEGAN WHITE HOUSE CHIEF OF STAFF

"SEE DOE MEMO THAT WAS LEAKED

We The People, Inc.
of the United States
Stop Chernobyl Here

EHC - D

COMMENTS ON DOE MEMO.....

William Young, who was appointed Assistant Secretary of Energy for the Department of Energy in place of Victor Stello, is certainly using Stello's dictatorial tactics. It makes me wonder whether Stello is behind this memo. It has his trademarks of coercing and manipulation.

The memo recommends bringing John Sununu in to force Selin to come into line with the administration's policy on licensing nuclear power plants. Their plan includes powers for the NRC to grant quick and dirty construction and operating licenses, completely eliminating even the hint of democratic process by cutting out the rights of the public and states to intervene in the process.

John Sununu is invoked repeatedly by Young as the heavy who is more than willing to use whatever threats necessary to get Chairman Selin to toe the line. The memo makes it clear that there is no question Sununu would take on this ramrodding job. Sununu through President Bush has the ability to threaten Selin with loss of his job if he does not do what he is told.

This latest bit of information demonstrates that the interests of the nuclear industry may be much closer to Bush's heart than is the safety of the American people or the preservation of democratic principles. His reliance on the unpopular Sununu could damage his chances in the upcoming election.

Does Selin have a mind of his own? Proponents of nuclear plant safety had their hopes raised on that question when Selin closed the dangerous Rowe nuclear power plant. The memo from the DOE states that agency's fears that Selin will oppose one-step licensing. We will see during the hearings on the proposed bill whether Selin has the strength to oppose Sununu or whether he will cave in.

Congress will ultimately decide the fate of the National Energy Strategy bill. Sadly enough, Congress has not been strong in standing up against the powerful nuclear lobby. They either don't have the power or lack the willingness to exercise that power. Perhaps this memo will outrage them enough to take the proper stance and hold to it.

As you know, Roger Fortuna and myself were charged with trying to topple the NRC: a charge that facts have proven wrong. After reading this memo, it certainly appears that the White House and the DOE have conspired to topple democracy in this country.

Peter Lomlyson

A non-profit tax exempt organization

Main Office: Box 277, Rowley, MA 01969, (508) 948-7959
50 Court St., Plymouth, MA 02361, (508) 746-9300
National Press Bldg., 14 & F Sts., N.W., Washington D.C. 20045, (202) 628-6611
Offices 5 & 6, 3 Pleasant St., Concord, NH 03301, (603) 228-9484
Bayberry Village, Route 9, Kennebunk, ME 04043, (207) 967-5111

ENC; D PART OF

The following information concerning a decision on November 9, 1989 when NRC law judge, Ivan smith of the Atomic Safety and Licensing Board reached in a decision on New Hampshire's emergency plan. Is just another example of the Quotes 1 – 5 (enclosed) We The People received from Brave NRC whistleblowers who stated, **"Whenever safety allegations come into the NRC, which may pose a threat to the further operation or licensing of a nuclear plant, those allegations are penciled away."**. See my written testimony I presented at the NRC Hearing December 18, 2013 when I referred to large packet Page 1 of letter to Michelle Obama and go to Page 6 C of this packet.

On November 9, 1989, Judge Ivan smith's Atomic Safety and Licensing Board reached a decision on New Hampshire's emergency plan. The decision spoke directly to the Appeal Board, established in 1972, order to reconsider Radiological Emergency Response Plan ability to evacuate handicapped, schoolchildren, and transients at local beaches. The appeal came two days before Judge Smith's decision. Judge Smith order implied the appeal Board's decision did "not preclude the immediate issuance of a license for Seabrook station" because changes in New Hampshire's emergency plan could "be readily and promptly taken."

Despite the fact attorney general James Shannon promised another appeal, the NRC decided on November 20, 1989 they would settle all future licensing disputes over Seabrook station.

Case closed. In the words of Edward M. Kennedy "the rogue agency that lives by its own set of pro-industry rules" would decide the safety of the American people. Representative Peter Kostmayer called it an "extraordinary action" and a further example of "the steady erosion of safety standards enacted by Congress/"

During this time when Peter Kostmayer was investigating Victor Stello actions and went against President Bush's nomination of Victor Stello to become Assistant Secretary of Energy under Watkins. Due to Mr. Kostmayer attempts to expose corruption inside the NRC was not reelected. Due to these circumstances Mr. Kostmayer top legal aid John A. O'Donnell went on to built a career as a nuclear lobbyist. See NRC quotes # 4 which applies to not only NRC employees but to politicians and their staff who routinely get their political war chests filled by nuclear lobbyists.

If you need further clarification or comments please contact me.

Sincerely,

Stephen B. Comley Sr.
Founder of We The People, a National Whistleblower Non Profit Organization.
scomleysr@yahoo.com 904-206-3114

Department
Washington DC 20585

September 24, 1991

See, especially, pages 4 and 5

MEMORANDUM FOR: Admiral Watkins

SUBJECT: Chairman Selin and Nuclear Licensing Reform Legislation

Purpose

The purpose of this memorandum is to apprise you of a continuing problem with comments by Chairman Selin of the Nuclear Regulatory Commission (NRC) to Members of Congress regarding the nuclear licensing provisions of Title IX of S.1220 and to suggest several possible courses of action to you.

Background

During your staff meeting on September 20, 1991, I advised you that remarks by Chairman Sharp of the House Energy and Power Subcommittee during a markup session on prospective energy legislation indicated that Chairman Sharp had recently talked to Chairman Selin on certain provisions of Title IX of S.1220. In Vienna, I asked Chairman Selin about his conversation with Chairman Sharp. Selin made the following remarks to me:

- While he supports S.1220, he still considers legislation a mistake; had he been chairman when the Administration proposed legislation, he would have opposed it.

- Industry representatives and former NRC Chairman Rowden recently met with him and explained why S.1220 is needed from their standpoint and how it differs from Part 52. He rejects all their arguments (and those of DOE) and considers that Title IX of S.1220 is no different than Part 52 and, therefore, is not needed. He believes Part 52 is "good enough" and that any legislation should merely codify it.

- He did talk to Chairman Sharp about a key provision of S.1220 that would permit a completed plant to operate during the pendency of a hearing unless the Commission found that public health and safety would be affected (a provision that specifically differs from Part 52). He told Chairman Sharp that if NRC went to the trouble of granting a hearing, he couldn't conceive of allowing a plant to operate before the hearing was completed.

It is clear that while Chairman Selin gives lip service to support of S.1220, he is--opportunistically, if not systematically--undermining the key provisions of S.1220 in conversations with Congressional Democrats who are not nuclear supporters. It seems likely that Chairman Selin's agenda is to end up showing that Part 52 is really all that anyone needs.

Before suggesting possible actions we might take, I believe that NRC actions before and after Chairman Selin arrived and his other comments on the provisions of S.1220 should be reviewed briefly. The NRC has always been concerned about legislation lest it harm its current court defense of Part 52 against challenge by the anti-nuclear movement. During the interagency revie-

process for our proposed National Energy Strategy (NES) act, Chairman Carr called me to say that his General Counsel had problems with some of our wording. We worked with NRC, and they concurred in our legislation proposed to the Congress.

During markup of S.1220 by the Senate Energy and Natural Resources Committee in May 1991, the majority staff raised the possibility of inclusion of the word "finding" as the action required by the Commission after construction but before initial plant operation. This matter requires some explanation. Under the old licensing procedure, the Commission, after holding a hearing upon request at the end of construction, reached its final safety decisions and made a finding that the plant complied with the terms of its license, NRC regulations and the Atomic Energy Act. The thrust of Part 52 and S.1220 is that such a hearing and finding is required before construction and before issuance of a combined license. Prior to plant operation, the Commission would only have to determine that the acceptance criteria of the combined license had been met during construction. There would be an opportunity for a hearing on nonconformances to the acceptance criteria, but not a required hearing.

The basic thrust of the anti-nuclear litigation against Part 52 is to require the NRC to hold a hearing after construction and before operation and to make finding not only on conformance to the acceptance criteria, but to compliance with the license, NRC regulations, and the Atomic Energy Act. This would guarantee anti-nuclear intervenors a pre-operational hearing and would open up the opportunity for them to litigate issues settled before construction, thus thwarting one-step licensing and deterring any potential investors in a nuclear plant.

For that reason and out of concern for unintended consequences, we have avoided in S.1220 the requirement for NRC to make a finding after construction. At the same time, we have recognized that NRC, on its own initiative, retains under the Atomic Energy Act and its regulations the ability to make such a finding should it consider one necessary. Thus, when the question arose during markup of S.1220 about including the word finding in the bill, alternative words that the Commission shall "satisfy itself that the acceptance criteria of the license have been met" before operation were proposed. At my request, Chairman Carr convened a Commission meeting to establish the NRC position on this point, and by a 3-1 vote supported the alternative words, which were included in S.1220.

Subsequent to that event, I met with Chairman-designee Selin before his confirmation and discussed S.1220 with him. He told me that he had no problem with any of the provisions of S.1220 and could support them, but did not consider legislation to be necessary or desirable, since Part 52 was sufficient. He felt that legislation could undermine Part 52 and that we are likely to get something worse than Part 52 out of the Congress. I summarized our position. Further, after that conversation, you met with Selin and gave him point papers explaining the differences between Part 52 and S.1220 and the need for legislation.

I also asked Chairman Carr if the Commission would send a letter to the Congress before his term expired, supporting Title IX of S.1220. Such a letter was sent on June 26, 1991, and was based upon a unanimous vote, 4-0, by the Commission. The one Commissioner who had cast a negative vote on the finding question told me that the report language accompanying S.1220 cleared up any concerns that he had on that point.

The next development regarding S.1220 occurred in conjunction with Chairman Selin's testimony before Chairman Kostmayer of the House Subcommittee on Energy and the Environment on July 25, 1991. In his written statement, after expressing the Commission's support for S.1220, Chairman Selin volunteered his opinion that this type of legislation is not really needed. I understand that he was told not to include that opinion in his oral statement, but Chairman Selin did so anyway. Further, in response to questions from Chairman Kostmayer, Chairman Selin expressed his disagreement with important provisions of S.1220, as follows:

- Chairman Kostmayer asked whether Chairman Selin disagreed with the Administration's and S.1220's provision of a threshold for holding a pre-operational hearing and whether he would support removal of the threshold. Chairman Selin said yes, he disagreed, and he would support removal of the threshold in favor of leaving the Commission discretion to decide.

- Chairman Kostmayer asked whether the Commission should make a pre-operational "finding" as opposed to "satisfy itself that" and whether Chairman Selin would support the deletion of "satisfy itself that" and the substitution of "finding." Chairman Selin stated that the Commission should satisfy itself by making a finding and that they would operate the same way whatever phrase was used in legislation.

- Chairman Kostmayer stated that it seems to him that a formal pre-operational hearing (as opposed to the informal hearing specified in S.1220) is useful because it guarantees the public certain procedures to elicit information which they don't have without a formal hearing. Chairman Selin replied that he would like to agree with Chairman Kostmayer, but his colleagues wouldn't let him do it.

In the exchange of letters between you and Chairman Selin on August 1, 1991, he agreed to delete a sentence in his draft reply that addressed the Commission's authority to make a broad safety finding after construction and prior to initial operation of a plant. We obtained that deletion by including in your letter a statement that S.1220 does not reduce the Commission's existing discretion and authority to make safety determinations. After he received your signed letter, Chairman Selin reinserted in his reply the sentence that he had agreed to delete.

Discussion

My next interaction with Chairman Selin on nuclear licensing reform came in connection with his remarks to Chairman Sharp, which have been described above. I believe that the summary I have just provided demonstrates that Chairman Selin is undermining the important provisions of S.1220 even as he professes support for that legislation. I have no doubt that his concessions to Democratic legislators will be used against S.1220 on the Senate floor and will make it more difficult for us to gain the support of Senator Graham (Chairman, Senate Subcommittee on Nuclear Reactor Regulation) for S.1220. Senator Graham's position has been that S.1220 is not desirable and that Part 52 should be acceptable. Chairman Selin's concessions will also harm us if nuclear licensing reform legislation comes to a vote in House committees and on the floor. I do not know who else from the Congress that Chairman Selin might have talked to or what he might have said.

I believe that some action should be taken to obtain an unequivocal written or public statement from Chairman Selin supporting the specific provisions of S.1220 as well as the bill itself before S.1220 comes to the Senate floor. I have outlined below several options for doing that and have summarized what I see as their pros and cons.

Option 1: Seek Chairman Selin's Signature on a Joint Statement With Admiral Watkins in Support of the Provisions of S.1220. (A draft such statement is attached for consideration.) Seek Governor Sununu's Action on Unresolved Issues.

Pros: Can be used as written evidence with Senators and Congressmen to show joint support and undo oral statements by Chairman Selin.

Can be negotiated with him in advance, before his interaction with Admiral Watkins, to minimize differences to resolve.

If differences cannot be resolved, would at least minimize issues needing action by Governor Sununu.

Cons: May be impossible to reach agreement with Chairman Selin on such a statement, or may take too much time and argument.

Has potential appearance that DOE has forced NRC to support S.1220.

Option 2: Prepare a White Paper on DOE and NRC Support of the Provisions of S.1220. Have Governor Sununu Seek Chairman Selin's Agreement with the White Paper. (The White Paper would be like the attached statement, with the joint signature concept removed.)

Pros: Chairman Selin might more quickly fall in line for Governor Sununu than he would for Admiral Watkins.

Would most quickly show Governor Sununu what the problems with Chairman Selin are.

Would still provide a written statement for use with the Congress, although not signed.

Cons: Does not minimize the issues that Governor Sununu may have to resolve.

Option 3: Have Senator Johnston Hold a Hearing to Obtain Chairman Selin's Agreement With the Provisions of S.1220. Show Senator Johnston Our White Paper From Which to Frame Questions. Have Governor Sununu Speak to Chairman Selin in Advance.

Pros: Chairman Selin may be more responsive to Senator Johnston than to the Administration. Transcript could be edited for Senate floor use.

Cons: What Chairman Selin might say in public is very unpredictable.

Chairman Selin could portray himself as protecting the public against the desires of the industry and the Administration, which could harm support for S.1220.

Could cause Senator Graham to hold a hearing as well, which could have different results and polarize the Senate situation further.

Option 4: Have Senator Johnston Write to Chairman Selin and Seek Support for the Provisions of S.1220.

Pros: Would provide a written set of positions.

Cons: Answers probably could not be influenced by DOE and are unlikely to be what we want.

Option 5: Have Governor Sununu Tell Chairman Selin to Say Nothing Further to the Congress Than Support of S.1220 and Its Specific Provisions. Ignore the Past.

Pros: Probably the simplest thing to do.

Cons: Does not repair the damage already done.

Chairman Selin would probably find a way around this as he has in the past.

Does not provide positive NRC support at a time when that would be helpful.

Recommendation

I recommend that an internal meeting be held to discuss the above options. I suggest that Senators Johnston and Wallop or their staffs attend to obtain their views. On balance, at this point I favor Option 1 and escalating it quickly to Governor Sununu if we have trouble reaching early agreement. Chairman Selin is currently on travel and returns on September 25.

William H. Young

William H. Young
Assistant Secretary
for Nuclear Energy

Attachment

cc:
J. Moore

The Secretary of Energy
Washington, DC 20585

October 21, 1991

The Honorable Peter H. Kostmayer
Chairman
Subcommittee on Energy
and the Environment
Committee on Interior and Insular Affairs
U.S. House of Representatives
Washington, D.C. 20515-6201

Dear Mr. Chairman:

This responds to your letter of October 10, 1991, requesting the appearance of Deputy Secretary Henson Moore as a replacement for Assistant Secretary William Young as the Department's witness for your Subcommittee's hearing on Nuclear Power Plant Licensing Reform.

Although I have agreed to your request to provide Henson Moore as the Departmental witness at the subject hearings, which I understand have been rescheduled for November 7, 1991, I do not agree with the other contents of your letter which question the ability of Mr. Young to represent this Department with credibility. He is the Assistant Secretary for Nuclear Energy, and I have confidence in him as my designated spokesman for matters which fall within his area of responsibility.

My decision to ask Henson Moore to testify in place of Mr. Young at this particular hearing is, as I believe you will understand, based on the special set of circumstances. Mr. Young expressed certain feelings in an internal communication to me on a subject quite relevant to the topic of your scheduled hearings. While I neither requested nor desired that communication, on which I have neither acted nor ever intended to act, I do have concerns the memo might become the focus of the hearing rather than consideration of the important issue of nuclear licensing reform in a balanced manner; therefore, Deputy Secretary Moore would be the right witness for discussing these broader issues.

Sincerely,

James D. Watkins
Admiral, U.S. Navy (Retired)

[illegible]
[illegible]
[illegible]
[illegible], MONTANA
[illegible] BYRON, MARYLAND
[illegible] DE LUGO, VIRGIN ISLANDS
SAM GEJDENSON, CONNECTICUT
PETER H. KOSTMAYER, PENNSYLVANIA
RICHARD H. LEHMAN, CALIFORNIA
BILL RICHARDSON, NEW MEXICO
GEORGE (BUDDY) DARDEN, GEORGIA
PETER J. VISCLOSKY, INDIANA
JAIME B. FUSTER, PUERTO RICO
MEL LEVINE, CALIFORNIA
WAYNE OWENS, UTAH
JOHN LEWIS, GEORGIA
BEN NIGHTHORSE CAMPBELL, COLORADO
PETER A. DEFAZIO, OREGON
ENI F.H. FALEOMAVAEGA, AMERICAN SAMOA
TIM JOHNSON, SOUTH DAKOTA
CHARLES E. SCHUMER, NEW YORK
JIM JONTZ, INDIANA
PETER HOAGLAND, NEBRASKA
HARRY JOHNSTON, FLORIDA
LARRY LAROCCO, IDAHO

Committee on Interior and Insular Affairs
Washington, DC 20515-6201

[illegible]
[illegible]
BEN BLAZ, GUAM
JOHN J. RHODES III, ARIZONA
ELTON GALLEGLY, CALIFORNIA
ROBERT F. SMITH, OREGON
CRAIG THOMAS, WYOMING
JOHN J. DUNCAN, JR., TENNESSEE
RICHARD T. SCHULZE, PENNSYLVANIA
JOEL HEFLEY, COLORADO
CHARLES H. TAYLOR, NORTH CAROLINA
JOHN T. DOOLITTLE, CALIFORNIA
WAYNE ALLARD, COLORADO

DANIEL P. BEARD
STAFF DIRECTOR

RICHARD MELTZER
GENERAL COUNSEL

DANIEL VAL KISH
REPUBLICAN STAFF DIRECTOR

October 10, 1991

Hon. James Watkins, Secretary
U.S. Department of Energy
Washington, D.C. 20585

Dear Mr. Secretary:

On September 27, I invited you to participate in the Subcommittee's October 17 hearing on nuclear plant license renewal. The Subcommittee staff was subsequently notified by your Office of Congressional Affairs that Assistant Secretary William Young was designated as the Department's witness.

I regret to inform you that Mr. Young will not be acceptable as a witness at our hearing. We have been very distressed and disappointed to learn this past week of Mr. Young's proposed campaign to compromise the independence of the Nuclear Regulatory Commission and its Chairman with respect to positions and statements on proposed energy policy legislation. I must assure you that I take very seriously the division of the promotional and regulatory functions of federal atomic energy policy as manifested in the Energy Reorganization Act of 1974. It is difficult to view the ideas expressed in Mr. Young's September 24 memorandum to you as anything less than a serious affront to that principle of separation, and possibly a conspiracy to violate the independence of an "independent" regulatory commission.

Under the circumstances, we do not feel that Mr. Young has sufficient credibility to make a meaningful contribution to our hearing. Indeed, we fear that his presence would have a high likelihood of shifting the focus of our hearing. While we are considering whether to schedule another hearing on the independence of NRC, we do not wish to have attention diverted from the important issue of license renewal at our October 17 hearing.

Indeed, if the views and suggested actions expressed in Mr. Young's September 24, 1991 memorandum to you on Chairman Selin represent Department policy, then we do not wish to hear from any Department witness on the 17th. If you can assure us that such is not the case, we would be pleased to accept your personal testimony or that of Deputy Secretary Moore at our hearing.

Please advise us as soon as possible how you wish to proceed in this matter.

Sincerely,

Peter H. Kostmayer
Chairman
Subcommittee on Energy
and the Environment

** TOTAL PAGE.003 **

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

OFFICE OF THE
COMMISSIONER

Enc.
E

August 19, 1986

MEMORANDUM FOR: The Files

FROM: James K. Asselstine

SUBJECT: DISCUSSION WITH STEPHEN B. COMLEY RE NUCLEAR SAFETY AND EMERGENCY PLANNING

On Friday, August 15, 1986, I met with Mr. Stephen B. Comley to discuss his concerns regarding nuclear safety and emergency planning. Mr. Comley is a resident of Rowley, Massachusetts. Mr. Comley is interested in the Seabrook Nuclear Power Plant but is not a party in the Seabrook licensing proceeding. We did not discuss any contested issues in the Seabrook licensing proceeding. The following is a written summary of my responses to Mr. Comley's questions.

Question 1: Do you feel that the people of Rowley should have a voice in evacuation planning as it pertains to the Seabrook power plant?

Answer: As a general matter, I believe that the 10-mile emergency planning zone (EPZ) established by the Commission is a reasonable boundary for planning protective actions, including evacuation, in the event of a nuclear power plant accident. However, the Commission's regulations are flexible in that they allow expansion of the 10-mile EPZ to take into account nearby facilities or features for which emergency planning would be appropriate. An example would be a school located just outside the EPZ. In previous cases, I have supported expanding the size of the EPZ slightly in a particular area where the facts of the case indicate a particular feature, facility or problem area which can affect overall emergency planning for the plant. An example of this is the bridge going to Cape Cod, which is located just beyond the 10-mile EPZ for the Pilgrim plant. Because the bridge could significantly affect emergency planning for the Pilgrim plant and because it is the principal artery leading to and from Cape Cod, I believe that it should be included in the Pilgrim EPZ, and I have so stated in the past. Whether the town of Rowley should be included in the EPZ for Seabrook would depend upon the facts in that particular case. Although this is not now a contested issue in the Seabrook proceeding, I understand that it may become one. If so, my decision would be based upon the record developed in the case. I have not reviewed

the situation for Seabrook, and I have no opinion on the issue at the present time.

Question 2: Evacuation issue - people who can't be moved... Do you feel some means should be provided for people who cannot be moved, other than merely being sheltered?

Answer: I am not aware that this question has been faced squarely by the Commission in any previous case. As a general matter, the Commission's regulations require that emergency planning within the EPZ provide for a range of protective actions. These can include sheltering, but for at least some accident situations evacuation may be necessary for some or all of the people within the EPZ. Thus, emergency planning measures have been required to include needed transportation, particularly for those who are unable to evacuate themselves. I agree with this element of our emergency planning requirements. For this reason, the Commission emphasized the need for arrangements for ambulances and buses if evacuation is needed for a care facility for elderly nuns near the Fermi-2 reactor. The Commission has also considered the need for sheltering and evacuation of prisoners in detention facilities located near nuclear power plants. However, I do not believe that the Commission has faced the situation in which evacuation is impossible for some individuals within the EPZ and the only alternative is sheltering within unprotected facilities.

SHELTERED ISSUE

Question 3: Location issue - Seabrook. Has the summer beach population been fully taken into consideration?

Answer: I believe that this is a contested issue in the Seabrook proceeding. My opinion on this and other contested issues will be based upon the formal record in the Seabrook case. I have no opinion on the issue at the present time and I cannot discuss it with you.

Question 4: As we have yet to receive all of the information on Chernobyl, what are your opinions on reducing the radius from 10 miles to 2 miles?

Answer: You are quite correct that we have not yet received all of the information needed on the Chernobyl accident to assess its potential impact on emergency planning. It seems to me that the Chernobyl accident may well raise questions on emergency planning that cut the other way -- that is, is th 10-mile EPZ large enough and should we consider expanding it? It seems to me that this is an open question until we receive additional information on the causes, sequence of events and consequences of the Chernobyl accident. Over th past three years, the U.S. nuclear industry has advocated

reductions in the radioactive source term (the estimates of the amounts and types of radioactive materials which could be released during a serious nuclear accident). The industry argues that these reduced source terms would justify relaxations in several NRC regulations. Chief among those is a reduction in the size of the emergency planning zone, perhaps to an area as small as two miles. The American Physical Society and others have identified a number of areas where additional work is needed to provide a sound scientific basis for any source term reassessment. They have advised that across-the-board reductions in the source term are not yet justified, and that specific numerical reductions are unwarranted. The Commission has not yet taken action to reduce the source terms, and our technical staff has advised that any across-the-board reductions in emergency planning zones are premature. The staff has rejected at least one site-specific proposal to reduce the EPZ for the Calvert Cliffs plant on the ground that the request is premature. Of course, any licensee is free to propose a site-specific reduction in the size of the EPZ for the plant and the individual proposal would be considered by the Commission on its merits.

<u>Question 5:</u> I understand that the low level licensing requirements have been reduced as they pertain to issues of evacuation problems that may arise in a city or town. This change has enabled question not to be resolved before a license is issued. Given the Chernobyl incident and the problems and questions that surround the Pilgrim Nuclear Plant in Plymouth (which has been branded "the worst-run plant in the US"), do you think we should reverse again and require that evaluation issues be resolved before a low level license is granted to any new plants?

<u>Answer:</u> The Commission's regulations require adequate emergency planning measures to be in place prior to the issuance of a full-power license, but not prior to the issuance of a low-power license (these are limited to no more than five percent of full power). This decision was based upon the technical judgment that a plant beginning operation and not going above five percent power fails to generate the quantity of fission products and decay heat which could pose a hazard to the public requiring evacuation or other protective action. I agree with this technical judgment that the risk to the public from low-power operation of a new plant is very low. Some have questioned whether the Chernobyl accident affects this judgment since that accident apparently occurred at low power levels. However, our staff advises that the situation at Chernobyl was quite different because the plant had been operating at higher power levels for some time, with the consequent build-up of fission products and decay heat. Having said this, I should note

See Book Sylvie

that I opposed issuance of a low-power operating license for the Shoreham plant on the ground that there appeared to exist an outstanding emergency planning issue which might prevent that plant from ever going into full-power operation. In the circumstances of that case, it seemed to me unwise to contaminate the plant until the Commission had resolved the outstanding emergency planning issues. Such circumstances may well arise in other cases, and I will have to examine each case individually. But my decision in Shoreham turned on the wisdom of contaminating a plant that might never receive a full-power operating license and not on the risk to the public of low-power operation.

Question 6: Do you feel that the NRC has represented the people as well as it has represented the nuclear industry?

Answer: I believe that in some cases, the NRC has acted more as the protector of the nuclear industry than the protector of the public. These cases have included the Commission's decision to allow operation of the Indian Point plants in the face of continued significant deficiencies in emergency planning; the Commission's decision to reject the safety improvements recommended by the NRC staff and the hearing board in the Indian Point Special Proceeding; the Commission's decision to allow the restart of TMI, Unit 1; the Commission's decision to end the search for further reductions in the risk of severe nuclear accidents in the Severe Accident Policy Statement; and the Commission's decision to restrict the NRC staff's ability to develop needed new safety requirements in the Commission's backfit rule. My views are well documented in my dissenting views on each of these decisions, and they have been widely publicized. For the most part, I am the only member of the current Commission who has opposed these actions; however, one other Commissioner opposed the backfit rule. Despite my opposition to these key Commission decisions, I believe that the NRC contains many able and dedicated people who are committed to the regulatory mission of the agency. If given the proper policy direction from the top, I am confident that the agency could pursue its regulatory responsibilities in a manner that would restore public confidence in the NRC as an objective and fair regulator that puts the interests of the public foremost.

Question 7: Has Chernobyl changed your thinking regarding nuclear power?

Answer: The Chernobyl accident has not dramatically altered my views on nuclear power or on the key regulatory issues which are before the NRC. I continue to believe that nuclear power plants can be operated, built, and designed safely, and that they should be a part of our overall energy mix. In reaching this judgment, I recognize the substantial

commitment to nuclear power which we already have in the U.S. The challenge is to ensure that the approximately 125 plants we have in operation or under construction are run safely. Hence, Chernobyl has underscored my belief that a severe nuclear accident in the U.S. is unacceptable, and that further regulatory initiatives are needed for the future if we are to reduce the long-term risk of nuclear power to an acceptable level. In a recent letter to the President of the Atomic Industrial Forum, I outlined my own assessment of our current understanding of the risks of nuclear power and the steps that I believe are needed to reduce that risk to acceptable levels. I am pleased to note that as part of its recent Safety Goals Policy Statement the Commission agreed to a statement that an objective of our regulatory process should be to prevent the occurrence of a severe nuclear accident -- that is, an accident causing damage to the reactor core -- at any U.S. nuclear power plant. This statement, together with the Commission's recent increased attention on the operating performance of U.S. plants, particularly those with a history of poor performance, is an encouraging step in the right direction.

Question 8: Do you feel that people are really informed about and know of the dangers of nuclear power?

Answer: I am not convinced that the public is fully informed of the risk of nuclear power. The issues are often complex, and the debate on the issues is frequently polarized and somewhat distorted. In my recent letter to the AIF, copy attached, I attempted to describe my view of the risk of a nuclear accident, including the uncertainties in estimating that risk. As I noted in my letter, I do not believe that we fully understand that risk, and we should not be afraid to say so.

Question 9: Cost verus other funds - obsolete?

Answer: As I understand your question, do I believe that nuclear power is obsolete based upon cost considerations? The Commission's regulations focus on health and safety considerations rather than on the overall cost of nuclear power. It is true that the cost of nuclear power has increased substantially in recent years, particularly for the large new plants. The cost of operating and maintaining the older existing plants has also increased significantly over the past several years. Although there are many reasons for the cost increases, among the more significant are poor management of plant construction, the lack of standardization, a design-as-you-build approach to plant construction, and the need to address new and unanticipated safety issues, including those arising from the Three Mile Island accident. Whether nuclear power remains competitive

with other alternatives is difficult to say. It appears, however, that due to a combination of factors, including reduced demand for electricity, financial conditions, and uncertainty about costs and safety requirements, that no U.S. utility at the present time is prepared to commit to build a new nuclear powerplant.

Question 10 How Many people were hospitalized in Russia?

Answer: I do not know the answer to this question. We are awaiting further details on the Chernobyl accident at the upcoming meeting of the International Atomic Energy Agency late this month.

QUESTION 11. How old was the plant - 3 years? - LESS THAN 2

Answer: The reactor which had the accident at Chernobyl was the newest unit of the four-unit Chernobyl plant. Although I do not know the date on which the unit began operation, I believe that the plant had been in operation no more than three years, and perhaps less.

Question 12: What are the differences between the Russian plants and our nuclear plants as you see them?

Answer: There clearly are a number of design differences between U.S. nuclear powerplants and the Chernobyl plant. Other Russian plant designs are more similar to ours. I do not believe that we have enough detailed design information about the Chernobyl plant to fully understand their design or the significance of the differences between their design philosophy and ours. We are awaiting more detailed design information at the upcoming IAEA meeting later this month. However, quite apart from the design differences between the U.S. and Russian plants, there are some broad lessons with applicability to the U.S. nuclear program. One of these is the unacceptability of a severe accident here and the need to ensure that sufficient steps are taken to prevent such an accident from occurring and to limit the potential for a large offsite release of radiation should one occur. I have proposed initiatives, described in my letter to the AIF, which would accomplish these objectives. In addition, there are specific safety areas, such as hydrogen control, which may require additional attention based upon the information obtained from Chernobyl.

Question 13: Regarding future generations, would you recommend that we continue to build nuclear plants?

Answer: I believe that we should retain the nuclear power option for the future in this country. When I examine other energy alternatives, it appears at the present time that coal and nuclear are the principal means available for providing large central station generating facilities. Conservation and other options are having a significant impact; however, it is unclear whether they can eliminate the need for new large generating facilities at some point in the future. But if nuclear power is to remain a viable option for the future, three conditions must be met. First, the existing plants must operate safely and there must not be a severe accident at any of the existing plants for the foreseeable future -- at least the next 20 years. Second, we must restructure the process for designing, constructing and operating future nuclear plants. This restructuring must include greater use of standardized designs; the development of essentially complete designs before the start of construction; better, more centralized management of the construction process; greater attention to construction quality assurance; improved designs which emphasize greater margins of safety, simplicity, ease of operation and ease of maintenance; better utility management; and improved operations and maintenance performance. Third, we must make continued progress toward developing a safe and environmentally acceptable solution to the nuclear waste disposal problem. Each of these areas, in my view, is in need of attention if nuclear power is to remain a viable option for the future.

Question 14: Do you feel that the public would be justified in believing that the NRC is not acting in the public's best interest?

Answer: As I noted in my response to question 6, I believe there are some significant Commission decisions in recent years in which the Commission has acted more as the protector of the industry than the protector of the public. In such cases, I believe that the public would be justified in concluding that the NRC is not acting in the public's best interests. At the same time, as I noted in my previous response, the NRC staff is composed of many hard-working and dedicated people. If given the proper policy guidance and direction, the NRC could do much to restore public confidence in the agency as a fair and objective regulator, and in the safety of nuclear power as well.

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

OCT 1 1986

ENC. #6

Mr. Stephen B. Comley, Administrator
Sea View Nursing Home
Mansion Drive
Rowley, Massachusetts 01969

Dear Mr. Comley:

Chairman Zech has asked me to respond to your letter to him of August 22, 1986. The questions in your letter focused upon several issues including emergency planning at the Seabrook nuclear generating station, the Russian nuclear accident at Chernobyl and nuclear power in general.

Enclosed are answers to each of the questions contained in your letter. If we can be of further assistance, please let me know.

Sincerely,

Victor Stello, Jr.
Executive Director for Operations

Enclosure:
Questions and Responses

2

NRC RESPONSES

Question 1

Do you feel that the people of Rowley should have a voice in evacuation planning as it pertains to the Seabrook power plant?

Response

The Commission regulations provide that, generally, the plume exposure pathway emergency planning zone (EPZ) for nuclear power plants shall include areas within about 10 miles of a nuclear power plant. The exact size and configuration of the zone is to be determined in relation to local emergency response needs and capabilities as they are affected by demography, topography, land characteristics, access routes and jurisdictional boundaries. Rowley is a separate governmental unit which is outside Seabrook's EPZ. No justification has been shown and no issue has been raised in the pending adjudicatory proceeding, where affected members of the public can participate, which maintains that Rowley should be made part of the emergency planning zone. Nevertheless, the Town of Rowley may also adopt such emergency planning measures as it believes appropriate, although these are not required as a predicate to Seabrook receiving a license.

CHERNO
AFFECT
OUR CO
in VERY

Question 2

SHELTERED ISSUE

Evacuation issue-people who can't be moved...Do you feel some means should be provided for people who cannot be moved, other for than merely being sheltered?

Response

Emergency response plans are required to include provisions for the protection of persons in special facilities such as hospitals or nursing homes within the plume exposure pathway EPZ. For situations where protective actions may call for evacuation, preplanned arrangements are made to transport patients by ambulance and other means. For the few individual patients where in the judgement of medical experts prompt evacuation is not advisable, we believe that shelter is an appropriate protective measure until they can be safely relocated. In some cases, depending on the accident scenario and risk factors, it may be appropriate to administer potassium iodide (KI). We also believe that the likelihood of requiring an immediate evacuation more than several miles from a nuclear plant is extremely low. Comment: This treatment wipes out a person's thyroid glands which prevents radiation from being diffused inside the body. The point is if the radiation has got inside, it is also on the outside of the person.

Question 3

Location issue-Seabrook. Has the summer beach population been fully taken into consideration?

Response

Yes. The guidelines in the reference document NUREG-0654/FEMA-REP-1 specify that each licensee's plan shall contain time estimates for evacuation within the plume EPZ based on population estimates that include consideration of transient as well as permanent residents and special facility populations (e.g., schools, hospitals, and nursing homes). Consideration is also given for both normal and adverse weather conditions in the analysis. The Seabrook Station Evacuation Time Estimates and Traffic Management Plan submitted by Public Service of New Hampshire provides total population figures for summer and winter within 10 miles of the site including summer average and peak population estimates for the beach areas. NRC people have told me that Seabrook is in the wrong location.

Question 4

As we have yet to receive all of the information on Chernobyl, what are your opinions on reducing the radius from 10 miles to 2 miles?

Response

The NRC has indicated that it intends to begin a reassessment of emergency planning, in light of any new insights arising from our extensive research on severe accident releases or "source terms." We consider it appropriate that any such reassessment should also include pertinent information from Chernobyl, taking into account the significant differences between the Chernobyl design and that of U.S. reactors (see response to Question 12), as they affect accident risks. At the present time, the NRC has formed no position whether the size of the plume exposure EPZ should be changed. Only after plants become licensed & contaminated.

Question 5

I understand that the low level licensing requirements have been reduced as they pertain to issues of evacuation problems that may arise in a city or town. This change has enabled questions not to be resolved before a license is issued. Given the Chernobyl incident and the problems and questions surrounding the Pilgrim Nuclear Plant in Plymouth (which has been branded "the worst-run plant in the US"), do you think we should reverse again and require that evaluation issues be resolved before a low level license is granted to any new plants?

Response

The NRC's decision to grant low power licenses prior to arriving at final positions on certain regulatory issues, including emergency planning, is based on the conclusion that the risk to the health and safety of the public from low power operation is not compromised. Analyses of many plants recently licensed by the NRC show that the risk from low power operation is several orders of

THE RULE WAS CHANGED SO CONTROVERSIAL PLANTS WILL BE CONTAMINATED AND RELIEVE THE PRESSURE TO CONVERT THEM TO A SAFER ALTERNATIVE SUCH AS COAL OR GAS.

magnitude lower than that at full power operation. This is primarily because (1) the fission product inventory at low power operation is substantially less than at full power, (2) safety system requirements (e.g., numbers of pumps needed to be available) are much less at low power, and (3) operators have substantially more time to respond to events and take corrective action.

With respect to Chernobyl, the NRC's preliminary evaluation of that accident has concluded that, because of unique design differences between Chernobyl and U.S. plants, there are no implications requiring immediate regulatory action on plants licensed in the U.S. We will be performing a more detailed evaluation over the next several months to confirm this conclusion.

In summary, we do not believe there is any basis at this time to change our current regulatory policies and practices regarding low power license requirements.

Question 6

Do you feel that the NRC has represented the people as well as it has represented the nuclear industry ?

T

Response

Yes, the NRC's regulations are designed to protect the health and safety of the public, and these have been vigorously enforced. During this fiscal year the NRC has taken many enforcement actions and proposed fines against the nuclear industry for violations of the NRC's regulations of almost five million dollars.

THERE ARE A LOT OF HIS STAFF THAT FEEL DIFFERENTLY

Question 7

Has Chernobyl changed your thinking regarding nuclear power?

Response

Reviews of the accident and the Chernobyl design done to date by both the NRC staff and others have not identified any aspects of the accident which show a clear-cut nexus to U.S. commercial nuclear power plants requiring immediate regulatory action. However, in order to confirm this judgment, a more vigorous and systematic investigation is being performed to identify those areas and issues associated with the Chernobyl accident that warrant further investigation. As such, our "thinking regarding nuclear power" has not changed.

Question 8

Do you feel that people are really informed about and know of the dangers of nuclear power?

Response

The statutory responsibility of the NRC is to provide for the safe operation of commercial nuclear power in the U.S. In carrying out this responsibility, we frequently are afforded the opportunity to explain our regulatory philosophy and bases for safety and licensing decisions. However, it is outside the NRC role and responsibility to advise the public about the risks and benefits of nuclear power. The responsibility for energy policy and development of energy sources is assigned to the Department of Energy. The Energy Reorganization Act of 1975 was enacted by Congress to separate responsibility for regulation from responsibility for energy policy to avoid conflicts of interest. Emergency planning regulations do require that information be made available to the public on a periodic basis on how they will be notified in an emergency and what their initial actions should be.

Question 9

Cost versus other fuels-obsolete?

Answer

The NRC is responsible for the licensing and related regulatory functions for commercial nuclear power plants in the United States. The consideration of the economics of nuclear power versus other energy sources does not fall under the statutory responsibility of the NRC. We suggest that this question could best be answered by the U.S. Department of Energy.
IT IS ALSO NOT THE RESPONSIBILITY OF THE NRC TO SUPPRESS INFORMATION SO THAT THE PLANTS THAT ARE CONTROVERSIAL CAN RECEIVE A LICENSE AND THEN THEY THINK THE GAME IS OVER.

Question 10

How many people were hospitalized in Russia?

Response

At the International Atomic Energy Agency Conference on the Chernobyl Accident held in Vienna, Austria, August 25-29, 1986, the Soviet delegation informed us that as of that date, 31 persons had died and 203 persons were hospitalized with radiation-related injuries, all fire fighters or plant personnel.

Question 11

How old was the plant - 3 years?

Response

It is our understanding that Unit 4 at the Chernobyl Nuclear Power Station went into commercial operation in 1983.

Question 12

What are the differences between the Russian plants and our nuclear plants as you see them?

Response

There are many basic differences between the Soviet RBMK class of plants and the U.S. commercial light water reactors. The most prominent differences are (1) a lack of a western-style containment which encloses the entire primary system of the reactor, (2) a core composed of about 1600 individual pressure tubes within a graphite matrix, and (3) a positive coolant void reactivity coefficient.

CHERNOBYL HAPPENED BECAUSE OF HUMAN ERROR AND I KNOW, AS OTHERS DO, THAT WE HAVE A LOT OF HUMAN ERROR IN WASHINGTON, SOME deliberate.

Question 13

Regarding future generations, would you recommend that we continue to build nuclear plants?

Response

As a policy, the NRC does not make recommendations regarding methods for future generation of electrical energy. Such recommendations on national policy are the responsibility of the Department of Energy.

Question 14

Do you feel that the public would be justified in believing that the NRC is not acting in the public's best interest?

Response

No, see answer to Question 6.

* WE WILL SEE TO IT THAT MR. STELLO AS WELL AS THE REST OF THE NRC, KNOWS HOW AMERICA DOES FEEL BY WAY OF A NATIONAL REFERENDUM WHICH WILL ALLOW THE AMERICAN PEOPLE TO MAKE THE DECISION WHETHER THEY WANT TO CONTINUE ON WITH NUCLEAR POWER IN THIS COUNTRY. THE CONSTITUTION WAS WRITTEN TO GIVE THE PEOPLE A SAY WHEN THEY KNOW SOMETHING IS WRONG IN THE GOVERNMENT. THAT OBVIOUSLY CAN NOT BE DONE UNTIL THEY GET ALL THE FACTS THAT HAVE BEEN SUPPRESSED BY THE INDUSTRY, THE NRC, AND YES, SOME GOVERNMENT OFFICIALS. WE THE PEOPLE, INC. OF THE UNITED STATES WILL SEE THAT THEY GET THOSE FACTS AS WELL AS PROVIDE VEHICLES THAT ARE NECESSARY FOR THEM TO MAKE THAT CHOICE. IF WE FAIL TO DO THIS, WE HAVE FAILED AMERICA FOR WHAT IT WAS FOUNDED FOR.

ENC F OUTLINE

We The People, Inc. of the United States

Stop Chernobyl Here

To Whom It May Concern:

In October, 1987, while I was a guest at a luncheon for President Ronald Reagan hosted by the Republican Inner Circle in Washington, D.C., I handed the President information about serious safety problems at U.S. nuclear power plants. (See enc. #9) The packet I gave him told about counterfeit substandard parts built into the plants, endangering the public's safety, and said the Nuclear Regulatory Commission was covering up this potential disaster. It also said there were individuals within the agency who were worried about this and other safety problems the NRC was not addressing and that these people would be willing to speak with the President privately.

Nearly five years later, the incident has been referred to the FBI by the NRC's Inspector General for Investigation (enc. #21c) because the former president denies the exchange ever occurred even though I have a photograph of the exchange.

The enclosed chronology details my attempts to bring the counterfeit substandard materials problem and the NRC's coverup to President Reagan's attention. My first contact with the President's office was in August of 1986 when I sent him a letter and a petition signed by 80 percent of the town of Rowley (enc. #1) requesting the President order an investigation of the NRC. My concerns about nuclear plant safety were heightened by an August, 1986, conversation I had with then-NRC Commissioner James Asselstine in which he stated in writing that an accident as bad or worse than Chernobyl would happen in the U.S. because our plants are so badly built and operated (see enc. #3a).

Mary McGrory wrote a nationally syndicated story (enc. #5) for her column on my efforts to see the President in September of that year, mentioning that I had hired a plane to fly a banner over the White House asking the President to see me. In October, Victor Stello, executive director of the NRC wrote me a letter stating that residents of my nursing home, just twelve miles from the Seabrook nuclear power plant, should be left in place and given potassium iodide to drink in case of a major plant accident. (enc. #6) Outraged by such an inhumane attitude, I increased my investigations of the NRC's policies.

Because President Reagan continued to ignore my concerns, I approached Mr. Gorbachev and his staff, asking him to help prevent a Chernobyl here (enc. #11). Although I made several attempts, I was never able to actually meet Mr. Gorbachev; although I did meet with his Washington Press Secretary, Igor Bulay (see enc. #11d & 11g). I arranged to have a banner flown over Washington during Mr. Gorbachev's stay while attending the Iceland summit. Unfortunately the Secret Service didn't allow the banner to be flown (see AP story enc. #11) In March 1988, I gave U.S. Attorney for New York Rudolph Guiliani information about the counterfeit materials in nuclear plants. (enc. #12) Due to publicity about his investigation, Victor Stello was forced to admit there was a problem and ordered an investigation.

A non-profit, tax exempt organization

Main Office: Box 277, Rowley, MA 01969, (508) 948-7959
50 Court St., Plymouth, MA 02361, (508) 746-9300
National Press Bldg., 14 & F Sts., N.W., Washington D.C. 20045, (202) 628-6611

When I wrote Mr. Stello asking when he first found out about counterfeit materials from Piping Supply, Inc. and West Jersey Manufacturing, both New Jersey companies, I received a letter from the NRC's Thomas Murley on August 15, 1988 (enc. #15) stating the NRC had first learned of the problem in January 1988. Another letter from Murley that October said that President Reagan had referred my concerns about the counterfeit bolts at Seabrook Station were not a problem (enc. #18). An article in the Boston Herald the next week stated that counterfeit fixtures previously okayed by the NRC had failed inspection (enc. #19).

In December, 1988, I sent packets about the counterfeit materials to every U.S. Senator, Congressman, state governor and to the White House staff. An expose compiled by We The People (enc. #20), showed that the NRC had lowered safety standards for nuclear power plants under pressure from the industry and had called off further investigation of the counterfeit materials issue. A letter to Senator Dole is enclosed as an example of the letters sent to all of these individuals (enc. #20a).

It is unfortunate for the safety of the American people that so little action has been taken on this issue by the NRC and by Congress, the only body with authority over the agency. We The People continues to call on Congress to investigate the counterfeit materials issue and the corruption within the NRC which has allowed this safety problem to persist.

I hope you find the enclosed materials helpful. Even though I have highlighted certain events, I encourage you to read the whole chronology for a smooth flow, along with the enclosure packet. Please contact me if you require further information.

Sincerely,

Stephen B. Comley

Stephen B. Comley

SBC/ca
enclosures: Reagan chronology with enclosures

CHRONOLOGY - COMLEY'S INVOLVEMENT WITH REAGAN (AND THEN V.P. BUSH)

August 12, 1986

In a brief letter to President Reagan's Director of Appointments and Scheduling, Frederick Ryan, Stephen Comley requested a meeting with the President. (Enclosure #1) He had a petition signed by 80 percent of the people in his town, Rowley, Massachusetts, requesting the President order an investigation of the Nuclear Regulatory Commission. (Enclosure #1a) Reagan never acknowledged or responded to the petitions.

August 15, 1986

Mr. Ryan, in response to a telephone call from Mr. Comley regarding the letter sent requesting a meeting, wrote a letter saying the President was unable to meet with him due to heavy demands on scheduling and that informational packet Comley sent with the letter had been brought to the attention of the NRC. (Enclosure #2)

August 27, 1986

Mr. Comley sent Mr. Ryan additional information and requested a meeting with the President and with Mr. Ryan. (Enclosure #3) With his letter, Mr. Comley sent information showing then-NRC Commissioner James Asselstine had told him that the NRC was protecting the nuclear industry, not the American people and that a nuclear accident as bad or worse than Chernobyl would occur because U.S. nuclear power plants were so badly built and operated. (Enclosure #3a) Mr. Comley added that other NRC officials had confirmed Mr. Asselstine's statement and were willing to meet confidentially with the President.

September 4, 1986

In a letter to Mr. Ryan, Mr. Comley reiterated his request to meet with the President to tell him what was going on within the NRC. (Enclosure #4) Senator Heinz sent a letter to Comley thanking him for his outstanding commitment to President Reagan. (Enclosure #4a)

September 18, 1986

The First story told nationally regarding Comley's situation was written by Mary McGrory, columnist for the Washington Post, and titled "Fighting For Survival Of The Unfit." The story mentions that Comley hired a plane to fly a banner over the White House saying, "Mr. Reagan, Please See Me - Comley!" (Enclosure #5)

October 1, 1986

Mr. Comley received a reply from Victor Stello, Executive Director of the NRC, in answer to questions Mr. Comley had sent to NRC Chairman Lando Zech. Mr. Stello stated the plan for evacuating elderly and others who could not be moved during a radioactive accident at the Seabrook nuclear plant was to leave them behind and give them a

chemical, potassium iodide, to drink. (Enclosure #6) Mr. Comley found this attitude both inhumane and a denial of the constitutional right to equal protection, so he undertook a campaign to investigate the NRC and the nuclear industry.

March 10, 1987

Mr. Comley received a letter from the Vice President's office, signed by E. Terry Mattke, Military Assistant/Aide to the V.P., acknowledging receipt of a letter to Mr. Bush, which expressed Mr. Comley's concern about nuclear power plant safety. He stated that Mr. Comley's letter would be shared with the Department of Energy and they would in turn correspond with Mr. Comley. (Enclosure #7)

October 16, 1987

During a conversation with Nancy Reagan at a Dover, N.H. school, Mr. Comley asked her to urge her husband to meet with him. He explained that he had firsthand information about a serious safety problem with U.S. nuclear plants which the NRC was trying to keep secret. Mr. Comley gave Mrs. Reagan's secretary, Ray Martinez a packet of information.

October 20, 1987

Mr. Comley wrote Mrs. Reagan a follow up letter urging her to read the information he gave her secretary and wished her a speedy recovery from a recent operation. (Enclosure #8)

October 26, 1987

While he was a guest at a Washington, D.C. luncheon at the Shoreham Hotel hosted by the Republican Inner Circle and attended by President Reagan, Mr. Comley handed the President a letter and a large envelope containing information about substandard counterfeit materials built into many U.S. nuclear power plants (see enc. 9a). The letter explained that high ranking officials within the NRC had confirmed that this alarming situation was known as a "public secret" inside the NRC and that the counterfeit materials placed millions of Americans in jeopardy. The letter also said high ranking NRC officials were willing to meet in confidence with the President to explain this problem with the agency.

Although the event was closed to the public and the press, Mr. Comley sent out a press release on October 25 saying he intended to give the President this information (see enc. 9b). But when a Washington Associated Press reporter, Chris Callahan, called to confirm the story, both the Inner Circle and the White House denied witnessing the exchange. However, Mr. Callahan opted to write the story anyway. (See enc. 9c) Mr. Comley had photographs taken during the Inner Circle luncheon proving the exchange took place. (See enc. 9 d&e)

December 1, 1987

Mr. Comley received a letter from Frank Ingram, an assistant to the NRC's Director of Public Affairs, saying Mr. Comley's letter to Mrs. Reagan was put in the NRC's Public Document Room under Seabrook. No further action was taken. (Enclosure #10)

December 6, 1987

Because President Reagan ignored Comley, Comley appealed to Mr. Gorbachev by hiring a plane to fly a banner over Lincoln Park, Washington, D.C., reading "Mr. Gorbachev: Help us Stop Chernobyl here. Join We The People." The plane was grounded by the Federal Aviation Administration. Additional background, letters, and press on Comley's effort to secure Gorbachev's involvement are enclosed (#11).

March 17, 1988

Mr. Comley took information about falsification of nuclear plant safety documents and collusion between the NRC and vendors supplying substandard materials for nuclear plants to Rudolph Giuliani, U.S. Attorney for the Southern District of New York, who was undertaking an investigation of the Shoreham nuclear plant. This story was written up in the New York Times on March 18, 1988 (see We The People's press release of 3/17/88 enc.#12). This article said somebody had taken an employee from the NRC to see Giuliani. After reading this, Victor Stello went to various offices within the NRC trying to find out who that employee was, but no one would admit having done so. This forced Stello to acknowledge publicly that counterfeit substandard parts were in existence in plants across the country.

May 14, 1988

The NRC ordered 38 plants to find and replace all counterfeit substandard parts. (Enclosure #13) This is also in NRC Bulletin 88-05.

July 18, 1988

In a letter to NRC EDO Victor Stello, Mr. Comley asked when exactly the NRC acquired knowledge of these potential safety problems and what actions were finally taken as a result of this knowledge. This was specifically in reference to parts coming from Piping Supply, Inc. of Folsom, New Jersey, and West Jersey Manufacturing of Williamstown, New Jersey. (Enclosure #14)

August 15, 1988

Mr. Thomas Murley, Director of the Office of the Nuclear Reactor Regulation, replied in Stello's stead to Mr. Comley's July 18 letter. Mr. Murley stated the NRC first learned about substandard piping

materials supplied to nuclear power plants when a material supplier telephoned the agency during the week of January 17, 1988 (enclosure #15) According to Mr. Murley, the NRC issued a subpoena for documents from suspect piping companies (Piping Supplies, Inc. and West Jersey Manufacturing, both of New Jersey) on February 24, 1988, then on May 6, 1988, issued NRC Bulletin 88-05. That bulletin required licensees to trace and test materials from the two suspect piping companies. On August 3, 1988, the NRC suspended the trace and test requirements, deferring to the conclusions of the industry-owned Nuclear Management and Resources Council (NUMARC) that even though the piping materials do not meet engineering safety standards, they are not unsafe.

By the time the NRC called off the investigation of counterfeit materials, it had learned that they encompassed valves, circuit breakers, fasteners, and pumps, as well as piping materials, and that these parts were built into more than half of the nuclear power plants in the U.S. Mr. Comley is certain that the NRC knew about and was covering up the counterfeit materials problem long before the January 1988 date stated by Mr. Murley.

August 15, 1988

Mr. Comley was invited to the Republican National Convention on this date. He wrote to President Reagan reminding him of their October 1987 encounter and reiterated that he wanted a private meeting to convey to the President the "public secret" counterfeit materials problem. (In the agency this problem was labeled as the "public secret.") This letter said he had additional information involving corruption within the NRC and that people in that agency were willing to tell the President privately about that issue. (Enclosure #16)

August 15, 1988

Comley attended the Republican National Convention in New Orleans and hired an airplane to fly a large banner which would circle the Super Bowl dome reading "Hey, George, Stop Chernobyl Here. Join We The People." He did this to keep his crusade going. Unfortunately the banner was grounded by the Secret Service. (Enclosure #17) Because of the Secret Service intervened, Comley went down on the convention floor and displayed his sign which read, "Stop Chernobyl Here, Join We The People." During Sununu's address to the convention, Comley met members of Reagan's and Bush's staff and informed them he had evidence to be delivered to both that could ultimately change the outcome of the election. Knowing Comley was a member of the Inner Circle, they paid particular attention to him when he insisted that they write down their names and phone numbers and the time they received this information. Comley didn't want a repetition of his previous encounter with Reagan, where staff said they had never received the information. To ensure this, Comley sent the same materials certified mail, return receipt requested, to Reagan and Bush at the White House.

October 4, 1988

Thomas Murley responded to Mr. Comley's August 15, 1988, letter to President Reagan and said that the 369 suspect fixtures found by the licensee at Seabrook Station were under review by the NRC and that counterfeit bolts were not a problem at the plant. (Enclosure #18)

December 10, 1988

An Article appeared in the Boston Herald stating that fixtures at Seabrook Station, which had been okayed by the NRC, failed inspection. (Enclosure #19)

December, 1988

Mr. Comley sent every U.S. Senator, representative, governor, and White House staff member a copy of an expose (Enclosure #20) of the counterfeit materials fiasco compiled by We The People, the anti-nuclear educational organization, which he directs. The report used publicly available NRC documents, as well as We The People source material, to show that there are tens of thousands of substandard parts built into more than half the nuclear power plants in the U.S. When the industry objected to the expense of finding and replacing these potentially very dangerous materials, the NRC called off its investigation and lowered plant safety standards to attempt to meet the low quality of the counterfeit materials. Thus, piping materials, valves, circuit breakers, fasteners and pumps are now allowed to be weaker and less accurate than the original engineering safety designs called for. The lowered standards have not prevented subsequent failures at nuclear power plants; fortunately these failures have not yet caused a major accident.

We are enclosing the packet of information we compiled, along with the letter sent out to all politicians mentioned (sample enclosed of letter we sent to Senator Robert Dole) (Enclosure #20a). Included in the packet is a sworn affidavit by a U.S. senior investigator having to do with prosecution of individuals involved in the selling of counterfeit substandard parts. (Enclosure #20b)

Replies to the packet were received from Senator Kerry, Senator Kennedy, Senator Bradley, Lawrence Lippe, Chief General Litigation and Legal Advice Section Criminal Division (referred by Attorney General Thornburgh), Mario Cuomo, Brackinridge Willcox, U.S. Attorney, Massachusetts Attorney General Shannon, and Kenneth Boley, Nuclear Safety Analyst. (Enclosure #20c)

Enclosure #21a to 21d includes the following:

21a. A letter from John C. Hoyle, Assistant Secretary of the NRC, to Comley confirming receipt of the material on counterfeit substandard parts.

21b. A September 14, 1990 letter to David Williams, Office of Inspector General, NRC, from Comley stating facts regarding giving Reagan information on hazards at nuclear plants.

21c. A May 31, 1991 letter to Comley from NRC Assistant Inspector General for Investigations saying the allegation sent by Comley regarding Ronald Reagan's failure to act on the counterfeit materials issue had been forwarded to the FBI.

21d. Various press articles on this subject.
Note especially Portsmouth Herald article of 5/10/90; New York Times articles of 8/4/89; 10/13/89; and 6/20/90.

September 1, 1989

We The People members displayed a banner depicting a woman in a wheelchair with a message reading, "MR. BUSH: WHEN CHERNOBYL HAPPENS HERE, THEY WON'T EVACUATE ME. JOIN WE THE PEOPLE. STOP NUCLEAR POWER.", at Pease Air Force Base in Portsmouth, New Hampshire, while waiting for President George Bush to arrive from Washington. The 10 foot by 22 foot red, white, and blue banner was confiscated by Pease Air Force Base police and some members were detained for trespassing. The banner was later returned when police found out the American Civil Liberties Union was pursuing this matter. Press article of incident is enclosed. (Enc. #22)

October 22, 1989

At 1 p.m. members of We The People displayed a banner along the road at Walkers Point overlooking President Bush's summer White House in Kennebunkport to call the President's attention to the dangers of nuclear power. This is the same banner that was confiscated by Pease Air Force Base police in September. The banner dramatizes the fact that in the case of a nuclear disaster, there are no plans for evacuating the special needs population including senior citizens who are homebound in nursing homes or hospitals. The NRC declared that these Americans be left behind to drink potassium iodide to be administered by volunteers willing to stay behind in the event of a nuclear accident. (Enc. #23 - press release on this event.)

THE CASE AGAINST BUCHANAN

George Galatis at Millstone in Connecticut

SPECIAL INVESTIGATION

BLOWING THE WHISTLE ON NUCLEAR SAFETY

How a showdown at a power plant exposed the federal government's failure to enforce its own rules

10

TO OUR READERS

TO HEAR SENIOR WRITER ERIC Pooley talk, just about anyone could have produced this week's investigative report on a shocking pattern of safety lapses at a nuclear power plant in Connecticut. "Basically," says Pooley, with characteristic modesty, "it was just a classic whistle-blower tale." No big deal.

Permit us to disagree. It's a rare journalist who has the energy and persistence to unravel a story as tangled as this one. And Pooley, says chief of correspondents Joëlle Attinger, "is one of the best I've ever seen. He has unlimited curiosity, and a remarkable sense of whether a source is credible or not."

He also has an appetite for tough assignments. On graduating from Brown University in 1981, Pooley headed for East Germany and began reporting on anticommunist dissident groups. Although he had no affiliation with any news organization, papers back home, including the Cleveland *Plain Dealer* and the Providence *Journal*, picked up his dispatches.

When Pooley returned to the U.S. in 1982, he joined *New York* magazine as a fact checker. Within five years he was a senior editor, and he went on to report and write two dozen cover stories on topics ranging from police corruption to kids who carry guns. In 1993 he became the magazine's political columnist.

TED THAI FOR TIME

A NOSE FOR HARD NEWS: Given a choice, Pooley will always take on the most difficult assignment

Last year TIME tapped Pooley to join an investigative team specializing in long-term, intensively reported projects. Among his stories since then: an exposé of Senator Al D'Amato's questionable fund-raising activities and an exhaustive report on Colin Powell's wife and key adviser Alma. This week's piece was probably the toughest of all. He not only had to unearth a carefully buried story, but he had to master the intricacies of nuclear plant operation as well. Says Pooley: "I had to keep going over the same ground before I was sure I'd got it."

Now Pooley has to master intricacies of a different sort. He's joining TIME's Washington bureau to cover the White House and the Clinton re-election campaign. Although by nature a risk taker, Pooley has some concerns. "TIME's Washington bureau is an amazing group of journalists," he says. "I just hope I can make a contribution." Somehow, we think he'll manage.

■ ■ ■

Emmy-winning ABC-TV news analyst Jeff Greenfield has agreed to write a column for us on politics and popular culture—"C-SPAN meets the Grateful Dead," as he puts it. The first appears this week.

Bruce Hallett

President

TIME MAGIZINE STORY March 4, 1996: We The People's Staff, and our Attorney, Ernest Hadley (I personally worked with Joelle Attinger, Chief of Correspondents, see her name above) for 10 years plus on this article which the editor handed over to Eric Pooley in summer of 93 for his first cover story. We wish Eric had given We the People Inc the credit it deserved for spoon feeding Pooley and doing all the investigating (see pages 51 and 52 of Time's Cover Story which are highlighted) WTP had worked on some of these informants for over 11 years) work [illegible] But I ask my self how could Pooley have missed writing about the investigation WTP's bought about concerning 72 U.S Nuclear plants that were then and now operating with counterfeit substandard parts? That omission was irresponsible enough but Pooley's cover story in Time bothered me even more because we had applied for 200 Grants applications and did not get one to which could have kept the 7 WTP offices open to continue to protect and shield nuclear and government NRC informants. My family had spent over $500,000.00 when the cover story came out and were counting on Time's Cover story to keep things going. Stephen B. Comley, Executive Director and Founder of We The People Inc. of the United States.

WAR

Two gutsy engineers in Connecticut have caught the Nuclear Regulatory Commission at a dangerous game that it has played for years: routinely waiving safety rules to let plants keep costs down and stay online

By ERIC POOLEY

GEORGE BETANCOURT LOOKED UP FROM HIS DESK AS George Galatis burst into the office, a bundle of papers under his arm. On that morning in March 1992, the two men—both senior engineers at Northeast Utilities, which operates five nuclear plants in New England—were colleagues but not yet friends. Apart from their jobs and first names, they seemed to have little in common. Betancourt, 45, was extravagantly rebellious—beard, biker boots, ponytail sneaking out the back of his baseball cap—while Galatis, 42, was square-jawed and devout: Mr. Smith Goes Nuclear. But Galatis respected Betancourt's expertise and knew he could count on him for straight answers.

On this day, Galatis wanted to know about a routine refueling operation at the Millstone Unit 1 nuclear plant in Waterford, Connecticut. Every 18 months the reactor is shut down so the fuel rods that make up its core can be replaced; the old rods, radioactive and 250°F hot, are moved into a 40-ft.-deep body of water called the spent-fuel pool, where they are placed in racks alongside thousands of other, older rods. Because the Federal Government has never created a storage site for high-level radioactive waste, fuel pools in nuclear plants across the country have become de facto nuclear dumps—with many filled nearly to capacity. The pools weren't designed for this purpose, and risk is involved: the rods must be submerged at all times. A cooling system must dissipate the intense heat they give off. If the system failed, the pool could boil, turning the plant into a lethal sauna filled with clouds of radioactive steam. And if earthquake, human error or mechanical failure drained the pool, the result could be catastrophic: a meltdown of multiple cores taking place outside the reactor containment, releasing massive amounts of radiation and rendering hundreds of square miles uninhabitable.

To minimize the risk, federal guidelines require that some older plants like Millstone, without state-of-the-art cooling systems, move only one-third of the rods into the pool under normal conditions. But Galatis realized that Millstone was routinely performing "full-core offloads," dumping all the hot fuel into the pool. His question for Betancourt was, "How long has this been going on?"

BROTHERS-IN-ARMS: George Galatis, right, and George Betancourt outside the Millstone nuclear power plant

Photograph for TIME by Karen Kuehn—Matrix

Betancourt thought for a minute. "We've been moving full cores since before I got here," he said, "since the early '70s."

"But it's an emergency procedure."

"I know," Betancourt said. "And we do it all the time." What's more, Millstone 1 was ignoring the mandated 250-hr. cool-down period before a full off-load, sometimes moving the fuel just 65 hrs. after shutdown, a violation that had melted the boots of a worker on the job. By sidestepping the safety requirements, Millstone saved about two weeks of downtime for each refueling—during which Northeast Utilities has to pay $500,000 a day for replacement power.

Galatis then flipped through a safety report in which Northeast was required to demonstrate to the Nuclear Regulatory Commission that the plant's network of cooling systems would function even if the most important one failed. Instead, the company had analyzed the loss of a far less critical system. The report was worthless, the NRC hadn't noticed, and the consequences could be dire. If Millstone lost its primary cooling system while the full core was in the pool, Galatis told Betancourt, the backup systems might not handle the heat. "The pool could boil," he said. "We'd better report this to the NRC *now*."

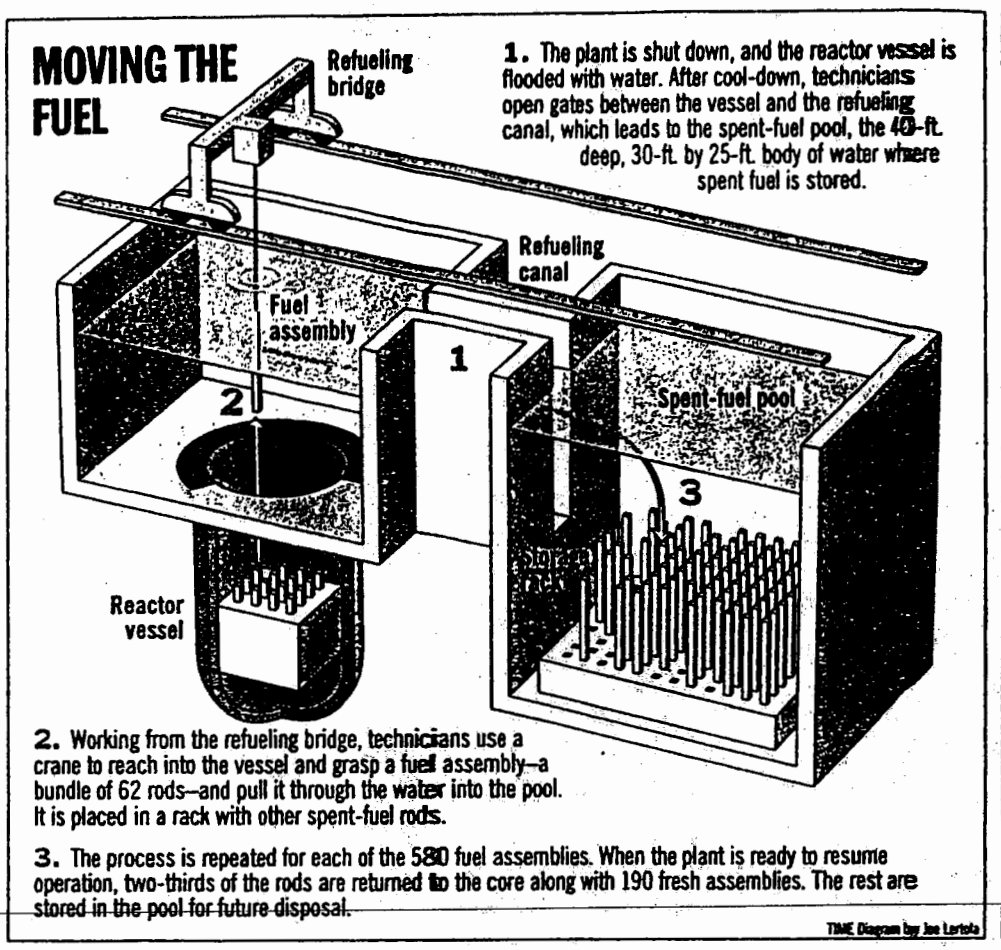
Betancourt saw that Galatis was right. "But you do that," he said, "and you're dogmeat."

Galatis knew what he meant. Once a leading nuclear utility, Northeast had earned a reputation as a rogue—cutting corners and, according to critics, harassing and firing employees who raised safety concerns. But if Galatis wanted to take on the issue, Betancourt told him, "I'll back you."

So began a three-year battle in which Galatis tried to fix what he considered an obvious safety problem at Millstone 1. For 18 months his supervisors denied the problem existed and refused to report it to the NRC, the federal agency charged with ensuring the safety of America's 110 commercial reactors. Northeast brought in outside consultants to prove Galatis wrong, but they ended up agreeing with him. Finally, he took the case to the NRC himself, only to discover that officials there had known about the procedure for a decade without moving to stop it. The NRC says the practice is common, and safe—if a plant's cooling system is designed to handle the heat load. But Millstone's wasn't. And when Galatis learned that plants in Delaware, Nebraska and New Jersey had similar fuel-pool troubles, he realized the NRC was sitting on a nationwide problem.

Ten years after the disastrous uncontained meltdown at Chernobyl, 17 years after the partial meltdown at Three Mile Island, most Americans probably give only passing thought to the issue of nuclear safety. But the story of George Galatis and Millstone suggests that the NRC itself may be giving only passing thought to the issue—that it may be more concerned with propping up an embattled, economically straitened industry than with ensuring public safety. When a nuclear plant violates safety standards and the federal watchdog turns a blind eye, the question arises, How safe are America's nuclear plants?

If Millstone lost its primary cooling system, Galatis told Betancourt, "the pool could boil. We'd better report this to the NRC." "Do that," Betancourt said, "and you're dogmeat."



1. The plant is shut down, and the reactor vessel is flooded with water. After cool-down, technicians open gates between the vessel and the refueling canal, which leads to the spent-fuel pool, the 40-ft. deep, 30-ft. by 25-ft. body of water where spent fuel is stored.

2. Working from the refueling bridge, technicians use a crane to reach into the vessel and grasp a fuel assembly—a bundle of 62 rods—and pull it through the water into the pool. It is placed in a rack with other spent-fuel rods.

3. The process is repeated for each of the 580 fuel assemblies. When the plant is ready to resume operation, two-thirds of the rods are returned to the core along with 190 fresh assemblies. The rest are stored in the pool for future disposal.

TIME Diagram by Joe Lertola

THOUGH THE NRC'S MISSION STATEMENT promises full accountability—"nuclear regulation is the public's business," it says—the agency's top officials at first refused to be interviewed by TIME. After repeated requests, Chairwoman Shirley Ann Jackson, a physics professor who was appointed by President Clinton last summer, finally agreed to talk. But the veteran official in charge of the agency's day-to-day operations, executive director James M. Taylor, would provide only written answers to TIME's faxed questions.

"The responsibility for safety rests with the industry," Jackson told TIME. "Like any other regulatory body, NRC is essentially an auditing agency." Jackson argued that her agency is tough—"When we catch problems, it never makes the papers"—but added that with 3,000 employees and just four inspectors for every three plants, "we have to focus on the issues with the greatest safety significance. We can miss things."

In fact, Millstone is merely the latest in a long string of cases in which the NRC bungled its mandate and overlooked serious safety problems until whistle blowers came forward (*see box*). The NRC's relationship with the industry has been suspect since

APRIL SAUL FOR TIME

DE FACTO DUMP: Millstone Unit 1's spent-fuel pool now holds 3,000 used assemblies

1974, when the agency rose from the ashes of the old Atomic Energy Commission, whose mandate was to promote nuclear power. The industry vetoes commission nominees it deems too hostile (two of five NRC seats are vacant), and agency officials enjoy a revolving door to good jobs at nuclear companies such as Northeast. "The fox is guarding the henhouse," says Delaware Senator Joseph Biden, who is pushing legislation to create an independent nuclear safety board outside the NRC. The Democrat, who is also calling for a federal investigation of NRC effectiveness, believes the agency "has failed the public."

It all comes back to money. "When a safety issue is too expensive for the industry, the NRC pencils it away," says Stephen Comley, executive director of a whistleblower support group called We the People, which has brought many agency failures to light. "If the NRC enforced all its rules, some of the plants we've studied couldn't compete economically."

In a rare point of agreement with activists, the nuclear industry also says regulations threaten to drive some plants out of business, but it argues that many NRC rules boost costs without enhancing safety. "The regulatory system hasn't kept pace with advances in technology," says Steve Unglesbee, a spokesman for the Nuclear Energy Institute, the industry's p.r. unit. "Industry-wide, our safety record is improving. But NRC creates so many layers of regulation that every plant is virtually assured of being in noncompliance with something."

The NRC suggested as much in a 1985 agency directive on "enforcement discretion," which allowed the agency to set aside hundreds of its own safety regulations. Since 1990, Millstone has received 15 such waivers—more than any other nuclear station. In November, Jackson scaled back the policy, but she says this never endangered public safety. Others disagree.

"Discretionary enforcement was out of hand," says NRC acting Inspector General Leo Norton, who investigates agency wrongdoing but has no power to punish. "We shouldn't have regulations on the books and then ignore or wink at them."

Yet the tensions between cost and safety can only increase as deregulation of the nation's utilities ushers in a new era of rate-slashing competition. In some states, consumers will soon choose their electric company the way they now choose a long-distance telephone carrier. Companies with nuclear plants are at a disadvantage because nuclear-generated electricity can cost twice as much as fossil-generated power. No new plants have been ordered in 18 years, and a dozen have been mothballed in the past decade.

For now, however, nuclear power provides 20% of the electricity consumed in the U.S.; New England depends on nuclear plants for more than half its supply. Long-term, says Northeast senior vice president Donald Miller, Millstone and her sisters will survive only "if we start running them like a business [and] stop throwing money at issues." New England's largest power company, with $6.5 billion in assets and $3.7 billion in revenues last year, Northeast is slashing its nuclear work force of 3,000 employees by one-third over the next five years. Company CEO Bernard Fox says the move will not undermine safety.

GEORGE GALATIS WENT TO WORK AT NORTHeast Utilities in June 1982 with a degree from Rensselaer Polytechnic Institute and experience with a top manufacturer of nuclear components. At Northeast, he started in the division that oversees the utility's 15 fossil-fuel plants, then moved to the nuclear group, specializing in performance and reliability. Eric DeBarba, Northeast's vice president of technical services, describes him as a solid engineer. "Nobody here ever questioned his honesty or motives," DeBarba says.

Galatis tells it differently. In March 1992 he began working on Millstone 1, one of three nuclear plants perched on a neck of land that juts into Long Island Sound from the shore of southeastern Connecticut. He was checking specifications for a replacement part for a heat exchanger in the spent-fuel cooling system. To order the proper part, he needed to know the heat load. So he pulled a safety report that should contain the relevant data.

But they weren't there.

"The report didn't contain the safety analysis for what we were doing," says Galatis. "No heat-load calculations." It was then he realized the plant had been routinely operating "beyond design basis," putting 23 million BTUs into a pool analyzed for 8 million, which is, he says, "a bit like running your car at 5,000 r.p.m."

Galatis raised the issue with members of Northeast's division of nuclear licensing. "They tried to convince me they had it analyzed," he says. He asked them to produce the documents, and they could not. Galatis sensed trouble when, in later talks, "they began denying that the first discussions had taken place." In June 1992 he spelled out the problem in a memo, calling the fuel pool a license violation and an "unreviewed safety question"—NRC lingo for a major regulatory headache—and adding other concerns he had found, such as the fact that some of the pool's cooling pipes weren't designed to withstand an earthquake, as they were required to do. Northeast sat on the memo for three months, until Galatis filed an internal notice-of-violation form, and Betancourt, a leader in the spent-fuel field for years, wrote a memo backing him up.

"When I started in the industry, 20 years ago," Betancourt says, "spent fuel was considered the ass end of the fuel cycle. No one wanted to touch it. Everyone wanted to be on the sexy side, inside the reactor vessel, where the action and danger were. No one noticed fuel pools until we started running out of room in them."

In 1982 Congress mandated that the Department of Energy begin to accept nuclear waste from commercial reactors in 1998. Consumers started paying into a federal fund meant to finance a storage site. Though the Energy Department has collected $8.3 billion, no facility has been completed; in a case of NIMBY writ large, no state wants such a site in its backyard. As the nation's stockpile of spent fuel reached 30,000 tons, activists seized the issue as a way to hobble the industry, and the Energy Department announced that a permanent facility planned for Yucca Mountain, Nevada, wouldn't be ready until 2010; Energy Secretary Hazel O'Leary now puts its chances of opening at no better than fifty-fifty. Bills to create temporary sites are stalled in both houses of Congress.

APRIL SAUL FOR TIME

SEE NO EVIL: Northeast's DeBarba says he knows nothing about Galatis' being harassed for raising safety issues

"Slowly, we woke up to this problem," says Betancourt. The NRC relaxed standards and granted license amendments that allowed plants to "rerack" their rods in ever more tightly packed pools. Sandwiched between the rods is a neutron-absorbing material called Boraflex that helps keep them from "going critical." After fuel pools across the country were filled in this way, the industry discovered that radiation causes Boraflex to shrink and crack. The NRC is studying the problem, but at times its officials haven't bothered to analyze a pool's cooling capacity before granting a reracking amendment. "It didn't receive the attention that more obvious safety concerns got," says Inspector General Norton.

Then, in late 1992, David Lochbaum and Don Prevatte, consultants working at Pennsylvania Power & Light's Susquehanna plant, began to analyze deficiencies in spent-fuel cooling systems. They realized that a problem had been sneaking up on the industry: half a dozen serious accidents at different plants had caused some water to drain from the pools. In the worst of them, at Northeast's Haddam Neck plant in 1984, a seal failure caused 200,000 gal. to drain in just 20 min. from a water channel next to the fuel pool. If the gate between the channel and the pool had been open, the pool could have drained, exposing the rods and causing a meltdown. Says Lochbaum: "It was a near miss."

The NRC insists that the chance of such an accident is infinitesimal. But the agency's risk-assessment methods have been called overly optimistic by activists, engineers and at least one NRC commissioner. The agency's analysis for a fuel-pool drainage accident assumes that at most one-third of a core is in the pool, even though plants across the country routinely move full cores into pools crowded with older cores. If the NRC based its calculations on that scenario, says Lochbaum, "it would exceed the radiation-dose limits set by Congress and scare people to death. But the NRC won't do it." The NRC's Taylor told TIME that the agency analyzes dose rates at the time a plant opens—when its pool is empty. The law, he said, "does not contain a provision for rereview."

Lochbaum and Prevatte reported Susquehanna to the NRC and suggested improvements to its cooling system. The NRC, Lochbaum says, didn't read the full report. He and Prevatte called Congress members, pushed for a public hearing and presented their concerns to NRC staff. Conceding that Lochbaum and Prevatte "had some valid points," the agency launched a task force and in 1993 issued an informational notice to the 35 U.S. reactors that share Susquehanna's design, alerting them to the problem but requiring no action. One of the plants was Millstone 1.

IN 1992, GALATIS DIDN'T KNOW ABOUT Lochbaum's struggle to get fuel-pool problems taken seriously. He did know he would face resistance from Northeast, where the bonus system is set up to reward employees who don't raise safety issues that incur costs and those who compromise productivity see their bonuses reduced. (Northeast says it has a second set of bonuses to reward those who raise safety issues. Galatis never got one.)

"Management tells you to come forward with problems," says Millstone engineer Al Cizek, "but actions speak louder than words." A Northeast official has been quoted in an NRC report saying the company didn't have to resolve a safety problem because he could "blow it by" the regulators. An NRC study says the number of safety and harassment allegations filed by workers at Northeast is three times the in-

dustry average. A disturbing internal Millstone report, presented to CEO Fox in 1991 and obtained by TIME, warns of a "cultural problem" typified by chronic failure to follow procedures, hardware problems that were not resolved or were forgotten, and a management tolerant of "willful [regulatory] noncompliance without justification." The report, written by director of engineering Mario Bonaca, changed nothing. "We've been working at this," says Fox, "but making fundamental change in a complex, technical environment is really hard."

A 1996 Northeast internal document reports that 38% of employees "do not trust their management enough to willingly raise concerns [because of] a 'shoot the messenger' attitude" at the company. In recent years, two dozen Millstone employees have claimed they were fired or demoted for raising safety concerns; in two cases, the NRC fined Northeast. In one, Paul Blanch, who had only recently been named engineer of the year by a leading industry journal, was subjected to company-wide harassment after he discovered that some of Millstone Unit 3's safety instrumentation didn't work properly.

Galatis had watched that case unfold. "George knew what he was getting into," says Blanch. "He knew Northeast would come after him. He knew the NRC wouldn't protect him. And he did it anyway."

IN JANUARY 1993, GALATIS PUSHED FOR A meeting with Richard Kacich, Northeast's director of nuclear licensing. Galatis outlined the pool's problems and asked for a consultant, Holtec International, to be brought in. Holtec agreed with Galatis that the pool was an unanalyzed safety question; later the consultant warned that a loss of primary cooling could result in the pool's heating up to 216°F—a nice slow boil.

Galatis sent a memo to DeBarba, then vice president of nuclear engineering, in May 1993. Galatis was threatening to go to the NRC, so DeBarba created a task force to address "George's issues," as they were becoming known. The aim seems to have been to appease Galatis and keep him from going public. DeBarba says the calculations that Holtec and Galatis used were overly conservative and that experience told him there was no problem. The pool hadn't boiled, so it wouldn't boil. If a problem ever developed, there would be plenty of time to correct it before it reached the crisis stage. "We live and work here. Why would we want an unsafe plant? We had internal debate on this topic," DeBarba told TIME. "Legitimate professional differences of opinion." In 1977, he says, the NRC stated, "We could make the choice [of a full-core off-load] if it's 'necessary or desirable for operational considerations.' But that does not mean that what George raised was not an issue. We have rules on this, and we want to get it right."

By October 1993, Galatis was writing to the chief of Northeast's nuclear group, John Opeka, and to Fox, who was then company president. Galatis mentioned the criminal penalties for "intentional misconduct" in dealings with the NRC. Opeka objected to Galatis' abrasive tone but hired another consulting firm, which also agreed with Galatis. Northeast moved on to yet another consultant, a retired NRC official named Jim Partlow.

In December, during a four-hour interview that Galatis calls his "rape case"—because the prosecutor, he says, put the victim on trial—Partlow grilled Galatis about his "agenda" and "motives." After Galatis showed him the technical reports, Partlow changed his mind about Galatis and began questioning Kacich about the apparent violations. In two March 1994 memos to Kacich, Partlow backed Galatis, scolded the utility for taking so long to respond to him and suggested that they should reward Galatis "for his willingness to work within the NU system ... Let him know that his concern for safety ... is appreciated."

DeBarba and Kacich created another task force but did not modify the cooling system. Kacich began having conversations with Jim Andersen, the NRC's project manager for Millstone 1, about Galatis' concerns and how to get through the spring 1994 off-load. Andersen, who works at NRC headquarters in Washington, has told the inspector general that he knew all along Millstone was off-loading its full core but didn't know until June 1993 that it was a problem. Even then he did not inform his superiors. In a bow to Galatis, Millstone modified its off-load procedure, moving all the rods but doing so in stages. Before the off-load, Northeast formally reported to Andersen what he'd known for months: that Millstone might have been operating outside its design basis, a condition that must be reported within 30 days.

During the spring outage, a valve was accidentally left open, spilling 12,000 gal. of reactor-coolant water—a blunder that further shook Galatis' faith. He began to see problems almost everywhere he looked and proposed the creation of a global-issues task force to find out whether Millstone was safe enough to go back online. His bosses agreed. But when the head of the task force left for a golf vacation a few weeks before the plant was scheduled to start up, Galatis says, he knew it wasn't a serious effort. So he made a call to Ernest Hadley, the lawyer who had defended whistle blower Blanch against Northeast two years before.

AN EMPLOYMENT AND WRONGFUL-termination lawyer, Hadley has made a career of representing whistle blowers, many of them from Millstone. For 10 years he has also worked with Stephen Comley and We the People. Comley, a Massachu-

"We haven't always been on top of things," says the NRC's Jackson. "The ball got dropped. Here's what I'm saying now: The ball will not get dropped again."

KATHERINE LAMBERT FOR TIME

ENFORCER: NRC Chairwoman Jackson is trying to prove her commitment to safety—and reform an inert bureaucracy

setts nursing-home operator, is a classic New England character, solid and brusque. He founded We the People in 1986 when he realized the evacuation plans for Seabrook Station, a plant 12 miles from his nursing home, included doses of iodine for those too old and frail to evacuate.

"Some of us were expendable," says Comley. "That got me going." For years he was known for publicity stunts—hiring planes to trail banners above the U.S. Capitol—and emotional outbursts at the press conferences of politicians. The NRC barred him from its public meetings until a judge ordered the ban lifted. But Comley's game evolved: instead of demanding that plants be shut down, he began insisting they be run safely. He teamed up with the sharp-witted Hadley to aid and abet whistle blowers and sank his life savings into We the People before taking a dime in donations. Comley, says the NRC's Norton, "has been useful in bringing important issues to our attention. Steve can be a very intense guy. I don't think it's good for his health. But people who seem—not fanatical, but overly intense—help democracy work."

BEAN D. ELLIOT—THE DAY

COACHING STAFF: Comley, left, and Hadley, right, with Galatis at a public meeting last October, lent the engineer crucial support

IN APRIL 1994, TWO YEARS AFTER HE DISCOVERED the problems with Millstone's cooling system, Galatis reported the matter to the NRC. He spoke to a "senior allegations coordinator," waited months, then refiled his charges in a letter describing 16 problems, including the cooling system, the pipes that couldn't withstand seismic shock, the corporate culture. "At Northeast, people are the biggest safety problem," Galatis says. "Not the guys in the engine room. The guys who drive the boat."

Galatis told DeBarba and Kacich that he was going to the NRC. He continued to experience what he calls "subtle forms of harassment, retaliation and intimidation." His performance evaluation was downgraded, his personnel file forwarded to Northeast's lawyers. DeBarba "offered" to move him out of the nuclear group. He would walk into a meeting, and the room would go suddenly silent. DeBarba says he is unaware of any such harassment.

With missionary zeal, Galatis continued to forward allegations to the NRC. Yet four months passed before Galatis finally heard from Donald Driskill, an agent with the NRC's Office of Investigations (the second watchdog unit inside the NRC, this one tracks wrongdoing by utilities). Galatis felt that Driskill was too relaxed about the case. Driskill talked to Northeast about Galatis' charges—a breach of confidentiality that the NRC calls "inadvertent." When Hadley complained to him about Northeast's alleged harassment of Galatis, Driskill suggested he talk to Northeast's lawyer: "He's a really nice guy."

While playing detective—sniffing through file drawers and computer directories—Galatis found items that he felt suggested collusion between the utility and its regulator. Safety reports made it clear that both on-site inspectors and officials from the NRC's Office of Nuclear Reactor Regulation had known about the full-core off-loads since at least 1987 but had never done anything about them. Now, to clear the way for the fall 1995 off-load, NRC officials were apparently offering Northeast what Galatis calls "quiet coaching." One sign of this was a draft version of an NRC inspection report about the spent-fuel pool that had been E-mailed from the NRC to Kacich's licensing department. "What was that doing in Northeast's files?" asks Inspector General Norton.

On June 10, 1995, Jim Andersen visited the site to discuss Galatis' concerns with Kacich's staff. Andersen wouldn't meet with Galatis but huddled with Kacich's team, trying to decide how to bring Millstone's habits into compliance with NRC regulations, either by requesting a license amendment—a cumbersome process that requires NRC review and public comment—or by filing an internal form updating the plant's safety reports. This was the easier path, but it could be used only if the issue didn't constitute an unreviewed safety question. Andersen told DeBarba and Kacich that the license amendment "is the cleaner way to go," but they weren't sure there was enough time to get an amendment approved before the next off-load, scheduled for October 1995.

On July 10, Betancourt met with Ken Jenison, an inspector from the NRC's Re-

NEAR MISSES

The Nuclear Regulatory Commission's Office of the Inspector General—a watchdog that can investigate but not punish—has looked into an array of cases in which safety problems were ignored by NRC staff. Some highlights: ALL THESE CASES NTP WORKED ON SOME FOR 12 YEARS

■ After a 1975 fire knocked out equipment at the Browns Ferry plant in Alabama, the NRC approved a material called Thermo-Lag as a "fire barrier" to protect electrical systems. Between 1982 and 1991, however, the NRC ignored seven complaints about Thermo-Lag; when an engineer testified that fire caused it to melt and give off lethal gases, the NRC closed the case without action. After more complaints and an inspector general's investigation, the NRC "reassessed." Now, it says, "corrective action is ongoing."

■ In 1980 workers at Watts Bar 1, a plant then under construction by the Tennessee Valley Authority, flooded the NRC with some 6,000 allegations of shoddy workmanship and safety lapses—enough to halt construction for five years. The NRC breached confidentiality and identified whistle blowers such as electrical supervisor Ann Harris to the TVA; several were fired. After 23 years and $7 billion, Watts Bar 1 was completed last fall. Though workers say the TVA has abandoned thorough safety inspections in favor of a "random sampling" program, the NRC in February granted an operating license to Watts Bar, the last U.S. nuclear plant scheduled for start-up.

■ In the early 1980s, when Northeast Utilities' Seabrook Station in New Hampshire was under construction, Joseph Wampler warned the NRC that many welds were faulty. His complaints went unanswered, and he was eventually fired. Blacklisted, he says, Wampler moved to California and revived his career. But in 1991 the NRC sent a letter summarizing Wampler's allegations—and providing his full name and new address—to several dozen

gion 1 office, and gave testimony in support of Galatis' safety allegations. Less than a week later, Betancourt was called to the office of a good-natured human-resources officer named Janice Roncaioli. She complained that he wasn't a "team player," Betancourt says, and ran through the company's termination policies. Roncaioli called Betancourt's account of the meeting "slanted" but would not comment further, citing employee-confidentiality rules.

In a July 14 meeting, Jenison, one official who wasn't going to stand for any regulatory sleight-of-hand, told DeBarba and Kacich that if Northeast tried to resolve its licensing problems through internal paperwork alone, he would oppose it. Northeast had to get a license amendment approved before it could off-load another full core, and time was running out. DeBarba and Kacich called on Galatis and Betancourt to help them write the amendment request. The plan included, for the first time, the cooling-system improvements Galatis had been demanding for three years. It was a kind of victory, but he felt disgusted. "The organizational ethics were appalling," he says. "There's no reason I should have had to hire a lawyer and spend years taking care of something this simple."

So Galatis helped Kacich with the amendment request, which was filed July 28. Then he and Hadley drew up another document: a petition that asked the NRC to deny Northeast's amendment request and suspend Millstone's license for 60 days. The petition, filed on behalf of Galatis and We the People, charged that Northeast had "knowingly, willingly, and flagrantly" violated Millstone 1's license for 20 years, that it had made "material false statements" to the NRC and that it would, if not punished, continue to operate unsafely.

On Aug. 1, Betancourt was called into DeBarba's office; Roncaioli was present, and DeBarba told Betancourt he was being reassigned. "We want to help you, George," Betancourt recalls DeBarba saying, "but you've got to start thinking 'company.'" It was all very vague and, Betancourt thought, very intimidating. On Aug. 3—the day Betancourt was scheduled to meet with the Office of Investigations—Roncaioli called him to her office again. According to Betancourt, she said she wanted to "reaffirm the meaning" of the DeBarba meeting. Betancourt's wife and children began to be worried that he would be fired. "Why don't you just do what they want you to?" his eldest girl asked. Betancourt didn't know quite how to answer. "Your own daughter telling you to roll over," he says.

Galatis charged that his bosses had "knowingly, willingly, and flagrantly" violated Millstone's license for 20 years. What scared him most: the NRC had never noticed.

AFTER GALATIS FILED HIS PETITION, ON AUG. 21, he found himself in many of New England's newspapers. As citizens' groups called meetings, Northeast and the NRC assured everyone that the full-core off-load was a common practice that enhanced safety for maintenance workers inside the empty reactor vessel. "We've been aware of how they off-loaded the full core," NRC spokeswoman Diane Screnci told one paper. "We could have stopped them earlier."

At a citizens' group meeting, Galatis met a mechanic named Pete Reynolds, who had left Millstone in a labor dispute two years before. Reynolds shared some hair-raising stories about his days off-loading fuel. He told Galatis—and has since repeated the account to TIME—that he saw work crews racing to see who could move fuel rods the fastest. The competition, he said, tripped radiation alarms and overheated the fuel pool. Reynolds' job was to remove the big bolts that hold the reactor head in place. Sometimes, he said, he was told to remove them so soon after shutdown that the heat melted his protective plastic booties.

Galatis knew that if such things had happened, they would be reflected in operator's logs filed in Northeast's document room. So, on Oct. 6, he appeared in the room and asked for the appropriate rolls of microfiche. The logs backed up what Reynolds had said: Millstone had moved fuel as soon as 65 hrs. after shutdown—a quarter of the required time. The logs noted the sounding of alarms. Galatis wondered where the resident inspector had been.

The deadline came for Millstone's off-load, but the amendment still had not been granted. Connecticut's Senator Chris Dodd, Representative Sam Gejdenson and a host of local officials were asking about the plant's safety, and Millstone scheduled a public meeting for late October. Senior vice president Don Miller sent a memo to his employees warning them that "experienced antinuclear activists" had "the intention of shutting the station down and eliminating 2,500 jobs." The memo stirred up some of Galatis' colleagues. "You're taking food out of my girl's mouth," one of them told him.

DeBarba assembled a task force to assess what had to be done to get the pool ready for the overdue off-load, but he kept

nuclear companies. His career was destroyed a second time; he now works as a carpenter. The NRC fined Northeast $100,000 for problems with the welds.

■ In 1990 Northeast engineer Paul Blanch discovered that the instruments that measure the coolant level inside the reactor at Millstone 3 were failing. Blanch was forced out, and the problem went uncorrected. In 1993 the NRC's William Russell told the inspector general that the agency had exercised "enforcement discretion," a policy that allows it to waive regulations. Later Russell said the remark had been taken out of context.

■ Last December a worker at the Maine Yankee plant in Bath charged that management had deliberately falsified computer calculations to avoid disclosing that the plant's cooling systems were inadequate. The NRC didn't discover this, the Union of Concerned Scientists told reporters, because it didn't notice that Maine Yankee had failed to submit the calculations for review—though they were due in January 1990.

■ In 1988 a technician at the Nine Mile Point plant near Oswego, New York, called the NRC with allegations of drug use and safety violations at the plant. The NRC executive director at the time, Victor Stello Jr., took a personal interest in the matter, but his chief aim seemed to be building a case against Roger Fortuna, the deputy director of the NRC's Office of Investigation, for leaking secrets to the watchdog group We the People. The NRC demanded that We the People head Steve Comley turn over tapes he had allegedly made of conversations with Fortuna. When Comley refused, he was ruled in contempt and fined $350,000 (he still has not paid). The charges against Fortuna were found to be without merit, and when the case came to light—during hearings to confirm Stello as Assistant Secretary of Energy—Stello withdrew his name. "The tension between enforcement and appeasement," a ranking NRC official says, "tugs at this agency every day."

Galatis and Betancourt off the team. The task force came up with six serious problems, most already raised by Galatis. Scrambling to fix the pool in a few weeks, DeBarba hired extra people. The plant shut down, anticipating permission to move fuel.

Galatis and Hadley had been waiting two months for a reply to their petition to deny Northeast's amendment. Finally, on Oct. 26, a letter from William Russell, director of the NRC's Office of Nuclear Reactor Regulation, informed them that their petition was "outside of the scope" of the applicable regulatory subchapter. Two weeks later, the NRC granted Northeast's amendment. Millstone started moving fuel the next morning.

Because of Galatis, the plant is still shut down. "What's especially galling," says Hadley, "is that the NRC ignored my client and denied his motion, then validated his concerns after the fact." In late December, Inspector General Norton released his preliminary report. He found that Northeast had conducted improper full-core offloads for 20 years. Both the NRC's on-site inspectors and headquarters staff, the report said, "were aware" of the practice but somehow "did not realize" that this was a violation. In other words, the NRC's double-barreled oversight system shot blanks from both barrels. Norton blamed bad training and found no evidence of a conspiracy between Northeast and the NRC to violate the license. He is still investigating possible collusion by the NRC after Galatis came forward. What troubled him most, Norton told TIME, is that agency officials all the way up to Russell knew about the offloads and saw nothing wrong with them. "The agency completely failed," says Norton. "We did shoddy work. And we're concerned that similar lapses might be occurring at other plants around the country."

In a second investigation, the Office of Investigations is looking into Northeast's license violations and the alleged harassment of Galatis and Betancourt. The intense public scrutiny their case has received will, Galatis says, "make it harder for them to sweep this one under the rug."

On Dec. 12, Russell sent a letter informing Northeast that because "certain of your activities may have been conducted in violation of license requirements," the NRC was considering penalties. In an extraordinary move, Russell demanded a complete review of every system at Millstone 1, with the results "submitted under oath," to prove that every part of the plant is safe—the global examination Galatis asked for two years ago. The results, Russell wrote, "will be used to decide whether or not the license of Millstone Unit 1 should be suspended, modified or revoked."

Now the pressure is on NRC Chairwoman Jackson to prove her commitment to nuclear safety—and her ability to reform an inert bureaucracy. "I will not make a sweeping indictment of NRC staff," Jackson, a straight-talking physicist who in July 1995 became both the first female and the first African American to run the NRC, told TIME. "Does that mean everybody does things perfectly? Obviously not. We haven't always been on top of things. The ball got dropped. Here's what I'm saying now: The ball will not get dropped again."

Northeast Utilities assured everyone that Millstone was safe. Now the plant is on the NRC's "watch list" and will remain shut down through June—at a cost of $75 million.

In response to the problems Galatis exposed, Jackson launched a series of policies designed to improve training, accountability and vigilance among inspectors and NRC staff. She ordered the agency's second whistle-blower study in two years and a nationwide review of all 110 nuclear plants, to find out how many have been moving fuel in violation of NRC standards. The results will be in by April, along with a menu of fuel-pool safety recommendations. (By using a technique called dry-cask storage, utilities could empty their pools and warehouse rods in airtight concrete containers, reducing risk. In the past, the NRC has ruled that the process isn't cost effective.)

Jackson still refuses to meet with Galatis or even take his phone call. "Mr. Galatis is part of an adjudicatory process," she explains. But in a letter turning down Stephen Comley's request that she meet with him and Galatis, Jackson wrote, "The avenues you have been using to raise issues are the most effective and efficient ways. I see no additional benefit to the meeting."

Asked by TIME if she considered three years and two wrecked careers "the most efficient" way to raise the fuel-pool issue, Jackson offered a thin smile. "I'm changing the process," she said. "When all is said and done, then Mr. Galatis and I can sit and talk."

FOR GALATIS, THE ENDGAME SHOULD HAVE been sweet. On Dec. 20, a Millstone technical manager fired off a frank piece of E-mail warning his colleagues that "the acceptance criteria are changing. Being outside the proper regulatory framework, even if technically justifiable, will be met with resistance by the NRC. Expect no regulatory relief." DeBarba put 100 engineers on a global evaluation of the plant, and they turned up more than 5,000 "items" to be addressed before the plant could go back online. The company announced a reorganization of its nuclear division in which DeBarba and Miller were both promoted. Miller, who told TIME that "complacency" was to blame for the utility's troubles, was put in charge of safety at Northeast's five nuclear plants. On Jan. 29, the NRC, citing chronic safety concerns, employee harassment "and historic emphasis on cost savings vs. performance," enshrined all three Millstone plants in the agency's hall of shame: the high-scrutiny "watch list" of troublesome reactors. Northeast announced that Millstone would stay down at least through June, at a cost of $75 million. And Standard & Poor's downgraded Northeast's debt rating from stable to negative.

"A hell of an impact," says Betancourt, but "I'm going to lose my job."

"If I had it to do over again," says Galatis, "I wouldn't." He believes his nuclear career is over. (Though still employed by Northeast, he knows that whistle blowers are routinely shut out by the industry.) He's thinking about entering divinity school.

In January, Northeast laid off 100 employees. To qualify for their severance money, the workers had to sign elaborate release forms pledging not to sue the utility for harassment. Four engineers say they were fired in retaliation for their testimony to the NRC four years ago on behalf of whistle blower Blanch. The company denies any connection between the layoffs and Blanch's case. That makes Blanch chuckle. "The two Georges had better watch their backs," he says. "Up at Northeast, they've got long memories."

In the end, Galatis believes, the NRC's recent flurry of activity is little more than window dressing. "If they wanted to enforce the law," he says, "they could have acted when it counted—before granting the license amendment. Whatever wrist slap they serve up now is beside the point."

"I believe in nuclear power," he says, "but after seeing the NRC in action, I'm convinced a serious accident is not just likely but inevitable. This is a dangerous road. They're asleep at the wheel. And I'm road-kill." ■

Feeling the Fallout

Courted by GOP, activist faces NRC probe

By Kinsey Wilson
STAFF CORRESPONDENT

Rowley, Mass. — The invitation arrived just last month in the form of a videotaped message from the president of the United States inviting Stephen Comley to become a lifetime member of the Republican Senatorial Inner Circle, a kind of insiders club for big-time GOP contributors who share the party's "values and core beliefs."

For $9,000, Comley could have his picture taken with the president, meet privately with cabinet officials, get ringside seats at the presidential inauguration.

But while Republican fund raisers court Comley, and others on a master mailing list, for his money, federal officials seem determined to lock him up on charges stemming from a Nuclear Regulatory Commission investigation. If they follow through on their efforts to have him held in contempt of court for failing to cooperate in the investigation, he could go to jail as early as this week.

Photo by We the People, Inc.

Comley

Comley might have been dismissed as nothing more than a crank if he had not become a magnet for whistleblowers within the nuclear industry and succeeded in forcing public disclosure of potential safety problems.

A well-to-do, conservative businessman turned ardent anti-nuclear crusader, Comley, 47, spent most of his adult life tending to the small, stately nursing home that his family established on the grounds of an 80-room federal mansion near the New Hampshire state line. He contributed regularly to Republican causes, but had little direct involvement in politics.

That started to change in 1986, when an explosion at the Chernobyl nuclear reactor in the Soviet Union prompted Comley to inquire how residents of his nursing home would be treated in the event of an accident at Seabrook Nuclear Power Station, 12 miles away. The NRC said residents who could not be moved should be kept indoors and in some cases given potassium iodide, which helps block the absorption of radiation but does not protect from contamination in the event of severe radioactive fallout.

Though the agency's advice was not unusual, Comley felt it reflected a callousness he was determined not to tolerate. He began writing letters, first to the NRC and later to President Ronald Reagan. And when he failed to get the answers he thought he deserved, Comley gradually embarked on a one-man campaign against the Seabrook plant and then the nuclear power establishment in general — digging up evidence of potential safety problems that in at least two cases helped spur federal investigations.

He became a professional pest, hiring planes at his own expense to fly protest banners over government buildings, buttonholing the governor of New Hampshire at public forums, airing radio commercials and erecting billboards along the interstate highway leading to Seabrook. He even mailed Christmas cards to some 3,000 NRC employees with a picture of one of his residents propped up in her bed holding a bottle of potassium iodide. He says he has spent $500,000 of his own money on the entire effort.

In 1987, Comley managed to get Reagan's attention at a closed GOP fund raiser, and handed him evidence he says he obtained from a federal whistleblower, documenting the use of substandard parts in nuclear power plants.

"He has been a supporter of the GOP for most of his life and a believer in the system," said Billy Donovan, a member of the anti-nuclear Clamshell alliance in Concord, N.H. "When he found out the system didn't work . . . he became incensed."

Several months after Comley's encounter with Reagan, the NRC ordered the inspection and testing of substandard parts in at least 38 nuclear plants. Comley takes credit for the NRC going public, while the agency says it was responding to a tip from a materials supplier. A subsequent congressional investigation found evidence of substandard equipment being used in 72 of the nation's 111 operating reactors and

Please see ACTIVIST on Page 87

NEWSDAY, TUESDAY, FEBRUARY 11, 1992
TUESDAY, FEB. 11, 1992 • SUFFOLK
THE LONG ISLAND NEWSPAPER

Courted by GOP, Activist Faces Probe

ACTIVIST from Page 15

faulted the NRC for its handling of the issue.

Comley also has taken credit for prompting the NRC to investigate the adequacy of X-rays of key welds at Seabrook, a probe that late last year resulted in the plant's operators being fined $100,000.

The immediate source of Comley's legal troubles, however, stems from his refusal to turn over 40 to 50 purported tape recordings of telephone conversations he had with Roger Fortuna, deputy director of the NRC's Office of Investigations, who is responsible for investigating wrongdoing by the nuclear industry.

In 1989, Fortuna was accused by top NRC officials of conspiring with Comley to "topple" the agency. Congress and the NRC's inspector general eventually cleared Fortuna, suggesting he was the

As part of the case, the tapes that a government informant says Comley made were subpoenaed, and he declined to turn them over. Now, the NRC says it cannot complete its investigation until the matter is resolved. Activists contend the NRC is trying to put a lid on whistleblowers.

Fortuna's attorney, Julian Greenspun, says his client has nothing to fear from the tapes. But Comley, while not confirming their existence, says giving up the tapes would ruin his credibility with whistleblowers.

"My feeling has always been that the agency and the industry want to keep the truth about nuclear power from the public," Comley says. "Let's say I gave them the tapes. Who would ever talk to me again?"

The Chairman and Executive Committee
of the

National Republican Senatorial Committee

do on this second day of August, in the year of our Lord,
one thousand-nine hundred and ninety-one, hereby confer
with all due circumstance and respect

THE

PRESIDENTIAL ORDER OF MERIT

upon

Mr. Stephen B. Comley

from the City of Rowley

in the Commonwealth of Massachusetts

The said, in worthy and honest pursuit, has unequivocally earned this good and high tribute in recognition of their undying commitment, patriotic loyalty, and dedication of service to the President, the Republican Party, and the United States of America.

Phil Gramm
Chairman

Washington, D.C.

George Bush
President

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

May 31, 1991

CE OF THE
ECTOR GENERAL

Mr. Stephen B. Comley
Mansion Drive
Rowley, MA 01960

Dear Mr. Comley:

This correspondence is provided in response to your request of Special Agent Kent E. Walker concerning the status of an allegation you forwarded to the Inspector General concerning former President Ronald Reagan. You alleged that in October 1987 you provided President Reagan with information regarding the use of counterfeit and substandard parts throughout the nuclear industry and that the former President subsequently refused to acknowledge receipt of that information. Your concerns were provided to the Federal Bureau of Investigation, Silver Spring, MD, on December 13, 1990.

Sincerely,

Leo J. Norton

Leo J. Norton, Assistant Inspector
General for Investigations

Portsmouth Herald

TSMOUTH, N.H., TUESDAY EVENING, DECEMBER 18, 1990 36 PAGES - 5 SECTIONS 35c Single Copy "1" Weekly Home Delivery

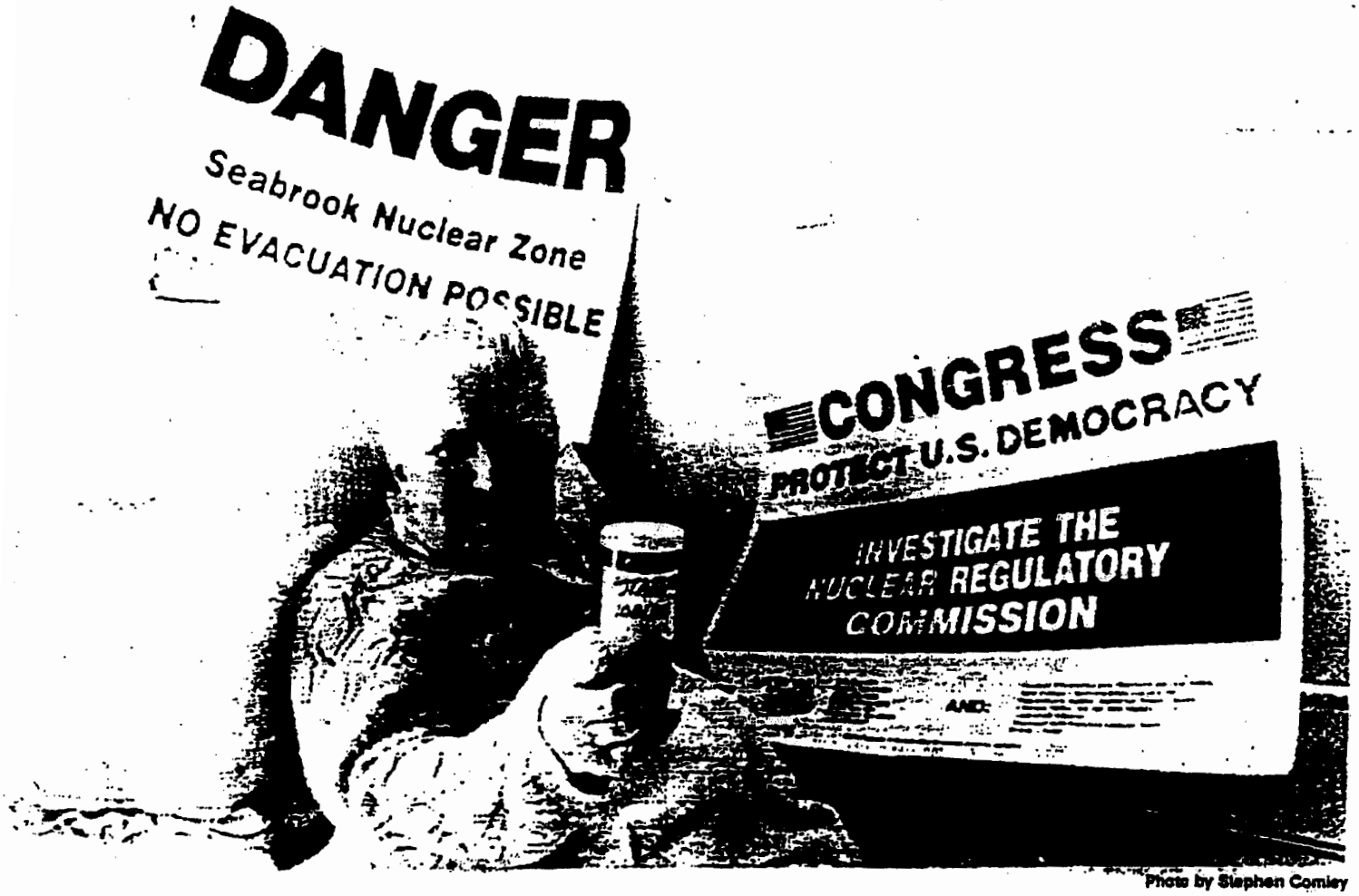


Photo by Stephen Comley

ean, a resident of the Sea View Nursing Home in Rowley, ass. peers out from the front of a Christmas card sent to NRC and Seabrook officials by anti-Seabrook activist Stephen Comley.

Christmas card sends evacuation message

By Steve Haberman
Hampton Bureau Chief

HAMPTON — Nuclear Regulatory Commission and White use officials surely get many ds wishing them happy holiys, but few will make the imssion of the one sent by antiabrook activist Stephen mley.

Featuring the above photo of ident of Mr. Comley's Rowley, ss. nursing home, identified y as Jean on the cover, recints will open the card to read verse:

"At Christmastime, from my home
I gaze upon Seabrook Station
And wonder if the day will come
For emergency evacuation.

-but, I have my pills, NRC's word
That all around is pretty fine:
So Happy! Merry! everyone!
A good Yuletide to you and thine!"

In the photo Jean is holding a bottle labelled potassium iodide, the drug prescribed by the NRC to offset the effects of exposure to the radiation which could result from an accident at Seabrook Station.

Mr. Comley, owner of Sea View Nursing Home located 22 miles from the nuclear plant, indicated that giving his bed-bound residents this medication was the only instruction he received when he questioned what to do in the event of a release of radiation from the plant. This response was what got him involved in his five-year battle against the plant.

Mr. Comley, through his organization We The People, has mailed thousands of these Christmas cards to employees of the NRC, Seabrook Station, other nuclear power plants across the country, the White House and Congress.

"Probably most of the people who work for the NRC and nuclear power plants have a relative or friend in a nursing home," said Mr. Comley. "We have sent out these cards to NRC employees to urge them to start protecting the American public from the dangers of nuclear power. We have asked them to contact We The People or another organization they trust, if they have information about safety problems which are being covered up within the agency," he said.

We The People has been instrumental in revealing the existence of counterfeit, substandard parts in nearly two-thirds of the nuclear power plants in this country and has repeatedly sought a full congressional investigation into these and other safety related problems at nuclear power plants.

22

CONGRESSIONAL QUARTERLY

Weekly Report

* 2/24/90

NRC Soap Opera Could Block Stello's Nomination

Latest Effort To Limit Tenure Faces Great Odds

'Messing Around' With Social Security On Hill Agenda

Changes Abroad Complicate Policies On Immigration

Bush Ups Ante In Ongoing Fight Over Prerogatives

A Time To Sow

Subsidies Prove Hard Habit To Break As Congress Readies Farm Bill

February 24, 1990 • Volume 48, No. 8 • Pages 561-6

ENERGY

Stello and the Fortuna Affair: Backbiting at the NRC

Tale of intrigue and alleged revenge could doom nomination of Bush choice to fix crippled nuclear weapons complex

Sometime in 1988, the Nuclear Regulatory Commission's chief of internal affairs listed in her notebook three objectives for an investigation she had begun. Sharon Connelly circled the item she put at the top: "Dispose of RF."

The target was Roger Fortuna, the second-ranking NRC official in charge of investigating wrongdoing at nuclear power plants. Suspected of "building an organization to topple" the NRC, he was almost fired. But after the inquiry became public, Connelly and the NRC's executive director, Victor Stello Jr., were accused of pursuing a vendetta against Fortuna for being too aggressive against industry officials.

Eighteen months after the probe began — and a year after Fortuna was detailed to "bureaucratic Siberia" — no one has concluded that he violated any laws or rules. On Feb. 20, he was given his job back.

In the meantime, Fortuna's odyssey has taken on enormous ramifications.

Democrats on several congressional committees — the House's Interior and Energy panels and Senate Governmental Affairs — have seized on the case as proof of their oft-stated charge that the NRC is in bed with those it oversees.

The involvement of Stello, who helped supervise the Fortuna probe, has made the case that much juicier for the NRC's naysayers in Congress and the stakes that much higher for the Bush administration. Stello is President Bush's nominee to be assistant secretary of energy. His job would be to resuscitate the Department of Energy's (DOE) crippled multibillion-dollar nuclear-bomb production complex, and DOE officials say he is the only qualified person who would take the job.

Although Stello's critics in Congress have accused him of much greater pro-industry sins during his 23 years as a nuclear regulator, it now appears that if his nomination fails, Fortuna will have been his undoing.

By Phil Kuntz

R. MICHAEL JENKINS

Roger Fortuna spent $60,000 defending himself during a lengthy investigation.

Poised to deliver the fatal blow is a newly enacted creation of Stello's critics — the NRC's inspector general, a quasi-independent check Congress imposed on the agency last year.

Two months on the job, Inspector General David C. Williams is reviewing the Fortuna case — the latest of many inquiries into the matter that have involved all three branches of government, thousands of pages of documents and countless hours of testimony.

Last month, the Armed Services Committee was on the verge of recommending Stello's confirmation but balked upon learning that he is a focus of Williams' investigation. Stello is accused of covering up significant safety violations in his zest to get Fortuna fired and of lying to Congress to justify his actions. In this age of increasingly microscopic Senate confirmations, that may be enough to add Stello to the list that includes Robert H. Bork, John Tower and William Lucas. *(Background, pp. 322, 231)*

This is the story of what has become widely known in NRC circles as the Fortuna Affair, a real-life soap opera one member of Congress calls "Nuclear Hospital." It is a tale of bureaucratic and political backbiting in which virtually everyone has at least the appearance of an ax to grind. It involves envelopes filled with government money, allegations about pot-smoking nuclear-plant operators, a top-secret contract, fake vacations, an assumed name, child molestation and a judge's decision to fine a man $200,000 for failing to produce tapes nobody is sure exist.

Everybody involved denies doing anything wrong.

Enter Ellison

The story begins with a man named Douglas Ellison, a former nuclear-plant technician and self-styled whistleblower who appears to have taped virtually every significant conversation he had for several years. Desperate for money, he tried to sell his tapes to the highest bidder — a contest the NRC won by default in 1988, when it paid him $6,492 in fees and expenses for tapes of Fortuna.

Ellison was working for the Nine Mile Point Unit I nuclear power plant, operated by Niagara Mohawk Power Corp. in upstate New York, when he first became known to the NRC in 1986. His allegations that Niagara Mohawk violated a number of federal safety regulations prompted the agency to fine the company $50,000. In April 1987, the firm gave Ellison $25,000 to settle a harassment complaint. In return, he quit.

Before he left, Ellison began taping conversations with various NRC and Niagara Mohawk officials. At the time, he was working with Stephen B. Comley, an anti-nuclear activist who is suspected of making scores of tapes

The Cast in Brief

Roger Fortuna: Deputy director of NRC's Office of Investigations (OI), which investigates industry wrongdoing. Suspended for a month in 1988, reassigned to the Freedom of Information office for 11 months and returned to OI Feb. 20.

Stello

Victor Stello Jr.: Career federal nuclear power regulator. Executive Director for Operations of the NRC until mid-1989. Nominated by President Bush to be assistant secretary of energy for defense programs last July and assigned to a lower-level Energy Department job pending confirmation by the Senate.

Sharon Connelly: Former director of the NRC's Office of Inspector and Auditor (OIA). Conducted the Fortuna investigation. Reassigned in March 1989 to a job created for her in the comptroller's office.

Douglas Ellison: Former technician at the Niagara Mohawk Power Corp.'s Nine Mile Point Unit 1 nuclear power plant in upstate New York. Paid informant and Fortuna's chief accuser.

Comley

Stephen B. Comley: Founder of "We the People Inc. of the United States," an anti-nuclear information-gathering organization formed to fight the Seabrook, N.H., reactor, which is 12 miles from the nursing home he owns in Rowley, Mass. Has hired airplanes to fly anti-nuclear banners over important political events and institutions. A tape of him talking to Fortuna was key to the investigation.

Ben Hayes: Director of the Office of Investigations. Fought to get Fortuna his job back.

Hayes

William C. Parler: NRC's general counsel.

James Blaha: Official in Stello's office who aided Connelly during the Fortuna investigation.

Alan S. Rosenthal: Former administrative law judge hired by the NRC, under pressure from Congress, to take over the Fortuna investigation.

J. Bryan Hyland: Career federal investigator hired by the NRC to review the Comley-Fortuna tape.

David C. Williams: NRC's Inspector General. Replaced Connelly and the OIA. His investigation of the Fortuna affair has sidetracked Stello's confirmation.

Williams

Mark Resner: One of Connelly's top deputies.

James M. Taylor: Former deputy to Stello who later replaced him as the NRC's top staffer. Rejected proposal to fire Fortuna, deciding to reprimand him instead.

Christine N. Kohl: Administrative judge who presided over Fortuna's case on appeal. Overturned Taylor's reprimand.

himself as part of a campaign to prove the industry and the NRC corrupt.

Ellison's taping habit is one of several aspects of his life that have led many to question his credibility.

In October 1986, he was charged with molesting his family's 13-year-old baby sitter, and two other minors told authorities of similar instances of sexual misconduct, according to a Governmental Affairs Committee report on the Fortuna affair. Ellison said he was framed, but he pleaded guilty to a lesser charge in a plea bargain.

Niagara Mohawk's investigation of his harassment complaint concluded that he "was subjected to occasional teasing and ridicule by his peers as a result of his personal habits and unusual conduct," not an intimidation campaign. A federal prosecutor would later tell the NRC that Ellison had "a work history involving extensive absence for mental health reasons."

The prosecutor called him "a very slender reed on which to rest a criminal case" against Fortuna.

Act Two

By 1988, Ellison had moved to Florida, where he was unemployed for a time and, in his words, "desperate" for money, the Governmental Affairs report said.

He began trying to sell what he described as "suitcases" full of tapes that proved wrongdoing on the part of the NRC and Niagara Mohawk. He peddled them without success to Comley and various news organizations. In what one congressional report called "an apparent attempt at extortion," he also tried to persuade Niagara Mohawk to buy them.

In August 1988, Ellison complained to Sharon Connelly's Office of Inspector and Auditor (OIA) that his 1986 allegations had been mishandled by the Office of Investigations (OI), of which Fortuna was deputy director. (The OIA, since replaced by the inspector general, used to investigate wrongdoing within the NRC. OI still investigates wrongdoing within the industry.)

Ellison also alleged wrongdoing by a commission member and several NRC employees, including Fortuna. Specifically, he said that Fortuna had discussed sensitive NRC information with a third party.

But Ellison refused to cooperate fully without being paid and threatened to "go public." Connelly decided to pursue the case, and Stello obliged by setting up a secret $10,000 fund to pay Ellison.

That decision would later lead many in Congress to charge that the investigation was vindictive. Reps. George Miller, D-Calif., and Sam Gejdenson, D-Conn., called it "part of a continuing effort by the NRC to undermine OI and its investigations of possible wrongdoing by NRC licensees."

Connelly and Stello insist that personal and professional animosity played no role in their decision.

Nevertheless, both had previous run-ins with Fortuna and his boss, OI Director Ben Hayes, some well-documented by the NRC's oversight committees in Congress and all apparently well-known in the agency's suburban Maryland headquarters.

Stello's conflict with the OI officials stemmed from a longstanding philosophical difference over how aggressively to investigate industry wrongdoing, while the conflict with Connelly appears to have been more personal. In some ways, the conflicts mirrored disagreements among con-

2

gressional factions, which over the years have pulled the agency in two different directions. *(Box, p. 590)*

Stello Appears

Finding a way to pay Ellison for his information was no easy matter. Connelly did not have authority to do it herself. She talked to NRC General Counsel William C. Parler on Aug. 25, 1988, to see whether a small fund could be set up to pay informants. She offered no details of the pending investigation.

In a memo to Connelly, Parler wrote: "I am not aware of any budget justification data in our existing authority which would authorize the establishment of such a fund." But he said if she really needed the money to carry out the NRC's "public health and safety mission" she should let him know the details and seek his advice.

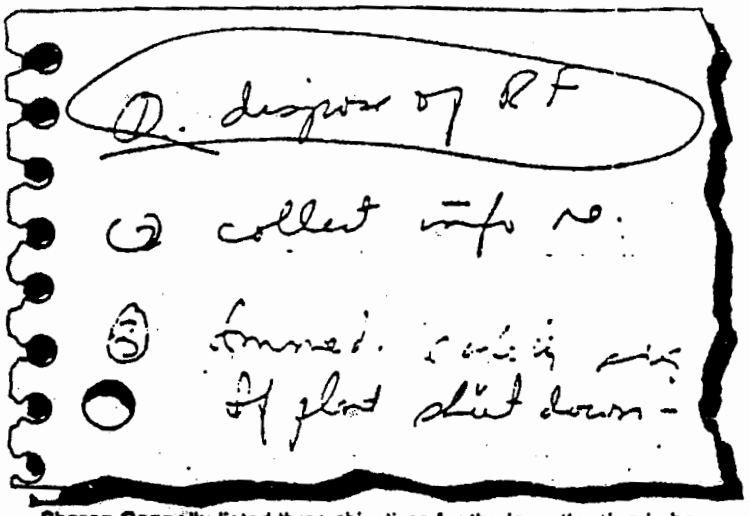
Connelly went to Stello, told him of Ellison's charges and asked for help — even though she was supposed to be independent of his influence and officially answered only to the commission for that reason. Stello would later tell Congress that he learned of new allegations directly related to safety at this meeting with Connelly, but several in Congress questioned the testimony.

"Stello's recollection ... does not appear to be supported by the contemporaneous record," the Governmental Affairs Committee later concluded. His "safety rationale" may have "merely provided a convenient cover to do something the NRC general counsel had otherwise indicated could not be done," said the panel, which concluded that Stello was deeply involved from this point on.

After meeting with Connelly, Stello went to General Counsel Parler and said the information Connelly was after indeed had safety implications. Parler advised Stello that he could enter into a contract with the informant — as long as there was a sound, fully documented health-and-safety rationale.

An official from Stello's office, James Blaha, was assigned to the case and he, Connelly and one of her top assistants, Mark Resner, flew to Florida to see whether Ellison had any safety allegations that the NRC had not previously addressed.

Ellison provided them with two:



Sharon Connelly listed three objectives for the investigation in her personal notebook. Circled at the top was "Dispose of RF."

There had been a fire at the Nine Mile Point reactor in 1986 that the company had not reported to the NRC, and employees at the reactor were using drugs, mostly marijuana, when Ellison worked there.

Since the Fortuna affair became public, Stello has repeatedly emphasized these "safety" issues to justify his decision to pay Ellison. But back in 1988, when Connelly and the others briefed Stello, he and Connelly seemed most interested in something else — a Jan. 14, 1987, tape of Fortuna and Comley talking on the phone, Blaha told the Governmental Affairs Committee. Based on that tape, which was to become the centerpiece of the investigation, Stello decided to enter into a top-secret "consulting" contract with Ellison, Blaha said.

The Safety Subplot

Stello has indicated to Congress that the safety allegations, rather than the tape, were foremost in his mind. He said the plant to which the charges related was about to be restarted after being down for about a year. "For that reason, I felt it important to pursue these allegations promptly," he told the House Interior Subcommittee on Investigations.

To subcommittee Chairman Peter H. Kostmayer, D-Pa., Stello's explanation did not ring true. In a letter to the Senate Armed Services Committee, Kostmayer said that there is "significant reason to doubt" that Stello knew whether Ellison had any new allegations. No NRC experts with firsthand knowledge of Ellison's 1986 charges reviewed his 1988 charges. Moreover, Kostmayer said, internal documents show that the plant's restart was not imminent. In fact, it still has not been restarted.

Even more troubling to Kostmayer was what happened to the drug charge.

Stello sat on that allegation, a normally high-priority matter that would have been referred to the Office of Investigations — where Fortuna worked. Stello did not initiate an investigation of the drug charges until March 29, 1989, weeks after the whole matter had become public and two months after Fortuna learned that he was the target of an internal inquiry.

"I didn't want to compromise the investigation," Stello told Kostmayer's subcommittee, conceding that his decision to delay was "stupid."

Stello said he decided the drug charge could wait because the start-up date for the reactor had "slipped" shortly after the Ellison contract was signed. Internal NRC documents, however, show that the date had not slipped because it was always considered to be far off in the future, Kostmayer countered. Besides, he added, the company's other reactor was running, and some employees worked at both plants.

"Mr. Stello ignored public health and safety while pursuing a vendetta," Kostmayer told the Senate Armed Services Committee. "I believe that he has willfully misled my subcommittee as well as other committees."

Ellison Paid

The first payment to Ellison was $500 wired to him on Aug. 31. He immediately drove from Florida to suburban Virginia and checked into the Embassy Suites hotel.

Secrecy became paramount. When the NRC's division director of contracts signed the necessary document, he was not allowed to see Ellison's name on it. At the hotel, Ellison assumed the name "Thompson." Payments to Ellison were to be made in cash — delivered in envelopes by Blaha in four installments — to avoid having Ellison's name on government checks.

Investigators in OIA were told that there was nothing to Ellison's allegations and that the case file would be closed. Connelly and Resner took two

weeks of vacation so they could work in a suite next to Ellison's without their staffers finding out.

For two weeks, Connelly, Blaha and Resner listened to Ellison's tapes, had transcripts made and talked to Ellison.

Ellison was interviewed in the presence of a court reporter only once, on Sept. 12; the interview focused almost exclusively on Ellison's allegations about Fortuna. He told them that Comley, the activist, and Fortuna "are gathering as much as they can to put together the biggest package to prove that the [NRC] isn't regulating but promoting the industry." Ellison also said Comley had scores of tapes of his conversations with Fortuna.

Twice in September, Connelly invited criminal investigators to get involved in the Fortuna probe.

An FBI agent came to the hotel to listen to some of the tapes because Connelly and Resner thought bribery might be involved. The agent found nothing criminal about Fortuna's conversation with Comley but did express interest in assessing whether somebody had violated wiretap statutes. (It has never been clear who taped the crucial Jan. 14, 1987, conversation, Comley or Ellison; each blames the other. Everyone agrees that the tape given to the NRC has been altered in some form.)

Connelly also contacted the U.S. Attorney's office in Baltimore. Prosecutor Joyce McKee told her in a letter: "The tape recordings do not disclose that Mr. Fortuna participated in the commission of any criminal offense." It was McKee who called Ellison "a very slender reed on which to rest a criminal case."

Many others would later come to the same conclusion about the Fortuna-Comley tape. "We found very little reason for ... this investigation," said the Governmental Affairs Committee.

J. Brian Hyland, a career investigator who reviewed the case for the NRC, found that charges against Fortuna "were blown out of proportion because of personal and organizational animosity" between OI and OIA.

NRC General Counsel Parler, who is also the agency's chief ethics officer, concluded that the tape shows no violations of key employee-conduct rules.

Fortuna's Judgment

Only one official, another investigator hired by the NRC, found the Comley-Fortuna tape troubling. Alan S. Rosenthal, who took over all OIA investigations of OI officials after the Fortuna affair became public, found Fortuna's actions during the phone call to be "entirely inconsistent with the dictates of his official position." Of most concern to Rosenthal was the apparent "conspiratorial flavor" of the conversation. He gave examples:

Fortuna promised Comley that he would not tell anyone of Comley's plans to have an airplane fly an anti-nuclear banner over the Justice Department the following day; Fortuna advised Comley how to act when he went to the Justice Department the next day to press for an investigation of a case Comley wanted reopened and told him which NRC staffers would attend; and Fortuna did nothing to dissuade Comley from thinking that Fortuna had damning inside information about the NRC, but was waiting to release it.

"Time and time again in the Jan. 14 conversations, Fortuna crossed the line separating proper and improper conduct," Rosenthal concluded.

But he also concluded that there was "insufficient evidence" to show that Fortuna gave Comley any confidential information or did anything else to violate NRC rules. Any tapes Comley may have would be helpful in that regard, Rosenthal said.

"Mr. Stello ignored public health and safety while pursuing a vendetta."

—Rep. Peter H. Kostmayer

Although Ellison first told OIA in the summer of 1988 that Comley had more tapes, the NRC made no attempt to get them until the affair became public and Rosenthal was assigned to the case. He issued Comley a subpoena, but Comley has refused to comply, despite some $200,000 in fines and jail threats from a federal judge in Boston. Comley said in an interview: "I have not confirmed nor denied that I have any tapes."

Fortuna's position is that he was just cultivating Comley as a potential source. "Sometimes you give a little to get a little," he testified. He denied ever giving confidential information to Comley, and Comley backs him up.

But to Connelly and the others, Ellison's tapes indicated something much more nefarious. "Ellison's belief that Comley, with the assistance of, or under the direction of Fortuna, is building an organization to topple the Nuclear Regulatory Commission was supported by the tapes," says a document from their files.

Safety Second

They did not appear to be as worried about Ellison's other allegations — those involving other officials and "safety" problems at Niagara Mohawk — and congressional investigators have concluded that they were secondary to their main focus.

Said a staff report by the Energy and Commerce Subcommittee on Energy and Power: "Connelly listed three objectives for her investigation in her personal notebook. Two related to safety matters, but at the top of the list, circled, was 'Dispose of RF.' Connelly appears to have orchestrated the investigation to fire Fortuna."

In an interview, Connelly confirmed the quote, but denied the staffers' conclusion and added: "We're not talking about Roger Fortuna the person, we're talking about Roger Fortuna the issue, that portion of the case."

Blaha determined that almost all of Ellison's safety allegations had been adequately addressed two years earlier. A few were investigated much later, including the drug charge that Stello had put on hold.

Focus on Fortuna

Work on the case slowed after Ellison checked out of the Embassy Suites hotel on Sept. 16, 1988. But it picked up again in November 1988, when Connelly's staff first talked to Fortuna.

4

In an informal interview, staff members asked Fortuna only about how his office handled Ellison's 1986 allegations and told him nothing about the tapes. When Fortuna asked whether he was the target of an inquiry, they were "deliberately vague and inaccurate," violating an OIA office policy to inform targets of their status, the Governmental Affairs Committee said.

Almost three months later, Fortuna found out he was the only target. He was ordered to answer questions from OIA officials — under oath and in the presence of a court reporter.

On advice from his lawyer, Fortuna refused. He demanded to know what authority the agency had to force him to answer questions under oath and offered to submit to another informal note-taking interview. He explained later that he feared being tricked into a perjury charge.

A list of OIA's planned questions — later obtained by congressional investigators — shows that the officials wanted to ask him detailed questions about his conversations with Comley and Ellison. They planned to make it appear as if they were relying only on statements from Ellison. They wanted to wait until the end of the interview to play him a tape.

"Is that your voice, Roger?" they had planned to ask.

On Feb. 22, 1989, Fortuna was placed on administrative leave and informed by one of Stello's deputies that he was proposing to fire him for refusing to be interviewed. After that, the whole thing blew up.

Within days, Democrats from three congressional committees, well aware of the historical conflict between OI and OIA, and OI and Stello, were demanding all documents relating to the Fortuna case; NRC employees later admitted destroying some of them.

The Story Breaks

Things really heated up when *Inside NRC*, a scrappy semimonthly newsletter, broke the nut of the story — that Ellison had been paid more than $6,000 for his information. In a letter, Reps. Gejdenson and Miller called the payment "disgraceful" and said it "makes a mockery of NRC's investigative process and discredits the commission." (The General Accounting Office (GAO) later concluded that payment to Ellison was a legal expenditure.)

Under heavy fire, the NRC turned the whole case over to Rosenthal on Feb. 28. A week later, Connelly asked to be reassigned, and a job was created for her in the comptroller's office. She said she is happy there.

After failing to get job protection from the federal courts, Fortuna went through an elaborate administrative appeals process that he said cost him $60,000 in legal fees.

Normally, that process would have put Fortuna's fate in his boss's hands, but Stello did not allow Hayes to participate.

On appeal, James M. Taylor, another Stello deputy, decided that Fortuna would not be fired after all because he later agreed to be interviewed by Rosenthal. But Fortuna was issued a formal reprimand for refusing to be interviewed the first time and was detailed to the Freedom of Information office — "bureaucratic Siberia," he called it — after a monthlong leave.

Fortuna appealed the reprimand and persuaded Stello to step aside and hand the case over to Christine N. Kohl, an administrative judge. She dismissed the misconduct charge against Fortuna and expunged the reprimand, saying NRC officials violated their own policies when they tried to force Fortuna to testify under oath. She also questioned their motives.

"Is that your voice, Roger?" NRC officials had planned to ask.

Under pressure from Hayes, Taylor — who replaced Stello as executive director — agreed to give Fortuna his former job back, effective Feb. 20, 1990, provided he documented all future discussions with informants.

Stello's Problems

In Congress, Stello's nomination to the DOE assistant secretary post, rumored in the spring and announced in July, has increased the resolve of the NRC's critics.

Critical reports were issued by the Governmental Affairs Committee, chaired by John Glenn, D-Ohio, and the staff of the House Energy and Power Subcommittee, chaired by Philip R. Sharp, D-Ind. The Kostmayer subcommittee held a heated hearing at which all the key participants testified, and the Interior Committee is about to release yet another critical report. Democrats from all three panels attempted to persuade the Senate Armed Services Committee to reject Stello's nomination.

Throughout 1989 and into early 1990, they did not appear to be having much impact. A majority of the committee appeared ready to approve Stello, and his opponents on that panel, including Glenn, were drafting dissenting opinions and hoping they could muster a rare, successful floor fight against a sub-Cabinet appointee.

A law passed by Congress in 1988 (PL 100-504) at the behest of the NRC's critics and sponsored by Glenn changed everything. It abolished the OIA as of last year and replaced it with the Office of the Inspector General, whose chief was to be appointed by the president and confirmed by the Senate — not the NRC.

For the critics, the law paid off. The man appointed to be acting inspector general was Martin G. Malsch, one of General Counsel Parler's deputies. He immediately began his own investigation and has issued an interim report that sources described as quite critical of how Fortuna was treated.

Nominated to the inspector general post permanently was Williams, who has a long career in federal investigations and possibly telling connections to main characters in this saga.

He used to work for Hyland — the former federal investigator who said the Fortuna charges were "blown out of proportion" — when Hyland was the Department of Labor's inspector general. While on the President's Commission on Organized Crime, he worked with key congressional staffers who investigated the Fortuna affair. And as head of the GAO's special investigation division, he reviewed the OIA's handling of several cases under Connelly, including one that involved charges of wrongdoing against Stello, and issued his own critical report.

Williams, who began work Dec. 3, is investigating every aspect of the Fortuna affair, including whether Fortuna did anything wrong and whether Stello lied to Congress. That was not what the Armed Services Committee expected to hear when it was preparing to vote on Stello last month, so action on the nomination was postponed indefinitely.

"We did not know how serious the allegations were regarding Stello," said Chairman Sam Nunn, D-Ga. ■

5

REAL PICTURE

NRC Pulled Every Which Way

In 1982, Congress pressured the Nuclear Regulatory Commission to create an independent cadre of investigators to pursue criminal wrongdoers within the industry. In 1987, the NRC was told to rein in the gumshoes. In 1988, Congress signaled that it wanted them let loose again.

For much of its 16-year existence, the NRC has been pulled in opposite directions by opposing forces in Congress — those strongly supporting the nuclear industry and those more skeptical or opposed.

In some ways, the dispute in Congress is reflected in bitter conflicts among top NRC staffers. To many, the Roger Fortuna affair was such a conflict. *(Story, p. 586)*

The NRC created Fortuna's Office of Investigations (OI) in 1982, when the agency was under fire for failing to aggressively investigate several cases. It was set up as an independent arm that reported directly to the commission, bypassing such top staffers as Victor Stello Jr., who was considered an ally of the pro-industry forces and who later became the NRC's executive director for operations.

Under Fortuna and Director Ben Hayes, the OI was very aggressive; in the eyes of many they were unmanageable free agents.

Bevill

Tom Bevill, D-Ala., chairman of the House Appropriations Subcommittee on Energy and Water Development, pushed the NRC to merge the OI with inspection divisions under Stello's control. Bevill considered OI "duplicative and redundant." The NRC contemplated such a move in the mid-1980s but dumped the idea after complaints from others in Congress, including House Interior Chairman Morris K. Udall, D-Ariz.

Bevill prevailed after ordering the NRC to put OI under Stello's control late in 1987. In 1988, the other faction weighed in again. At the behest of the House Interior and Energy panels and the Senate Environment and Public Works Committee, both chambers passed bills (HR 4140, S 2443) that would have required the NRC to make the OI independent again. Neither was enacted; OI remains under the control of the NRC's executive director.

At the NRC, there was a similar conflict over how aggressively industry wrongdoing should be investigated.

Underlying the conflict was a basic philosophical dispute: Stello argues that criminal inquiries must sometimes come second to assuring public health and safety; Fortuna and Hayes say criminal wrongdoing by industry is itself a top-priority health-and-safety issue.

Hayes has complained to Congress several times that Stello refused to support his investigations. He once accused Stello of a "thinly veiled attempt . . . to control OI."

NRC's oversight committees have issued reports on several instances in which they concluded that Stello had impeded OI inquiries or otherwise battled with Hayes' office. That's why Democrats reacted so quickly a year ago upon learning that Fortuna, OI's deputy director, was about to be fired. He was being investigated at the time by Sharon Connelly of the Office of Inspector and Audit (OIA), who was suspected of doing Stello's bidding.

Differences between Stello and Fortuna date back a decade or so, when Fortuna pushed for an investigation of Stello's handling of the inquiry into the 1979 Three Mile Island accident. The FBI investigated an alleged cover-up, but Stello was never charged and denies wrongdoing.

Stello and Fortuna "have had words and disagreements for years," Hayes has testified. Fortuna said, "I find myself a victim of vengeance, lying and deceit, all in retaliation for having tried to do a job that certain people never wanted done at all."

Stello flatly denied that, testifying: "My overriding concern was to assure public health and safety." He added, "I do not have any ill feelings toward Mr. Fortuna."

There were conflicts dividing Fortuna and Hayes and Connelly. NRC officials testified that, in the words of one investigator, Connelly's "disdain" for OI was "legendary." General Counsel William Parler said, "There was a mutual lack of respect." Pitting Stello and Connelly against Fortuna, he said, was "the worst possible combination" and "the low common denominator of common sense."

Critics said Connelly often pursued trivial allegations of wrongdoing. She once had a high-ranking NRC official followed to see if he was leaving work early. Her office also investigated a prank in which two water-filled condoms were hung outside the NRC's headquarters.

Said Hayes, "I've been investigated a lot by Ms. Connelly." According to Hayes and an official familiar with the cases, only one charge was ever substantiated — that he misused a government car by having it diverted to pick him up at home and bring him to a meeting. Connelly was in the diverted car. Hayes was censured and forced to pay about $8.

"It was power run amok," said former OIA investigator Maureen Gowler. She swore that many OIA probes were vindictive: "Roger Fortuna's story is not unusual."

In fact, Inspector General David C. Williams, who is reviewing the Fortuna affair, has just begun looking into another allegation of retribution against OIA.

With Stello's knowledge, Connelly investigated career staffer James Kelly after he told Congress in 1987 that the NRC was not aggressively pursuing drug allegations at nuclear plants. Accused of improperly soliciting a job from a utility, Kelly was suspended, but he fought back, and the NRC expunged his record. Williams wants "to find out if Kelly was framed," a source said.

Connelly wouldn't discuss her work in detail but denied having vindictive motivations: "I was doing my job."

Others said she had reasons to dislike the OI. Hayes was quite critical of Connelly's work, and openly endorsed Congress' decision to replace OIA with an inspector general. As for Fortuna, he and his wife, Shirley, once testified in a sex discrimination case against Connelly's top deputy. That case became a big embarrassment for Connelly. She was accused of trying to intimidate the complainant and suspended for a time with pay. The Justice Department investigated and harshly criticized her, and key congressmen demanded that she be fired.

—Phil Kuntz

6

The New York Times

© 1989 The New York Times

NEW YORK, FRIDAY, OCTOBER 13, 1989

50 cents beyond 75 miles from New Y

'LANT NOMINEE ADMITS MISTAKES

Official on Nuclear Panel Says He Delayed Inquiry Into Safety Allegations

By MATTHEW L. WALD

Special to The New York Times

'ASHINGTON, Oct. 12 — The for- r chief of staff of the Nuclear Regu- ory Commission acknowledged to- that he had kept secret for seven nths allegations of drug use and ety problems at a nuclear plant in state New York, even though he be- ved they were probably true.

The former official, Victor Stello Jr., President Bush's nominee to take arge of the Energy Department's nubled nuclear weapons complex. He ld a Congressional subcommittee to- ıy that a technician at the plant who ade the allegations also provided in- rmation that could implicate another fficial at the Nuclear Regulatory ommission, Roger Fortuna.

Mr. Stello said he deferred the in- uiry into the safety questions because at would have alerted Mr. Fortuna nd he wanted the investigation of Mr. ortuna to proceed in secret.

But the investigation was not secret, ecause investigators tipped their ands when they sought to question Mr. ortuna on the allegations only weeks fter the technician made them, ac- ording to testimony today by other ommission officials.

Questions on Stello's Judgment

Mr. Stello agreed with a comment by e chairman of a House Interior sub- ommittee, Representative Peter H. ostmayer of Pennsylvania, who said was a "stupid oversight" not to ask r a prompt investigation of the alle- ations, which concerned the Nine Mile oint I nuclear plant in Oswego, N.Y.

Witnesses repeatedly cast doubt on r. Stello's judgment in approving the vestigation of Mr. Fortuna, which as an unprecedented procedure for e Nuclear Regulatory Commission at involved a $6,000 cash payment to e technician, secret meetings in hotel oms and apparent violations of the ommission's handbook on respecting e rights of targets of investigations.

Mr. Kostmayer and others said the ason for the investigation of Mr. Fortuna was a longstanding feud between r. Fortuna and a protege of Mr. Stello's, Sharon Connelly. Several years earlier, Mr. Fortuna had exposed an improper attempt by Mrs. Connelly to shield one of her subordinates from a charge of sexual harassment.

The hearing today is not formally related to the confirmation process for Mr. Stello, but members of the subcommittee staff said they hoped it would play a role.

Testimony About a Tape

Among the other highlights today was extended discussion of a tape, which the commission received from the informer in exchange for the $6,000 and which did not appear to implicate Mr. Fortuna after all. A judge hired by the commission to investigate Mr. Fortuna said in testimony that the tape appeared to have been edited.

Despite a spirited exchange between Mr. Kostmayer and Mrs. Connelly, who also appeared as a witness, it was never made clear exactly what Mr. Fortuna was being accused of.

Victor Stello Jr., right, former chief of staff of the Nuclear Regulatory Commission, said he had kept secret for seven months allegations of drug use and safety problems in a New York State nuclear plant. He waited to testify at hearing with Dennis Dimaggio, general counsel of the commission.

NYT - NATIONAL Page A17

Mrs. Connelly, whose job is to investigate wrongdoing by commission employees, said one focus of the inquiry was Mr. Fortuna's relationship with an anti-nuclear activist in Massachusetts, Stephen B. Comley. The tape in question is of a telephone conversation between the two.

Mr. Fortuna was deputy director of the Office of Investigations, which looks into allegations of wrongdoing at nuclear plants. He has been on leave for seven months and is now assigned to a job in the agency's Freedom of Information Office. Mr. Fortuna said today that he has spent $60,000 on legal and other expenses, most of it borrowed from his parents.

Mr. Kostmayer said the interim report by the judge found that Mr. Fortuna had used rough language in the conversation and appeared improperly to give advice to Mr. Comley, who was planning to present evidence to the Justice Department about falsification of papers in the construction of the Seabrook nuclear plant in New Hampshire.

Mr. Fortuna, who is a former assistant district attorney and prosecutor, said in an interview that Mr. Comley had provided important safety information and that he was cultivating the man as a source.

Also testifying was Ben B. Hayes, the director of the Office of Investigations, who said, "In my 27 years of Government service, I have never seen an investigation as perverted." He praised Mr. Fortuna.

The hearing today follows a report by the Senate Governmental Affairs Committee that also cast doubt on Mr. Stello's judgment. The chairman of that committee, John Glenn, Democrat of Ohio, has not taken a public position on the Stello nomination, although he sits on the Senate Armed Services subcommittee that will take up the matter first.

Panel Sees Animosity Behind Inquiry on Nuclear Body

By MATTHEW L. WALD

A Senate committee said yesterday that an internal investigation at the Nuclear Regulatory Commission of charges of misconduct by a high-ranking official appeared motivated as much by "personal and professional animosity" as by any legitimate need.

The investigation involved a payment of $6,000 in cash to an informer, surreptitiously recorded tapes of telephone conversations and commission officials lying to each other, said a report issued by the Senate Government Operations Committee.

The investigation has aroused interest because it was approved by the commission's top staff official, Victor Stello Jr., whom President Bush recently nominated to be head of production at the nation's troubled nuclear weapons complex. Mr. Stello has not been confirmed by the Senate, but he started the job on an acting basis last week.

'Lack of Good Judgment'

Senator John Glenn, an Ohio Democrat who is chairman of the committee, said the investigation showed "an unseemly lack of good judgment" by high-level staff members at the commission, which oversees civilian nuclear plants.

The investigation under scrutiny was pursued by Sharon R. Connelly, then head of the commission's Office of Inspector and Auditor, against Roger Fortuna, then deputy director of the Office of Investigation.

Two years ago, Mr. Fortuna testified against Mrs. Connelly when she was accused of trying to shield her deputy from charges of sexual harassment.

Late last year Mrs. Connelly, whose office handles the commission's internal investigations, received a complaint about Mr. Fortuna from a former technician at the Nine Mile Point 2 reactor, near Oswego, N.Y.

The former technician, Douglas Ellison, said Mr. Fortuna, whose office is responsible for looking into reactor safety problems, had not adequately handled safety complaints Mr. Ellison had expressed.

The committee said the investigation wasted money.

Among the panel's findings is that in seeking information derogatory to Mr. Fortuna, Mrs. Connelly asked the agency's top lawyer if she could hire an informant as a "consultant" and pay him for information and tapes of telephone conversations. The lawyer told her that she probably could not unless public health and safety was involved.

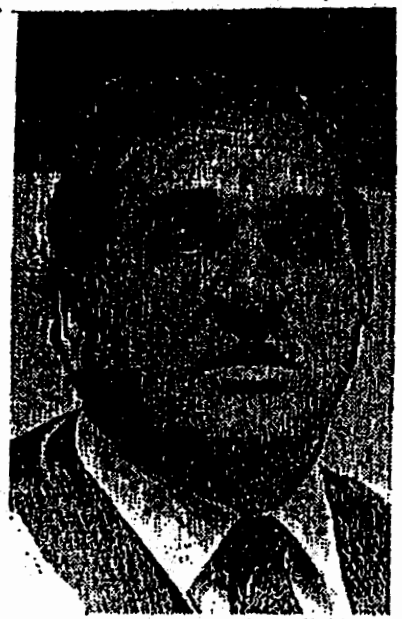
Informant's Allegations Limited

Senate investigators later questioned the lawyer, William Parler, the commission's general counsel, and he said that in hindsight he should have urged the commission to subpoena the tapes rather than pay for them, the report said.

The report does not center on Mr. Stello, but it says that he ruled that the informant might have information on reactor safety. The safety allegations the informant provided were so limited, the Senate report said, that "the case could equally be made that this safety rationale mere provided a convenient cover to do something that the N.R.C. general counsel had otherwise indicated could not be done — putting someone on the payroll to provide information pertaining to an internal affairs investigation."

A spokesman for the commission, Joseph Fouchard, said that his agency had received the study yesterday and was studying it.

A judge chosen by the commission to investigate has concluded that Mr. Fortuna had acted appropriately in his investigation of the allegations made by the technician, Mr. Fouchard said.



The New York Times

Victor Stello Jr. as the top-ranking staff official at the Nuclear Regulatory Commission approved a $6,000 cash payment for an informer in an internal commission investigation.

But the judge is still investigating whether Mr. Fortuna improperly disclosed derogatory information about the informer to an anti-nuclear advocate or received information from the activist that he should have passed on to others at the Nuclear Regulatory Commission.

The activist, Stephen B. Comley, has been subpoenaed and ordered to turn over tapes he might have of conversations between himself and Mr. Fortuna. Mr. Comley of Rowley, Mass., who heads a group, We the People, has [illegible] to testify or provide tapes and asserted that he receives confidential information from nuclear plant workers and cannot do anything that would damage their confidence in him.

Recently Mr. Comley was fined $200 a day by a Federal judge in Boston; and the fines could increase to $1,000 if he does not comply. We the People was instrumental in bringing to light last year the presence of counterfeit parts in nuclear plants around the country.

According to the Senate report, the information that Mr. Fortuna might have disclosed improperly to Mr. Comley was that the former technician had pleaded guilty to attempted sexual abuse of a 13-year-old girl. It is not clear what information Mr. Comley might have given Mr. Fortuna.

In the disputed investigation, Mr. Ellison, the informant, was paid $6,000 and put up in a hotel near Washington for two weeks while Mrs. Connelly and two other staff members met with him. Mrs. Connelly gave him a code name and arranged her vacation for the time he was there, the report said.

The commission has asserted that Mrs. Connelly wanted to pay him rather than subpoena the tapes because Mr. Ellison had threatened to destroy the tapes. But the Senate report said that there was no evidence for that and that "to the contrary, he was threatening to 'go public.'"

The Senate committee concluded that the investigation was unfair to Mr. Fortuna, violated established principles of internal investigations and should not have so heavily involved top management. The investigation, the committee said, "represented a waste of government funds;" the investigation was "incompetently conducted, punctuated by management intervention and other problems."

"In sum, we found very little reason for the course of conduct of this investigation," the committee said.

Mr. Fouchard said that the commission could not comment further because the matter is still under internal investigation.

#1

Portsmouth Hera

PORTSMOUTH, N.H., THURSDAY EVENING, OCT. 22, 1987 44 PAGES 30¢ S

Protest focus on hearings

20 in wheelchairs will score evac plans' inadequacy

CONCORD — More than 20 handicapped persons, including some in wheelchairs, planned to disrupt hearings today on the New Hampshire evacuation plans for Seabrook Station.

Steve Comley, the anti-nuclear activist who gained regional attention by barging into Gov. John Sununu's inauguration in January, organized the event to dramatize the inadequacy of plans to safely evacuate physically handicapped people from the 10-mile zone around Seabrook.

The "Special Needs Rally for Survival" was scheduled for late this morning in front of the statehouse. Following a news conference, the group intended to disrupt the hearings in Representatives Hall by "drowning out" the proceedings.

Comley, along with public officials and other critics of the plant, has decried the decision by judges hearing the case not to allow the general public to testify. The hearings opened two weeks ago to large protest and disruption by Clamshell Alliance members.

The handicapped individuals represent 20 special needs groups in New Hampshire, Massachusetts, Maine and Vermont. Two patients were to arrive by ambulance they paid for out of their own pockets, Comley said.

Comley owns a nursing home in Rowley, Mass., outside the 10-mile emergency planning zone.

Atomic Safety and Licensing Board Chairman Judge Ivan Smith so far has refrained from having people arrested or removed from the hearings because of outbursts. A spokesman for the Nuclear Regulatory Commission said two weeks ago that in the history of such proceedings, no arrests had ever been made.

Intervenors in the hearings express concern privately that disruptions are not helpful to their cause since they've spent many hours preparing cases and paid money to bring in expert witnesses. Some also believe that Smith could have the hearings moved to Washington if problems persist, making them inaccessible to most residents of the area.

REAGAN MUST ACT NOW!

THE WASHINGTON POST INDEX

MARY McGRORY

Fighting for Survival of the Unfit

Steven Comley, a stocky, unblinking man from Rowley, Mass., is hardly of the Clark Clifford school of lobbying. Suave he is not. He barges into government offices and says, "Why the hell . . . ?" He does not see establishing friendly relations as a measure of success. "I made him mad as hell," he reports about a congressional aide whom he was trying to persuade to investigate the Nuclear Regulatory Commission.

He deals as brusquely with the press. When he fails to persuade a reporter to cover one of his initiatives, he says, "Oh, sure, you'll wait until there are 500,000 dead, then you'll go for it."

Ever since Chernobyl launched him—"like an unguided missile," a friend says—he has been charging about in a solo effort to stop the opening of Seabrook, the nuclear power plant that lies 12 miles from the nursing home he owns and operates in Rowley. First he ranged the town of 4,000, lining up 1,400 residents to sign a petition to Gov. Michael S. Dukakis (D) demanding that Rowley be included in evacuation plans being drawn up in the event of a Seabrook accident. Then he went to the State House in Boston to badger Dukakis in person not to okay the plans—a move that would effectively keep Seabrook inoperative.

While his wife runs Sea View, Comley darts in and out of Washington. He haunts the offices of the NRC and peppers the commissioners with letters. He had an interview with the newest appointee, James K. Asselline, during which Asselline conceded that the commission "acted more as the protector of the industry than the protector of the public."

Like every other Washington petitioner, Comley wants to see the president. A registered independent, he has voted for and contributed to Ronald Reagan, and he thinks that if he could sit down with him, the president would "have" to stop Seabrook.

He's had no luck, so he's taking his pies aloft again. Comley, a skydiver, believes in overflights. He has hired planes to fly over Boston to goad Dukakis, and over Concord, N.H., to disparage Gov. John H. Sununu (R), who is fending off a vigorous reelection challenge from anti-Seabrook elements. The president may soon see a streamer up in the clouds that says, "Mr. President, See Me. Comley."

Comley pays for all this activity with his own money. Sea View is a small—"that's why it's so good"—nursing home, where the residents do a lot of flower-growing and bird-watching. He has spent $12,000 to $15,000 and is ready to spend more because he's "so ashamed I didn't get involved before."

"A lot of people call me a nut," he volunteers.

If he is, he could scarcely be more off-the-wall than the evacuation proposals he is protesting. In the wake of Chernobyl, Sununu engaged a distinguished scientific panel, including two Nobel laureates, to advise him about the safety of Seabrook. They have assured him that in terms of construction operation and what they prefer to call "the emergency response plan," things could not be better.

"What's he tellin' us," snorts Comley. "They have human error at Three Mile Island and in Russia, but they don't have it in New Hampshire?"

The 17 towns in New Hampshire and the six in Massachusetts within a 10-mile radius of the nuclear plant all have draft plans, and the same bright thread of lunacy runs through them. Parents are, for instance, instructed not to try to retrieve their children from school if the sirens go off. Their young will be taken to other towns by bus.

Comley's two sons attend a regional high school in Peabody that is within the 10-mile radius and so would be under the orders of the Emergency Operations Center, which presently has no jurisdiction in Rowley.

Tom Moughan, coordinator of Citizens Within the Ten-Mile Radius, points out that some drafts call for the dispatch of city buses from Boston, some 40 miles away, to pick up stragglers and people without cars. There is talk of having carless people put ribbons on their doorknobs. But since the buses—provided enough drivers can be found to head into the fallout—will ply only certain routes, residents of side streets will have to run to the corner and, as Moughan says, "hope that the bus will get them before the radiation does."

What keeps Comley going at his headlong pace are the plans for nursing home and hospital patients, "which," as the Newburyport draft says, "cannot be moved."

The Darwinian instructions advise shutting doors, windows and outside air vents, and "moving patients/residents to inner room/hallways if possible."

"What the hell kind of a way is that to treat your mother or your grandfather?" asks Comley. None of the smart people he is pestering has answered him yet.

MARY McGRORY

Relentless foe of Seabrook

WASHINGTON – Steven Comley, a stocky, unblinking man from Rowley, Mass., is hardly of the Clark Clifford school of lobbying. Suave he is not. He barges into government offices and says, "Why the hell . . . .?" He does not see establishing friendly relations as a measure of success. "I made him mad as hell," he reports about a congressional aide whom he was trying to persuade to investigate the Nuclear Regulatory Commission.

He deals just as brusquely with the press. When he fails to persuade a reporter to cover one of his initiatives, he says, "Oh, sure, you'll wait until there are 500,000 dead, then you'll go for it."

Ever since Chernobyl launched him – "like an unguided missile," a friend says – he has been charging about in a solo effort to stop the opening of Seabrook, the New Hampshire nuclear power plant that lies 12 miles away from Sea View, the nursing home he owns and operates in Rowley. First he ranged the town of 4,000, lining up 1,400 residents to sign a petition to Massachusetts Gov. Michael Dukakis demanding that Rowley be included in evacuation plans being drawn up in the event of a Seabrook accident. Then he went to the State House in Boston to badger Dukakis in person not to OK the plans – a move that would effectively keep Seabrook inoperative.

While his wife runs Sea View, Comley darts in and out of Washington. He haunts the offices of the Nuclear Regulatory Commission and peppers the commissioners with letters. He had an interview with the newest appointee, James Asselline, during which Asselline conceded that the commission "acted more as the protector of the industry than the protector of the public."

Like every other Washington petitioner, Comley wants to see the president. A registered independent, he has voted for and contributed to Ronald Reagan and thinks that if he could sit down with him, the president would have to stop Seabrook.

He's had no luck, so he's taking his plea aloft, as he has done before. Comley, a sky diver, believes in overflights. He has hired planes to fly over Boston to goad Dukakis, and over Concord, N.H., to disparage Gov. John Sununu, who is fending off a vigorous reelection challenge from anti-Seabrook elements. The president will soon see a streamer up in the clouds that says, "Mr. President, See Mr. Comley."

Comley pays for all this activity with his own money. Sea View is a small nursing home ("that's why it's so good," he says) where the residents do a lot of flower-growing and bird-watching. He has spent between $12,000 and $45,000 and is ready to spend more because he's "so ashamed I didn't get involved before."

"A lot of people call me a nut," he volunteers.

If he is, he could scarcely be more off-the-wall than the evacuation proposals he is protesting. In the wake of Chernobyl, Sununu engaged a distinguished scientific panel, including two Nobel laureates, to advise him about the safety of Seabrook. They have assured Sununu that in terms of construction, operation and what they prefer to call "the emergency response plan," things could not be better.

"What's he tellin' us?" snorts Comley. "They have human error at Three Mile Island and in Russia, but they don't have it in New Hampshire?"

The 17 towns in New Hampshire and the six in Massachusetts within the 10-mile radius all have their own draft plans, and the same bright thread of lunacy runs through them. Parents are, for instance, instructed not to try to retrieve their children from schools when the sirens go off. Their young will be transported to other towns by bus, where parents can go and find them later.

Comley's two sons attend a regional high school in Newbury that is within the 10-mile radius and so would be under the orders of the Emergency Operations Center, which presently has no jurisdiction in Rowley.

Tom Moughan, coordinator of Citizens Within the Ten-Mile Radius, points out that some drafts call for the dispatch of city buses from Boston, some 40 miles away, to pick up stragglers and people without cars. There is talk of having carless people put ribbons on their doorknobs. But since the buses – provided enough drivers can be found to head into the fallout – will ply only certain routes, residents of side streets will have to run to the corner and, as Moughan says, "hope that the bus will get them before the radiation does."

What keeps Comley going at his headlong pace are the plans for nursing home and hospital patients that, as the Newburyport draft says, "cannot be moved."

The Darwinian instructions advise shutting doors, windows and outside air vents and "moving patients/residents to inner rooms/hallways if possible."

"What the hell kind of way is that to treat your mother or your grandfather?" asks Comley. None of the smart people he is pestering have answered him yet.

Mary McGrory is a syndicated columnist.

Erc. # F

EHC F

The Sheraton Grand on Capitol Hill

SHERATON HOTELS, INNS AND RESORTS WORLDWIDE
525 NEW JERSEY AVENUE, N.W.
WASHINGTON, D.C. 20001-1527
(202) 628-2100

August 12, 1986

Mr. Frederick J. Ryan, Jr.
Director, Presidential
Appointments and Scheduling
The White House
Washington, DC

Dear Mr. Ryan:

I respectfully request a meeting with President Reagan either at the end of the week or sometime during the beginning of next week. This meeting will be more beneficial to the President than it will be to me.

If you need further information please call me at 628-2100, Ext. 1517.

Sincerely,

Steven B. Comley
Rowley, Massachusetts

OF ROWLEY, MA
REAGAN HAS THESE (NO REPLY)

Because we care about Rowley and YOU...

11/86 #1A

, the citizens of Rowley, Massachusetts appeal to you, Ronald Reagan, the President of the United States, address the following concerns and recommendations that we, the undersigned, have regarding the Nuclear gulatory Commission, a Federal Agency that has the ability to license the Seabrook Nuclear Plant that is ated in Seabrook, New Hampshire but involves various towns in Massachusetts because of the 10 mile radius.

e reasons for our concerns are these:

A. Our children live two miles outside the ten mile radius but attend a regional school inside the ten mile radius. We have been told that we cannot be part of the evacuation planning. This also applies to the residents of Sea View Nursing Home who are transferred to a hospital located inside the ten mile radius.

B. Regarding the Radiological Emergency Response Plan, Draft 3 4/86 Attachment 10.2-2 which says "only those hospital patients and nursing home residents who are deemed medically safe to move are to be evacuated. Those patients/residents which cannot be evacuated should be sheltered in place." (A copy is enclosed.)

In our opinion this not only affects nursing home and hospital residents but it could affect anyone who had an operation and had to be sheltered in place that day.

C. We feel that the Nuclear Regulatory Commission has been negligent in not making themselves available and not calling us or being up on the issues in our town. It seems that they have represented the nuclear industry very well but they have not encouraged the input of the people that may not be for nuclear power or have concerns for safety in our area.

Thus, we the citizens of Rowley, Massachusetts recommend:

A. That you set up a Commission to see if the Nuclear Regulatory Commission is acting responsibly in representing and saying that the safety and concerns are being properly addressed for the people of Rowley as well as people across this country.

B. That you ask for a moratorium on the start up of any new nuclear plants awaiting licenses until you and we can be assured that we have the full information back from Chernobyl to make a responsible decision to whether we should continue thinking that nuclear power is a safe alternative.

C. That you remind the Nuclear Regulatory Commission that this is America not Russia and they are hired by the people and are accountable to the people, not just the people in the nuclear industry.

We were reminded on the 4th of July of what this country was founded for and we thank you for that. We are seeing that our freedom of speech and freedom of choice is being exercised.

If you agree with this letter, please sign your name below and return it to us as soon as possible. We encourage children to sign or parents to sign on behalf of their children. This is probably one of the most important things we can do in Rowley — for our generation and for future generations.

SIGNED _____ SIGNED _____

SIGNED _____ SIGNED _____
(Parents: Please sign your child's name/your name)

We have the responsibility to see that this campaign is completed successfully and we need your help. Public Broadcasting in San Francisco recently did an interview with me as Director of *Because we care about Rowley and YOU* for their "We The People" series which identified this issue with the Vietnam uprising where petitions stopped the war, not government officials. Our system in America is a good system if only we use it — please help us

OVER

PLEASE ANY TIME YOU WOULD LIKE FURTHER INFORMATION OR AN UPDATE
[illegible] 948-2029 [illegible]

Enc. #2

THE WHITE HOUSE

WASHINGTON

August 15, 1986

Dear Mr. Comley:

In accordance with your telephone conversation with my office, I am complying with your request to put into writing the fact that due to the heavy demands on the President's schedule before he leaves for California he will be unable to meet with you.

This is to advise you that the informational packet you sent with your letter has been brought to the attention of the Nuclear Regulatory Commission.

Sincerely,

Fred Ryan

FREDERICK J. RYAN, JR.
Director, Presidential
Appointments and Scheduling

Mr. Steven B. Comley
Suite 1517
The Sheraton Grand
525 New Jersey Avenue, N.W.
Washington, DC 20001-1527

ENC. #3

August 27, 1986

Mr. Frederick J. Ryan, Jr.
Director, Presidential
Appointments and Scheduling
The White House
Washington, DC

Dear Mr. Ryan:

Please read the release enclosed. I plan on returning to Washington this Friday, August 29, 1986. I certainly think by this time you have received correspondence from the Secret Service, from Officers Doone and Morris. It goes without saying that I will be needing to see you next week at your convenience.

Sincerely,

Stephen Comley

Stephen B. Comley
Rowley, Massachusetts

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

OFFICE OF THE
COMMISSIONER

ENC. 3A

August 19, 1986

MEMORANDUM FOR: The Files

FROM: James K. Asselstine

SUBJECT: DISCUSSION WITH STEPHEN B. COMLEY RE NUCLEAR SAFETY AND EMERGENCY PLANNING

On Friday, August 15, 1986, I met with Mr. Stephen B. Comley to discuss hi concerns regarding nuclear safety and emergency planning. Mr. Comley is a resident of Rowley, Massachusetts. Mr. Comley is interested in the Seabrook Nuclear Power Plant but is not a party in the Seabrook licensing proceeding. We did not discuss any contested issues in the Seabrook licensing proceeding. The following is a written summary of my responses to Mr. Comley's questions.

Question 1: Do you feel that the people of Rowley should have a voice i evacuation planning as it pertains to the Seabrook power plant?

Answer: As a general matter, I believe that the 10-mile emergency planning zone (EPZ) established by the Commission is a reasonable boundary for planning protective actions, including evacuation, in the event of a nuclear power plant accident. However, the Commission's regulations are flexible in that they allow expansion of the 10-mile EPZ to take into account nearby facilities or features for which emergency planning would be appropriate. An examole would be a school located just outside the EPZ. In previous cases, I have supported expanding the size of the EPZ slightly in a particular area where the facts of the case indicate a particular feature, facility or problem area which can affect overall emergency planning for the plant. An example of this is the bridge going to Cape Cod, which i located just beyond the 10-mile EPZ for the Pilgrim plant. Because the bridge could significantly affect emergency planning for the Pilgrim plant and because it is the principal artery leading to and from Cape Cod, I believe that it should be included in the Pilgrim EPZ, and I have s stated in the past. Whether the town of Rowley should be included in the EPZ for Seabrook would depend upon the fact in that particular case. Although this is not now a contested issue in the Seabrook proceeding, I understand that it may become one. If so, my decision would be based upon the record developed in the case. I have not reviewe

Ene 3 A

the situation for Seabrook, and I have no opinion on the issue at the present time.

X **Question 2:** Evacuation issue - people who can't be moved... Do you feel some means should be provided for people who cannot be moved, other than merely being sheltered?

Answer: * I am not aware that this question has been faced squarely by the Commission in any previous case. As a general matter, the Commission's regulations require that emergency planning within the EPZ provide for a range of protective actions. These can include sheltering, but for at least some accident situations evacuation may be necessary for some or all of the people within the EPZ. Thus, emergency planning measures have been required to include needed transportation, particularly for those who are unable to evacuate themselves. I agree with this element of our emergency planning requirements. For this reason, the Commission emphasized the need for arrangements for ambulances and buses if evacuation is needed for a care facility for elderly nuns near the Fermi-2 reactor. The Commission has also considered the need for sheltering and evacuation of prisoners in detention facilities located near nuclear power plants. However, I do not believe that the Commission has faced the situation in which evacuation is impossible for some individuals within the EPZ and the only alternative is sheltering within unprotected facilities.

SHELTERED ISSUE

Question 3: Location issue - Seabrook. Has the summer beach population been fully taken into consideration?

Answer: I believe that this is a contested issue in the Seabrook proceeding. My opinion on this and other contested issues will be based upon the formal record in the Seabrook case. I have no opinion on the issue at the present time and I cannot discuss it with you.

X **Question 4:** As we have yet to receive all of the information on Chernobyl, what are your opinions on reducing the radius from 10 miles to 2 miles?

Answer: You are quite correct that we have not yet received all of the information needed on the Chernobyl accident to asses its potential impact on emergency planning. It seems to that the Chernobyl accident may well raise questions on emergency planning that cut the other way -- that is, is 10-mile EPZ large enough and should we consider expanding it? It seems to me that this is an open question until receive additional information on the causes, sequence of events and consequences of the Chernobyl accident. Over past three years, the U.S. nuclear industry has advocate

reductions in the radioactive source term (the estimates o the amounts and types of radioactive materials which could be released during a serious nuclear accident). The industry argues that these reduced source terms would justify relaxations in several NRC regulations. Chief amo those is a reduction in the size of the emergency planning zone, perhaps to an area as small as two miles. The American Physical Society and others have identified a number of areas where additional work is needed to provide sound scientific basis for any source term reassessment. They have advised that across-the-board reductions in the source term are not yet justified, and that specific numerical reductions are unwarranted. The Commission has not yet taken action to reduce the source terms, and our technical staff has advised that any across-the-board reductions in emergency planning zones are premature. The staff has rejected at least one site-specific proposal to reduce the EPZ for the Calvert Cliffs plant on the ground that the request is premature. Of course, any licensee i free to propose a site-specific reduction in the size of t EPZ for the plant and the individual proposal would be considered by the Commission on its merits.

Question 5: I understand that the low level licensing requirements hav been reduced as they pertain to issues of evacuation problems that may arise in a city or town. This change ha enabled question not to be resolved before a license is issued. Given the Chernobyl incident and the problems and questions that surround the Pilgrim Nuclear Plant in Plymouth (which has been branded "the worst-run plant in t US"), do you think we should reverse again and require tha evaluation issues be resolved before a low level license i granted to any new plants?

Answer: The Commission's regulations require adequate emergency planning measures to be in place prior to the issuance of full-power license, but not prior to the issuance of a low-power license (these are limited to no more than five percent of full power). This decision was based upon the technical judgment that a plant beginning operation and no going above five percent power fails to generate the quantity of fission products and decay heat which could po a hazard to the public requiring evacuation or other protective action. I agree with this technical judgment that the risk to the public from low-power operation of a new plant is very low. Some have questioned whether the Chernobyl accident affects this judgment since that accide apparently occurred at low power levels. However, our sta advises that the situation at Chernobyl was quite differen because the plant had been operating at higher power leve for some time, with the consequent build-up of fission products and decay heat. Having said this, I should note

(3A)

See Brook Sylvie

that I opposed issuance of a low-power operating license for the Shoreham plant on the ground that there appeared to exist an outstanding emergency planning issue which might prevent that plant from ever going into full-power operation. In the circumstances of that case, it seemed to me unwise to contaminate the plant until the Commission had resolved the outstanding emergency planning issues. Such circumstances may well arise in other cases, and I will have to examine each case individually. But my decision in Shoreham turned on the wisdom of contaminating a plant that might never receive a full-power operating license and not on the risk to the public of low-power operation.

Question 6: Do you feel that the NRC has represented the people as well as it has represented the nuclear industry?

Answer: I believe that in some cases, the NRC has acted more as the protector of the nuclear industry than the protector of the public. These cases have included the Commission's decision to allow operation of the Indian Point plants in the face of continued significant deficiencies in emergency planning; the Commission's decision to reject the safety improvements recommended by the NRC staff and the hearing board in the Indian Point Special Proceeding; the Commission's decision to allow the restart of TMI, Unit 1; the Commission's decision to end the search for further reductions in the risk of severe nuclear accidents in the Severe Accident Policy Statement; and the Commission's decision to restrict the NRC staff's ability to develop needed new safety requirements in the Commission's backfit rule. My views are well documented in my dissenting views on each of these decisions, and they have been widely publicized. For the most part, I am the only member of the current Commission who has opposed these actions; however, one other Commissioner opposed the backfit rule. Despite my opposition to these key Commission decisions, I believe that the NRC contains many able and dedicated people who are committed to the regulatory mission of the agency. If given the proper policy direction from the top, I am confident that the agency could pursue its regulatory responsibilities in a manner that would restore public confidence in the NRC as an objective and fair regulator that puts the interests of the public foremost.

Question 7: Has Chernobyl changed your thinking regarding nuclear power

Answer: The Chernobyl accident has not dramatically altered my views on nuclear power or on the key regulatory issues which are before the NRC. I continue to believe that nuclear power plants can be operated, built, and designed safely, and that they should be a part of our overall energy mix. In reaching this judgment, I recognize the substantial

3A

commitment to nuclear power which we already have in the U.S. The challenge is to ensure that the approximately 125 plants we have in operation or under construction are run safely. Hence, Chernobyl has underscored my belief that a severe nuclear accident in the U.S. is unacceptable, and that further regulatory initiatives are needed for the future if we are to reduce the long-term risk of nuclear power to an acceptable level. In a recent letter to the President of the Atomic Industrial Forum, I outlined my own assessment of our current understanding of the risks of nuclear power and the steps that I believe are needed to reduce that risk to acceptable levels. I am pleased to note that as part of its recent Safety Goals Policy Statement the Commission agreed to a statement that an objective of our regulatory process should be to prevent the occurrence of a severe nuclear accident -- that is, an accident causing damage to the reactor core -- at any U.S. nuclear power plant. This statement, together with the Commission's recent increased attention on the operating performance of U.S. plants, particularly those with a history of poor performance, is an encouraging step in the right direction.

Question 8: Do you feel that people are really informed about and know of the dangers of nuclear power?

Answer: I am not convinced that the public is fully informed of the risk of nuclear power. The issues are often complex, and the debate on the issues is frequently polarized and somewhat distorted. In my recent letter to the AIF, copy attached, I attempted to describe my view of the risk of a nuclear accident, including the uncertainties in estimating that risk. As I noted in my letter, I do not believe that we fully understand that risk, and we should not be afraid to say so.

Question 9: Cost verus other funds - obsolete?

Answer: As I understand your question, do I believe that nuclear power is obsolete based upon cost considerations? The Commission's regulations focus on health and safety considerations rather than on the overall cost of nuclear power. It is true that the cost of nuclear power has increased substantially in recent years, particularly for the large new plants. The cost of operating and maintaini the older existing plants has also increased significantly over the past several years. Although there are many reasons for the cost increases, among the more significant are poor management of plant construction, the lack of standardization, a design-as-you-build approach to plant construction, and the need to address new and unanticipat safety issues, including those arising from the Three Mil Island accident. Whether nuclear power remains competiti

3A

with other alternatives is difficult to say. It appears, however, that due to a combination of factors, including reduced demand for electricity, financial conditions, and uncertainty about costs and safety requirements, that no U.S. utility at the present time is prepared to commit to build a new nuclear powerplant.

Question 10 How Many people were hospitalized in Russia?

Answer: I do not know the answer to this question. We are awaiting further details on the Chernobyl accident at the upcoming meeting of the International Atomic Energy Agency late this month.

QUESTION 11. How old was the plant - 3 years? - LESS THAN 3

Answer: The reactor which had the accident at Chernobyl was the newest unit of the four-unit Chernobyl plant. Although I do not know the date on which the unit began operation, I believe that the plant had been in operation no more than three years, and perhaps less.

Question 12: What are the differences between the Russian plants and our nuclear plants as you see them?

Answer: There clearly are a number of design differences between U.S. nuclear powerplants and the Chernobyl plant. Other Russian plant designs are more similar to ours. I do not believe that we have enough detailed design information about the Chernobyl plant to fully understand their design or the significance of the differences between their design philosophy and ours. We are awaiting more detailed design information at the upcoming IAEA meeting later this month. However, quite apart from the design differences between the U.S. and Russian plants, there are some broad lessons with applicability to the U.S. nuclear program. One of these is the unacceptability of a severe accident here and the need to ensure that sufficient steps are taken to prevent such an accident from occurring and to limit the potential for a large pressure release of radiation should one occur. I have proposed initiatives, described in my letter to the AIF, which would accomplish these objectives. In addition, there are specific safety areas, such as hydrogen control, which may require additional attention based upon the information obtained from Chernobyl.

Question 13: Regarding future generations, would you recommend that we continue to build nuclear plants?

(37)

Answer: I believe that we should retain the nuclear power option for the future in this country. When I examine other energy alternatives, it appears at the present time that coal and nuclear are the principal means available for providing large central station generating facilities. Conservation and other options are having a significant impact; however, it is unclear whether they can eliminate the need for new large generating facilities at some point in the future. But if nuclear power is to remain a viable option for the future, three conditions must be met. First, the existing plants must operate safely and there must not be a severe accident at any of the existing plants for the foreseeable future -- at least the next 20 years. Second, we must restructure the process for designing, constructing and operating future nuclear plants. This restructuring must include greater use of standardized designs; the development of essentially complete designs before the start of construction; better, more centralized management of the construction process; greater attention to construction quality assurance; improved designs which emphasize greater margins of safety, simplicity, ease of operation and ease of maintenance; better utility management; and improved operations and maintenance performance. Third, we must make continued progress toward developing a safe and environmentally acceptable solution to the nuclear waste disposal problem. Each of these areas, in my view, is in need of attention if nuclear power is to remain a viable option for the future.

Question 14: Do you feel that the public would be justified in believing that the NRC is not acting in the public's best interest?

Answer: As I noted in my response to question 6, I believe there are some significant Commission decisions in recent years in which the Commission has acted more as the protector of the industry than the protector of the public. In such cases, I believe that the public would be justified in concluding that the NRC is not acting in the public's best interests. At the same time, as I noted in my previous response, the NRC staff is composed of many hard-working and dedicated people. If given the proper policy guidance and direction, the NRC could do much to restore public confidence in the agency as a fair and objective regulator, and in the safety of nuclear power as well.

Enc. #4

September 4, 1986

Mr. Frederick Ryan
Director, Presidential
Appointments and Scheduling
The White House
Washington, DC

Dear Mr. Ryan:

I understand that you have been away with the President but have since returned. Referring back to the letter of August 12th, I can just reiterate that it is imperative that I meet with the President. As you know, I am in Washington to meet with the President because he is the only one who has veto power over the NRC.

I have a deep respect and loyalty to President Reagan but I also feel a great responsibility for the safety of the American people. I have talked to people high up in the NRC who feel that the President is not aware of what has been happening at the NRC.

I have been in touch with Mr. Laxalt's office and expect to be meeting with him next week regarding this matter.

You might also talk to Clarkson Hinds at the Republican Task Force with whom I have been in touch with for the last month and a half.

I suggest that you reread my press releases and you will better understand my position.

Respectfully,

Stephen B. Comley

Stephen B. Comley
Rowley, Massachusetts

Enclosures

ENC #4A

September 4, 1986

Mr. Stephen B. Comley
Mansion Drive
Seaview Retreat Inc.
Rowley, MA 01969

Dear Mr. Comley:

On behalf of Senator Heinz, I am writing to thank you for your outstanding commitment to President Reagan and his Republican Senate Majority through your membership in the National Republican Senatorial Club and the Republican Presidential Task Force.

Your longtime support, as a Permanent Member of the Senatorial Club and as a Charter Member of the Task Force, has been valuable in our battle to maintain control of the U.S. Senate.

We appreciate your exceptional generosity, and we look forward to working with you in the future. Good luck in all of your future endeavors.

Sincerely,

Clarkson Hine
Senatorial Committee

CAN USE THIS LATER

145

440 FIRST STREET, N.W. • SUITE 600 • WASHINGTON, D.C. 20001 • 202/347-0202 • 202/224-2351

9/18/88

THE WASHINGTON POST INDEX

EMC. #5

MARY McGRORY

Fighting for Survival of the Unfit

Steven Comley, a stocky, unblinking man from Rowley, Mass., is hardly of the Clark Clifford school of lobbying. Suave he is not. He barges into government offices and says, "Why the hell . . . ?" He does not see establishing friendly relations as a measure of success. "I made him mad as hell," he reports about a congressional aide whom he was trying to persuade to investigate the Nuclear Regulatory Commission.

He deals as brusquely with the press. When he fails to persuade a reporter to cover one of his initiatives, he says, "Oh, sure, you'll wait until there are 500,000 dead, then you'll go for it."

Ever since Chernobyl launched him—"like an unguided missile," a friend says—he has been charging about in a solo effort to stop the opening of Seabrook, the nuclear power plant that lies 12 miles from the nursing home he owns and operates in Rowley. First he ranged the town of 4,000, lining up 1,400 residents to sign a petition to Gov. Michael S. Dukakis (D) demanding that Rowley be included in evacuation plans being drawn up in the event of a Seabrook accident. Then he went to the State House in Boston to badger Dukakis in person not to okay the plans—a move that would effectively keep Seabrook inoperative.

While his wife runs Sea View, Comley darts in and out of Washington. He haunts the offices of the NRC and peppers the commissioners with letters. He had an interview with the newest appointee, James K. Asselstine, during which Asselstine conceded that the commission "acted more as the protector of the industry than the protector of the public."

Like every other Washington petitioner, Comley wants to see the president. A registered independent, he has voted for and contributed to Ronald Reagan, and he thinks that if he could sit down with him, the president would "have" to stop Seabrook.

He's had no luck, so he's taking his plea aloft again. Comley, a skydiver, believes in overflights. He has hired planes to fly over Boston to goad Dukakis, and over Concord, N.H., to disparage Gov. John H. Sununu (R), who is fending off a vigorous reelection challenge from anti-Seabrook elements. The president may soon see a streamer up in the clouds that says, "Mr. President, See Ms. Comley."

Comley pays for all this activity with his own money. Sea View is a small—"that's why it's so good"—nursing home, where the residents do a lot of flower-growing and bird-watching. He has spent $12,000 to $15,000 and is ready to spend more because he's "so ashamed I didn't get involved before."

"A lot of people call me a nut," he volunteers.

If he is, he could scarcely be more off-the-wall than the evacuation proposals he is protesting. In the wake of Chernobyl, Sununu engaged a distinguished scientific panel, including two Nobel laureates, to advise him about the safety of Seabrook. They have assured him that in terms of construction operation and what they prefer to call "the emergency response plan," things could not be better.

"What's he tellin' us," snorts Comley. "They have human error at Three Mile Island and in Russia, but they don't have it in New Hampshire?"

The 17 towns in New Hampshire and the six in Massachusetts within a 10-mile radius of the nuclear plant all have draft plans, and the same bright thread of lunacy runs through them. Parents are, for instance, instructed not to try to retrieve their children from school if the sirens go off. Their young will be taken to other towns by bus.

Comley's two sons attend a regional high school in Peabody that is within the 10-mile radius and so would be under the orders of the Emergency Operations Center, which presently has no jurisdiction in Rowley.

Tom Moughan, coordinator of Citizens Within the Ten-Mile Radius, points out that some drafts call for the dispatch of city buses from Boston, some 40 miles away, to pick up stragglers and people without cars. There is talk of having carless people put ribbons on their doorknobs. But since the buses—provided enough drivers can be found to head into the fallout—will ply only certain routes, residents of side streets will have to run to the corner and, as Moughan says, "hope that the bus will get them before the radiation does."

What keeps Comley going at his headlong pace are the plans for nursing home and hospital patients, "which," as the Newburyport draft says, "cannot be moved."

The Darwinian instructions advise shutting doors, windows and outside air vents, and "moving patients/residents to inner room/hallways if possible."

"What the hell kind of a way is that to treat your mother or your grandfather?" asks Comley. None of the smart people he is pestering has answered him yet.

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

OCT 1 1986

ENC. #6

Mr. Stephen B. Comley, Administrator
Sea View Nursing Home
Mansion Drive
Rowley, Massachusetts 01969

Dear Mr. Comley:

Chairman Zech has asked me to respond to your letter to him of August 22, 1986. The questions in your letter focused upon several issues including emergency planning at the Seabrook nuclear generating station, the Russian nuclear accident at Chernobyl and nuclear power in general.

Enclosed are answers to each of the questions contained in your letter. If we can be of further assistance, please let me know.

Sincerely,

Victor Stello, Jr.
Executive Director for Operations

Enclosure:
Questions and Responses

2

#6

NRC RESPONSES

Question 1

Do you feel that the people of Rowley should have a voice in evacuation planning as it pertains to the Seabrook power plant?

Response

The Commission regulations provide that, generally, the plume exposure pathway emergency planning zone (EPZ) for nuclear power plants shall include areas within about 10 miles of a nuclear power plant. The exact size and configuration of the zone is to be determined in relation to local emergency response needs and capabilities as they are affected by demography, topography, land characteristics, access routes and jurisdictional boundaries. Rowley is a separate governmental unit which is outside Seabrook's EPZ. No justification has been shown and no issue has been raised in the pending adjudicatory proceeding, where affected members of the public can participate, which maintains that Rowley should be made part of the emergency planning zone. Nevertheless, the Town of Rowley may also adopt such emergency planning measures as it believes appropriate, although these are not required as a predicate to Seabrook receiving a license.

CHERN
AFFECT
OUR C
IN VER

Question 2

SHELTERED ISSUE

Evacuation issue-people who can't be moved...Do you feel some means should be provided for people who cannot be moved, other for than merely being sheltered?

Response

Emergency response plans are required to include provisions for the protection of persons in special facilities such as hospitals or nursing homes within the plume exposure pathway EPZ. For situations where protective actions may call for evacuation, preplanned arrangements are made to transport patients by ambulance and other means. For the few individual patients where in the judgement of medical experts prompt evacuation is not advisable, we believe that shelter is an appropriate protective measure until they can be safely relocated. In some cases, depending on the accident scenario and risk factors, it may be appropriate to administer potassium iodide (KI). We also believe that the likelihood of requiring an immediate evacuation more than several miles from a nuclear plant is extremely low. Comment: This treatment wipes out a person's thyroid gland which prevents radiation from being diffused inside the body. The point is if the radiation has got inside, it is also on the outside of the person.

Question 3

Location issue-Seabrook. Has the summer beach population been fully taken into consideration?

#6

Response

Yes. The guidelines in the reference document NUREG-0654/FEMA-REP-1 specify that each licensee's plan shall contain time estimates for evacuation within the plume EPZ based on population estimates that include consideration of transient as well as permanent residents and special facility populations (e.g., schools, hospitals, and nursing homes). Consideration is also given for both normal and adverse weather conditions in the analysis. The Seabrook Station Evacuation Time Estimates and Traffic Management Plan submitted by Public Service of New Hampshire provides total population figures for summer and winter within 10 miles of the site including summer average and peak population estimates for the beach areas. NRC people have told me that Seabrook is in the wrong location.

Question 4

As we have yet to receive all of the information on Chernobyl, what are your opinions on reducing the radius from 10 miles to 2 miles?

Response

The NRC has indicated that it intends to begin a reassessment of emergency planning, in light of any new insights arising from our extensive research on severe accident releases or "source terms." We consider it appropriate that any such reassessment should also include pertinent information from Chernobyl, taking into account the significant differences between the Chernobyl design and that of U.S. reactors (see response to Question 12), as they affect accident risks. At the present time, the NRC has formed no position whether the size of the plume exposure EPZ should be changed. Only after plants become licensed & contaminated.

Question 5

I understand that the low level licensing requirements have been reduced as they pertain to issues of evacuation problems that may arise in a city or town. This change has enabled questions not to be resolved before a license is issued. Given the Chernobyl incident and the problems and questions surrounding the Pilgrim Nuclear Plant in Plymouth (which has been branded "the worst-run plant in the US"), do you think we should reverse again and require that evaluation issues be resolved before a low level license is granted to any new plants?

Response

The NRC's decision to grant low power licenses prior to arriving at final positions on certain regulatory issues, including emergency planning, is based on the conclusion that the risk to the health and safety of the public from low power operation is not compromised. Analyses of many plants recently licensed by the NRC show that the risk from low power operation is several orders of

THE RULE WAS CHANGED SO CONTROVERSIAL PLANTS WILL BE CONTAMINATED AND RELIEVE THE PRESSURE TO CONVERT THEM TO A SAFER ALTERNATIVE SUCH AS COAL OR GAS.

#6

magnitude lower than that at full power operation. This is primarily because (1) the fission product inventory at low power operation is substantially less than at full power, (2) safety system requirements (e.g., numbers of pumps needed to be available) are much less at low power, and (3) operators have substantially more time to respond to events and take corrective action.

With respect to Chernobyl, the NRC's preliminary evaluation of that accident has concluded that, because of unique design differences between Chernobyl and U.S. plants, there are no implications requiring immediate regulatory action on plants licensed in the U.S. We will be performing a more detailed evaluation over the next several months to confirm this conclusion.

In summary, we do not believe there is any basis at this time to change our current regulatory policies and practices regarding low power license requirements.

Question 6

Do you feel that the NRC has represented the people as well as it has represented the nuclear industry ?

T

Response

Yes, the NRC's regulations are designed to protect the health and safety of the public, and these have been vigorously enforced. During this fiscal year the NRC has taken many enforcement actions and proposed fines against the nuclear industry for violations of the NRC's regulations of almost five million dollars.

THERE ARE A LOT OF HIS STAFF THAT FEEL DIFFERENTLY

Question 7

Has Chernobyl changed your thinking regarding nuclear power?

Response

Reviews of the accident and the Chernobyl design done to date by both the NRC staff and others have not identified any aspects of the accident which show a clear-cut nexus to U.S. commercial nuclear power plants requiring immediate regulatory action. However, in order to confirm this judgment, a more vigorous and systematic investigation is being performed to identify those areas and issues associated with the Chernobyl accident that warrant further investigation. As such, our "thinking regarding nuclear power" has not changed.

Question 8

Do you feel that people are really informed about and know of the dangers of nuclear power?

#6

Response

The statutory responsibility of the NRC is to provide for the safe operation of commercial nuclear power in the U.S. In carrying out this responsibility, we frequently are afforded the opportunity to explain our regulatory philosophy and bases for safety and licensing decisions. However, it is outside the NRC role and responsibility to advise the public about the risks and benefits of nuclear power. The responsibility for energy policy and development of energy sources is assigned to the Department of Energy. The Energy Reorganization Act of 1975 was enacted by Congress to separate responsibility for regulation from responsibility for energy policy to avoid conflicts of interest. Emergency planning regulations do require that information be made available to the public on a periodic basis on how they will be notified in an emergency and what their initial actions should be.

Question 9

Cost versus other fuels-obsolete?

Answer

The NRC is responsible for the licensing and related regulatory functions for commercial nuclear power plants in the United States. The consideration of the economics of nuclear power versus other energy sources does not fall under the statutory responsibility of the NRC. We suggest that this question could best be answered by the U.S. Department of Energy.
IT IS ALSO NOT THE RESPONSIBILITY OF THE NRC TO SUPPRESS INFORMATION SO THAT THE PLANTS THAT ARE CONTROVERSIAL CAN RECEIVE A LICENSE AND THEN THEY THINK THE GAME IS OVER.

Question 10

How many people were hospitalized in Russia?

Response

At the International Atomic Energy Agency Conference on the Chernobyl Accident held in Vienna, Austria, August 25-29, 1986, the Soviet delegation informed us that as of that date, 31 persons had died and 203 persons were hospitalized with radiation-related injuries, all fire fighters or plant personnel.

Question 11

How old was the plant - 3 years?

Response

It is our understanding that Unit 4 at the Chernobyl Nuclear Power Station went into commercial operation in 1983.

(#6)

Question 12

What are the differences between the Russian plants and our nuclear plants as you see them?

Response

There are many basic differences between the Soviet RBMK class of plants and the U.S. commercial light water reactors. The most prominent differences are (1) a lack of a western-style containment which encloses the entire primary system of the reactor, (2) a core composed of about 1600 individual pressure tubes within a graphite matrix, and (3) a positive coolant void reactivity coefficient.

CHERNOBYL HAPPENED BECAUSE OF HUMAN ERROR AND I KNOW, AS OTHERS DO, THAT WE HAVE A LOT OF HUMAN ERROR IN WASHINGTON, some deliberate.

Question 13

Regarding future generations, would you recommend that we continue to build nuclear plants?

Response

As a policy, the NRC does not make recommendations regarding methods for future generation of electrical energy. Such recommendations on national policy are the responsibility of the Department of Energy.

Question 14

Do you feel that the public would be justified in believing that the NRC is not acting in the public's best interest?

Response

No, see answer to Question 6.

* WE WILL SEE TO IT THAT MR. STELLO AS WELL AS THE REST OF THE NRC, KNOWS HOW AMERICA DOES FEEL BY WAY OF A NATIONAL REFERENDUM WHICH WILL ALLOW THE AMERICAN PEOPLE TO MAKE THE DECISION WHETHER THEY WANT TO CONTINUE ON WITH NUCLEAR POWER IN THIS COUNTRY. THE CONSTITUTION WAS WRITTEN TO GIVE THE PEOPLE A SAY WHEN THEY KNOW SOMETHING IS WRONG IN THE GOVERNMENT. THAT OBVIOUSLY CAN NOT BE DONE UNTIL THEY GET ALL THE FACTS THAT HAVE BEEN SUPPRESSED BY THE INDUSTRY, THE NRC, AND YES, SOME GOVERNMENT OFFICIALS. WE THE PEOPLE, INC. OF THE UNITED STATES WILL SEE THAT THEY GET THOSE FACTS AS WELL AS PROVIDE VEHICLES THAT ARE NECESSARY FOR THEM TO MAKE THAT CHOICE. IF WE FAIL TO DO THIS, WE HAVE FAILED AMERICA FOR WHAT IT WAS FOUNDED FOR.

JOIN
We The People, Inc.
of The United States

HE PEOPLE, INC. *
280 MAIN STREET, RTE. 1A
/LEY, MASSACHUSETTS 01969

Box 277
Newbury, MA 01960
(617) 948-7958
(617) 948-2553

National Press Bldg
14 & F Sts. N.W. Ste 994
Washington D.C. 20045
(202) 628-8811

Offices 5 & 6
3 Pleasant St
Concord NH 03301
(603) 226-3484

MA: 617-948-7958
D.C.: 202-628-2100

I.D

Enc #8

October 20, 1987

Mrs. Nancy Reagan
White House
Washington, D.C.

Dear Mrs. Reagan:

After speaking with you on Friday, October 16th at the Maplewood School in Somersworth, New Hampshire, I feel I should follow-up on our conversation and re-affirm my views.

I admire the committments you have made as First Lady to help those with drug abuse problems. I, too, have made a strong committment to the American people to right the wrongs I feel we are suffering at the hands of the nuclear power industry and the Nuclear Regulatory Commission. I am no less committed than you to see that those who can help do so. My efforts to insure the safe evacuation of all American citizens in the event of a nuclear accident will not cease until there is fair and equitable treatment of the disabled, the elderly, and those in shelters. I feel you and Mr. Reagan will understand and realize my concerns after reading the information I left with Ray Martinez.

I do express my sincere wishes for your speedy recovery and I look forward to hearing from you at your earliest convenience.

Sincerely,

Stephen B. Comley

Stephen B. Comley,
Executive Director

SBC:emd
Enc.

Enc. #7

OFFICE OF THE VICE PRESIDENT

WASHINGTON

March 10, 1987

Mr. Stephen B. Comley
Executive Director
Because We Care About Rowley
and You
280 Main Street, Route 1A
Rowley, Massachusetts 01969

Dear Mr. Comley:

Thank you for your recent letter to the Vice President expressing your concern for the safety of nuclear power plants.

It was good of you to write to the Vice President, and he appreciates your having taken the time to share your views with him. I have been asked to share your letter with officials at the Department of Energy who are in the best position to advise you. I have asked that they correspond with you directly concerning this issue.

With the Vice President's best wishes,

Sincerely,

Terry Mattke

F. Terry Mattke
Lieutenant Colonel, USMC
Military Assistant/Aide
to the Vice President

JOIN

#40

We The People, Inc., of the United States

"STOP CHERNOBYL HERE"

THE LETTER WAS PASSED TO MR. REAGAN AT 12:37 P.M. 10/26/87 ALONG WITH FLAG. I GAVE MRS. REAGAN THE SAME INFORMATION ON 10-16-87 IN N. H.

FOR IMMEDIATE RELEASE

press contact: Stephen Comley, executive director,
We the People Inc. of the United States
In Washington: (202) 628-6611
In Rowley, Mass.: (617) 948-7959
In Concord, N.H.: (603) 228-9484

WASHINGTON — President Reagan today is to be presented with a "We the People" flag by Stephen Comley, executive director of We the People Inc. of the United States, an organization concerned about safety hazards presented by the operation of nuclear power plants and the failure of the Nuclear Regulatory Commission to address these hazards.

The presentation, at which the President will be asked to join the campaign of the grass-roots organization against the nuclear power industry, is planned during a luncheon for the Republican Senatorial Inner Circle at the Omni Shoreham Hotel, 2500 Calvert Street in Northwest Washington.

With the flag, Comley is to give the President a letter (copy attached) and other material (available from Comley) on the dangers created by nuclear power industry and on the failures of the industry's faithful servant, the NRC.

Comley also is to seek a private audience with the President to detail his charges against the nuclear power industry and the NRC.

Box 277
Rowley, MA 01969
(617) 948-7959
(617) 948-2563

National Press Bldg.
14 & F Sts., N.W. Ste. 994
Washington, D.C. 20045
(202) 628-6611

Offices 5 & 6
3 Pleasant St.
Concord, NH 03301
(603) 228-9484

A Non Profit Organization

Over

JOIN

#9a

We The People, Inc., of the United States

"STOP CHERNOBYL HERE"

President Ronald Reagan
The White House
Washington, DC

Dear President Reagan:

For the safety of the American people, you must see me.

With my attorneys, I can prove that the Nuclear Regulatory Commission is being run for nuclear industry interests who are placing the lives of millions of Americans in jeopardy. This has been confirmed to me privately by high-ranking officials within the NRC.

For the past year and a half, your staff has kept me from giving you firsthand my information. When you have it, I know you will find it so alarming and so telling that you will act quickly and decisively.

Through my attorneys, I can prove that the NRC has broken the law knowingly and has covered up its illegal actions consistently, enabling the nuclear industry to get licenses for unsafe plants such as Seabrook in New Hampshire and Shoreham in New York.

It is vitally important that you get this information from me, now, to prevent panic due to the unsafe nuclear power plants.

My concern over the need to protect the American people from the dangers of nuclear power plants has led me to spend a year and a half of my time and more than $160,000 of my money.

On behalf of myself and fellow concerned Americans who are members of We the People Inc., this "We the People" flag is presented to you as a symbol of our united stand.

As a member of your Task Force since 1982, I have found you to be a man of great strength, commitment to what is right and faith in God. This is what is needed to make the decisions that must be made if Americans today and for generations to come are going to be protected from the dangers of nuclear power.

Mr. President, I know that together, we can end these dangers. I am committed to this fight. I ask you to join me.

Sincerely,

Stephen B Comley

Stephen Comley, executive director
We the People Inc. of the United States

Box 277
Rowley, MA 01969
(617) 948-7959
(617) 948-2553

National Press Bldg.
14 & F Sts., N.W. Ste. 984
Washington, D.C. 20045
(202) 628-6611

Offices 5 & 6
3 Pleasant St.
Concord, NH 03301
(603) 228-9484

over

ENC. # 9C

THE DAILY NEWS

Newburyport, Massachusetts

:ay, October 27, 1987 /32 Pages — 100th Anniversary/1887-1987 — 35 cents / $1.50 wee

N-plant foe says he gave flag to Reagan

WASHINGTON (AP) — A crusader against the Seabrook nuclear power plant says he got a brief opportunity to press his case directly with President Reagan.

Stephen Comley of Rowley, Mass., said Monday that he handed an anti-Seabrook letter and banner to Reagan at a Republican fund-raising event. National Republican Senatorial Committee aides who attended the event said they did not see the exchange and the White House press office could not confirm it this morning.

Comley said he unfurled a banner that read: "We the People — 200th Anniversary of the Constitution — 1787 to 1987" while Reagan spoke to the Republican Senatorial Inner Circle, a group of $1,000 contributors. "We the People" is the name of Comley's organization.

According to Comley, the president spotted him and after the speech asked, "Is that for me?" Reagan then motioned him to come forward, Comley said.

Comley said Reagan put the flag under his arm and took a letter from the activist.

The event was closed to the public and press. Comley said he is a member of the contributors' club.

In the letter, Comley said he could prove that the Nuclear Regulatory Commission "is being run for nuclear industry interests who are placing the lives of millions of Americans in jeopardy."

Comley, who lives about 12 miles from Seabrook, disrupted a Seabrook hearing last week in New Hampshire. Last year, he was arrested after disrupting the inauguration of New Hampshire Gov. John Sununu, a Seabrook proponent.

THIS INCIDENT WAS PROVOKED BY SUNUNU'S OWN STAFF

#9 C1

THE DAILY NEWS

Newburyport, Massachusetts

November 23, 1987 | 100th Anniversary/1887-1987 | 35 cents / $1.50 weekly

Comley gives Reagan message attacking NRC

ROWLEY — Rowley anti-nuclear activist Stephen Comley delivered his message personally to President Reagan recently.

At a brief encounter at a Republican fund-raiser in Washington, Comley handed Reagan a letter urging the president to meet with him.

"I anxiously await his response, as I am sure many American citizens do," wrote Comley, the director of the anti-nuclear organization We the People Inc., in a letter to The Daily News.

His letter to the president said Comley can prove wrongdoing by the Nuclear Regulatory Commission and the failure of the agency to protect public safety.

Comley has tried to see Reagan since the start of the Rowley nursing home owner's $100,000 campaign against the Seabrook nuclear power plant a year and a half ago.

His tactics have ranged from petitions to a banner flown over the White House urging Reagan to see Comley.

"For the past year and a half, your staff has kept me from giving you firsthand my information," wrote Comley.

"When you have it, I know you will find it so alarming and so telling that you will act quickly and decisively."

MAYBE THIS PICTURE WILL HELP SOME PEOPLE IN THE WHITE HOUSE REMEMBER THE EXCHANGE

#9

WE THE PEOPLE HAS A NEW MEMBER

#9

Enc. #10

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

December 1, 1987

Mr. Stephen B. Comley
Executive Director
We The People
280 Main Street, Rte. 1A
Rowley, Massachusetts 01969

Dear Mr. Comley:

The White House has referred your letter to Mrs. Reagan to the Nuclear Regulatory Commission. By copy of this letter, I am transmitting your correspondence to the agency's Public Document Room for inclusion in the public docket file for the Seabrook proceeding.

Sincerely,

Frank L. Ingram
Assistant to the Director
Public Affairs, GPA

cc: Public Document Room
w/incoming

* I met Mrs. Reagan on October 16, 1987 in New Hampshire and we talked for about 10 minutes. Gave her an ear full. She said she would definately get back to me. I saw her and President Reagan because I do not want any Ollie North's this time, meaning that both have the information first hand about the unsafe conditions regarding United States nuclear power plants. Given my feelings toward the NRC, I feel it is irresponsible for the present administration to think the NRC are going to take care of this when I have been alleging that they are the very problem.

EXC. # 11

CONCORD MONITOR

Concord, New Hampshire *180th Year, No. 289*

50 Pages — 35¢ *Wednesday, December 9, 1987*

Anti-Nuclear Protester Grounded During Summit

WASHINGTON (AP) — Seabrook protester Stephen Comley is furious because the federal government won't let him fly an airplane toting a banner during the summit.

The restriction was imposed "for a variety of reasons — safety, security, that sort of thing," said Dick Stafford, a spokesman for the Federal Aviation Administration.

The order bars planes carrying banners from flying in the so-called terminal control area of National Airport, a zone described by Stafford as roughly seven miles in radius from the airport. The agency also is prohibiting photo-taking excursions over Washington during the summit, he said.

Stafford said the restriction would be lifted when the summit ends.

> 'I don't think we're setting too good an example to the Russian people that we're willing to stop freedom of speech in this country.'
>
> *Stephen Comley*

The ban infuriated Comley, who paid $1,000 for a banner and plane to fly over Lincoln Park in a residential section of Capitol Hill on Monday afternoon.

"It's ridiculous," said Comley, who owns a nursing home in Rowley, Mass. "Now they're putting a gag on freedom of speech."

"I don't think we're setting too good an example to the Russian people that we're willing to stop freedom of speech in this country."

In the past, Comley has hired airplanes to carry banners over the New Hampshire State House protesting Seabrook, Gov. John Sununu and the Nuclear Regulatory Commission.

Stafford denied Comley's assertion that the ban was to avoid potentially embarrassing aerial demonstrations while Soviet leader Mikhail Gorbachev was in town.

"We're doing it for security reasons," he said, declining to elaborate. Stafford said similar restrictions have been imposed in the past during other major Washington events, but he could not cite an example.

Certain Washington airspace is always prohibited from flights, but the summit ban applies to unrestricted areas like Lincoln Park. Commercial aircraft without banners are allowed in the traditionally unrestricted airspace during the summit, Stafford said.

Comley is founder of "We The People Inc.," an anti-nuclear group that has focused its opposition on the Seabrook.

Comley said he had planned to fly a banner over the park, located between the Capitol and RFK Memorial Stadium. The banner read: "Mr. Gorbachev, Help Us Stop Chernobyl Here — We The People."

Comley paid $1,000 for a plane he can't fly over Washington.

THE DAILY NEW

Newburyport, Massachusetts

Tuesday, December 8, 1987 / 36 Pages

100th Anniversary/1887-1987

35 cents

Seabrook foe barred from banner flying

Associated Press

WASHINGTON — The Rowley man who is a vocal opponent of New Hampshire's Seabrook nuclear plant is furious over a federal ban on banner-toting airplanes flying over the nation's capital during the summit.

Stephen Comley, owner of Sea View Nursing Home in Rowley, said the ban is "a restriction of freedom of speech."

The restriction was imposed "for a variety of reasons — safety, security, that sort of thing," Dick Stafford, a spokesman for the Federal Aviation Administration, said yesterday.

The order bars planes carrying banners from flying in the so-called terminal control area of National Airport, a zone described by Stafford as roughly seven miles in radius from the northern Virginia airport. The FAA also is prohibiting photo-taking excursions over Washington during the summit, he said.

Stafford said the restriction would be lifted when the summit ends.

The ban infuriated Stephen Comley, an anti-nuclear power activist who paid $1,000 for a banner and plane to fly over Lincoln Park in a residential section of Capitol Hill on Monday afternoon.

"It's ridiculous," Comley said. "Now they're putting a gag on freedom of speech."

"I don't think we're setting too good an example to the Russian people that we're willing to stop freedom of speech in this country."

Comley, page A14

THE BEST ASSET OR WEAPON WE HAVE IS FREEDOM OF EXPRESSION. THAT IS THE SYMBOL OF AMERICA.

COMLEY: Infuriated by banner restriction

Continued from page A1

Stafford denied Comley's assertion that the ban was to avoid potentially embarrassing aerial demonstrations while Soviet leader Mikhail Gorbachev was in town.

"We're doing it for security reasons," he said, but declined to elaborate. Stafford said similar restrictions have been imposed in the past during other major Washington events. He could not cite an example.

Certain Washington airspace is always prohibited from flights, but the summit ban applies to unrestricted areas like Lincoln Park. Commercial aircraft without banners are allowed in the traditionally unrestricted airspace during the summit, Stafford said.

Comley is founder of "We The People Inc.," an anti-nuclear power group that has focused its opposition on the Seabrook, N.H., atomic reactor.

Comley said he planned to fly a banner over the park, which is located between the Capitol and R.F.K. Memorial Stadium. The banner read: "Mr. Gorbachev, Help Us Stop Chernobyl Here — We The People," Comley said.

He has paid for other banners flown over Lincoln Park criticizing the Nuclear Regulatory Commission and warning about another Chernobyl accident in the United States.

EMBARGOED #110
FOR RELEASE

IEDIATE PRESS RELEASE
:EMBER 6, 1987
:SS CONTACT: STEPHEN B. COMLEY OF WE THE PEOPLE, INC.
IN WASHINGTON 202-628-6611
IN MASSACHUSETTS 617-948-7959
NER: MONDAY, DECEMBER 7, 1987 - OVER LINCOLN PARK, EAST OF THE CAPITAL BETWEEN CONSTITUTIONAL AND INDEPENDENCE AVENUE.
"MR. GORBACHEV - HELP US STOP CHERNOBYL HERE - WTP"
IE: 12-1 P.M. -- MR. COMLEY WILL BE AT THE ABOVE LOCATION AT THIS TIME.

nmy Carter, when he was President, acted very irresponsibly when he took the ggestion from Admiral Hyman Rickover to "cover-up what really happened at ree Mile Island because if would have destroyed the civilian nuclear power dustry". Had President Carter not covered up the facts of Three Mile land, part of Chernobyl may have been avoided.

th the upcoming summit, December 7th, we have the opportunity to all work gether to make responsible decisions regarding the future of nuclear power ants in the United States. It is time to put our cards on the table. eden has already made their move. Will America or Russia take the next ep? We need brave leaders who can forget themselves and their own rsonal gains and who can make decisions that will benefit all of us here as ll as future generations.

personally met with Igor Bulay, Press Counselor of the U.S.S.R. Embassy in ly and we discussed the possibility of my meeting with General Secretary khail S. Gorbachev in the near future. Since he is planning to visit the ited States in the near future, I have again inquired as to the possibility meeting with Mr. Gorbachev at this time. CBS News, 60 Minutes and Time gazine have all expressed a desire to attend the meeting. At this time I awaiting the reply of the Russian Embassy. During my meeting with Mr. ulay, he expressed that the Russians would not have to build any more ssiles; all they have to do is direct five shells at American nuclear power ants to accomplish the destruction of the United States. His point was rtainly symbolized when the Chernobyl disaster affected our cows as far ay as Vermont.

r organization, We The People, is dedicated to educating the people of this untry about nuclear power and encouraging them to have a voice in decisions the issue. The fate of the nuclear power industry should be in the control the people. It is our right, and more importantly, our duty, to get this b done honestly. We could take a lesson from President Abraham Lincoln - he eed the slaves and we must free the people from nuclear dependency.

PLEASE REVIEW THIS - #11c

60 MINUTES FILMING IN ROWLEY 1/13 DIANE SAWYER DOING STORY

We The People, Inc.
of the United States
Stop Chernobyl Here

Press contact:
Stephen Comley
(617) 948-7959
(202) 628-6611

FOR RELEASE DEC. 6, 1987

MR. GORBACHEV: HELP US STOP CHERNOBYL HERE, WE THE PEOPLE

On December 7 a banner will be flown over Lincln Park, east of the Capitol between Independence and Constitution Avenues saying, "Mr. Gorbachev, Help Us Stop Chernobyl Here—We The People." We The People is calling for a national vote on the issue of nuclear power, and is part of a successful effort to put the question of nuclear power on the 1988 Massachusetts ballot.

"Chernobyl affected the whole world," said Stephen Comley, director of We The People. "We had radiation in the milk in Vermont from that accident," he said. James Asselstine, while he was still a Nuclear Regulatory Commissioner, told We The People, "We will have a nuclear disaster in the U.S. worse than Chernobyl. It can happen any day because of the way our plants have been constructed and the way they are run."

After the Three Mile Island accident, President Carter, under pressure from Admiral Hyman Rickover, deleted critical information from the public report on the accident. "That information may have been helpful in averting the Chernobyl accident," Comley said, "But we will never know."

We The People believes nuclear disarmament is only the first step in freeing the people of the world from nuclear dangers. Chernobyl is not the worst accident that can happen. With 100 nuclear plants in this country, and hundreds more throughout the world, people can never be free of nuclear fear while those plants are operating. "We The People is flying the banner over Lincoln Park because these two world leaders must learn from what Lincoln did when he made some hard decisions to free the slaves. They must make similar hard decisions to free the people and future generations from nuclear slavery," Comley said.

The U.S. would be devastated if even five U.S. nuclear power plants were bombed with conventional weapons. "Nuclear disarmament is a first step, but we won't have true security from such devastation until all nuclear plants are shut down," Comley said. We The People is committed to educating the people of the U.S. about the dangers of nuclear power. It is the right and the duty of the people of this country to have a say in this issue. As Albert Einstein said in 1946, "To the village square we must carry the facts of atomic energy...from there must come America's voice."

-30-

Box 222
Rowley, MA 01969
(617) 948-7959

National Press Bldg
14 & F Sts., N.W. Ste 994
Washington, D.C. 20045

Offices 5 & 6
3 Pleasant St.
Concord, NH 03301
(603) 228-9453

#1/D (3)

WE THE PEOPLE, INC. *

280 MAIN STREET, RTE. 1A
ROWLEY, MASSACHUSETTS 01969

STEPHEN B. COMLEY
EXECUTIVE DIRECTOR

MA: 617-948-7939
D.C.: 202-628-2100

CONTACTED MR BULAY
AGAIN 12/4/87 SAID THEY
WILL BE BACK TO ME

September 10, 1987

Igor B. Bulay
Press Counselor
Union of Soviet Socialist Republics
Office of the Embassy
1125 16th Street, N.W.
Washington, D.C. 20036

Dear Mr. Bulay:

I am writing to you in follow-up of a July 14 letter and meeting with Stephen B. Comley, Executive Director, We the People, Inc., of the United States. Mr. Comley hand-delivered to you a letter addressed to General Secretary Mikhail S. Gorbachev regarding the issue of nuclear power.

Since that time, Mr. Comley has had no reply to either the letter or the meeting. With General Secretary Gorbachev planning to visit the United States in the near future, this would certainly be an opportune time to further pursue the meeting that you discussed with Mr. Comley on July 14.

As I believe you are aware, CBS News, 60 Minutes, has received a copy of Mr. Comley's letter to General Secretary Gorbachev and has expressed an interest in attending any meeting that occurs. It is my understanding that a representative from 60 Minutes has contacted your Embassy and communicated this interest to you. Time Magazine has also been made aware of the letter and has expressed an interest in any follow-up contact.

If you still have an interest in pursuing Mr. Comley's letter, I would ask that you contact me so we may work out the details. I may be reached at 617-291-1354.

I thank you for your attention to this matter and look forward to your response.

Very truly yours,

Ernest C. Hadley
Legal Counsel

cc: S. Comley

#1 1 E (6)

Ipswich Chronicle

Pages Thursday, October 29, 1987 A No

Letters

Comley calls for facts to be exposed

To the Editor:

When all the facts get out about Three Mile Island, the Russian people may prove to be upset to learn that possibly some part of Chernobyl might have been avoided if they had had all the facts from Three Mile Island.

Mr. Reagan, on the 200th anniversary of our Constitution, continues to recommend that the decision of nuclear power be in the hands of the federal government instead of the people. It is clear to a lot of people that he has been misinformed again regarding the NRC and the nuclear industry in general. The recent Markey amendment that was defeated shows that two-thirds of Congress is either misinformed too or they are just errand boys for the nuclear industry.

The Democrats as well as the Republicans have failed to give adequate oversight which include numerous allegations of fraud within the industry as well as the corruption and mismanagement on the part of the NRC. The so-called favors that had been owed to the industry by the NRC as well as some politicians has resulted in the suppression of evidence which has prevented full investigation of the nuclear industry.

This has created an attitude that what the people do not know will not hurt them. We happen to believe that what the people do not know will kill them.

The attitude has forced the decision of nuclear power back into the hands of we, the people, which in my opinion is where it belongs as it threatens every single thing we have worked for and love.

The fate of the nuclear industry should be in the control of the people only because it is our right, and more importantly, it is our duty to see that this cover-up is exposed which threatens the survival of young people and future generations. The people are the only ones that will get this job done honestly. I am a great believer that if the American people are given the facts, they will act.

Our organization, We The People, Inc., of the United States of America, is continuing to gather more facts and guarantee that you will receive all the evidence that we uncover. We have currently set up offices in Massachusetts and Washington and have been encouraged to set up other satellites in California, New York, etc.

Our ancestors founded America so we would have a say in our government when we know something is wrong. Our group, on the 200th anniversary of our Constitution, is asserting its right under the First Amendment of that great document to petition our government for redress of our grievances by requesting in the form of a national referendum that the following question be placed on the ballot for the November 1988 national election: whether the United States of America shall continue to permit the generation of power by means of nuclear power plants, both existing and in the future.

If we do not exercise the rights that our ancestors provided us with, then we have failed America.

Stephen B. Comley
Executive Director
We The People, Inc.
Rowley

#11 F (7)

WE THE PEOPLE, INC. *

280 MAIN STREET, RTE. 1A
ROWLEY, MASSACHUSETTS 01969

STEPHEN B. COMLEY
EXECUTIVE DIRECTOR

MA: 617-948-7959
D.C.: 202-628-2100

July 14, 1987

Mikhail S. Gorbachev
General Secretary
Union of Soviet Socialist Republics
c/o Soviet Embassy
Washington, D. C.

Dear Mr. Gorbachev:

I am writing to you about a matter of utmost concern to both the American and Soviet people, namely, the safety of our nuclear power plants. Here in this country we have, so far, avoided the type of tragic accident that occurred at Chernobyl. However, we have experienced many problems with our nuclear power plants and many believe that we run the risk of a similar accident in the foreseeable future.

I run a nursing home that is located 12 miles from the Seabrook Nuclear Power Station—a plant that may receive an operating license in the next several months. I am concerned that, in the event of an accident at the plant, the home's residents and many people like them would be unable to escape the effects of such a catastrophe. Due to my concern, I have spent the past year opposing the licensing of any new plants until we have been able to assess all of the effects of the Chernobyl accident. I am enclosing a packet of materials which describes the actions we have taken in the State of Massachusetts to insure the public health and safety. My own efforts have included forming an organization, We The People, Inc., to bring this issue directly to the American people, who deserve to know all of the facts about nuclear power.

As Executive Director of We The People, Inc., I have organized a petition drive in the Town of Rowley. More than 80 percent of the town's residents have joined me in asking President Reagan to declare a moratorium on the licensing of nuclear power plants until we have had a full opportunity to assess the effects of the Chernobyl accident. The petition also requests that President Reagan appoint a special panel to investigate the Nuclear Regulatory Commission, the governmental body which regulates and licenses nuclear plants in America, to ensure that it is adequately protecting the interests of the American public in safe and efficient energy. Rowley is the only town in America to go on record as opposing the continued operation of nuclear power plants until we know all of the facts on nuclear energy.

I would appreciate your thoughts and opinions on this issue and the recent accident at Chernobyl. Have you had any second thoughts about nuclear power as a result of the accident? In my lifetime, I have never heard of a Soviet ruler more aggressive than you in trying to limit arms development. I believe that all of us are encouraged by the efforts of yourself and President Reagan to end this threat to world peace. Would I be mistaken in saying that Chernobyl has influenced

#116 7A.

your aggressiveness in trying to minimize the development of nuclear arms because the Soviet people now have first-hand experience of the effects of a nuclear disaster?

There is no question that elimination of the threat of nuclear war is something that is deeply desired by the people of both countries. However, if we ignore the threat of nuclear power, we run the risk that we will inadvertently bring about the very destruction which we seek to avoid. America and the Soviet Union need to develop safe and efficient forms of energy. But we must not let our need for energy jeopardize our own health and safety. I realize there are many matters which demand your attention. I ask that you give this one your consideration. As the enclosed materials amply demonstrate, I will not cease my own efforts until I feel that all people are represented in a safe environment.

Sincerely,

Stephen B. Coaley

Stephen B. Coaley

enclosures

7-14-87

Met with Igor B. Bulay, Press Counselor in Washington, 202-347-1347. After reading the material, he felt that a meeting would be set up. 60 Minutes has notified the Embassy that they would like to be in attendance when meeting takes place.

We The People, Inc.
of the United States
Stop Chernobyl Here

ENC. #12

FOR IMMEDIATE RELEASE

MARCH 17, 1988
PRESS CONTACT: STEPHEN B. COMLEY, EXECUTIVE DIRECTOR
617-948-7959

THE NUCLEAR REGULATORY COMMISSION (NRC), IN COLLUSION WITH THE NUCLEAR INDUSTRY, HAS DELIBERATELY ENDANGERED THE PUBLIC'S HEALTH AND SAFETY. THE AGENCY HAS CONSISTENTLY IGNORED OR SUPPRESSED EVIDENCE FROM WE THE PEOPLE AND OTHER SOURCES WHICH PROVES UNSAFE CONDITIONS EXIST AT NUCLEAR POWER PLANTS FROM NEW YORK AND NEW ENGLAND TO THE WEST COAST. 38 PLANTS INVOLVED TO DATE.

RUDOLPH W. GIULIANI, THE U. S. ATTORNEY FOR THE SOUTHERN DISTRICT OF NEW YORK, IS UNDERTAKING AN INVESTIGATION OF THIS SITUATION, BEGINNING WITH THE SHOREHAM, LONG ISLAND, NUCLEAR PLANT. GIULIANI IS BEST KNOWN FOR HIS INVESTIGATION AND SUCCESSFUL PROSECUTION OF IVAN BOESKY.

WE THE PEOPLE HAS CONVEYED SUBSTANTIAL INFORMATION TO GIULIANI REGARDING FALSIFICATION OF NUCLEAR PLANTS SAFETY DOCUMENTS, COLLUSION BETWEEN THE NRC AND NUCLEAR VENDORS SUPPLYING SUBSTANDARD MATERIALS TO NUCLEAR PLANTS, AND INSPECTORS WHO HAVE IGNORED RAMPANT DRUG USE AND SALES AT NUCLEAR PLANTS. WE THE PEOPLE IS MEETING WITH GIULIANI NEXT WEEK TO GIVE HIM MORE INFORMATION ON NRC AND NUCLEAR INDUSTRY CRIMINAL MISCONDUCT.

STEPHEN B. COMLEY, DIRECTOR OF WE THE PEOPLE SAID TODAY, "WE ARE PLEASED THERE IS FINALLY SOME ACTION BEING TAKEN TO REVEAL THE NRC'S COVERUPS. WE ARE HOPEFUL THIS WILL LEAD TO AN INDEPENDENT INVESTIGATION OF THE NRC. THE NUCLEAR INDUSTRY, THE NRC AND YES, SOME POLITICIANS STILL REMAIN DEAF AND BLIND TO THE NEEDS OF THE AMERICAN PEOPLE. WE THE PEOPLE BELIEVE GIULIANI HAS THE ABILITY, THE SENSE AND THE RELENTLESS DETERMINATION IT WILL TAKE TO PROVE THE NRC AND THE NUCLEAR INDUSTRY HAVE DELIBERATELY JEOPARDIZED THE SAFETY OF THE AMERICAN PEOPLE".

WE THE PEOPLE, INC. OF THE UNITED STATES WILL KEEP THE AMERICAN PEOPLE ABREAST OF THE FACTS DURING THE INVESTIGATION THROUGH OUR OFFICES IN ROWLEY, MASS. (MAIN OFFICE), WASHINGTON, D. C. (NATIONAL PRESS BUILDING), CONCORD, N. H., AND PLYMOUTH, MASS. WE ARE CURRENTLY NEGOTIATING FOR OFFICES IN MANHATTAN AND SAN DIEGO, CALIF.

-30-

OVER

Box 277
Rowley, MA 01969
(617) 948-7959
(617) 948-2553

National Press Bldg
14 & F Sts., N.W. Ste 994
Washington, D.C. 20045

Offices 5 & 6
3 Pleasant St.
Concord, NH 03301
(603) 228-9484

The New York Times

The New York Times #12 B

Metropolitan News

NEW YORK, NEW JERSEY, CONNECTICUT/FRIDAY, MARCH 18, 1988

Lilco Inquiry By Giuliani Is Reported

2 Suffolk Officials Say Utility Lied to Agencies

By PHILIP S. GUTIS
Special to The New York Times

HAUPPAUGE, L.I., March 17 — Two Suffolk County officials said today that United States Attorney Rudolph W. Giuliani has for the last four months been investigating criminal allegations that the Long Island Lighting Company has repeatedly lied to regulatory commissions and filed false documents with the panels.

The officials also said the investigation by Mr. Giuliani, the United States attorney in Manhattan, also deals with actions by the Federal Nuclear Regulatory Commission.

Suffolk County has filed a civil suit against Lilco, charging it with fraud in seeking rate increases to pay for its Shoreham nuclear plant. Several of the county's witnesses, speaking on the condition they not be identified, said today that they had been questioned by members of Mr. Giuliani's staff.

Although it remained unclear what Mr. Giuliani would be investigating concerning the nuclear commission, one person close to the investigation, who asked not to be identified, said a commission official had gone to New York to give Mr. Giuliani's staff documents about what the official called falsified reports filed with the commission.

A Lilco spokesman, James E. Lois, said the utility has "no knowledge of any criminal investigations concerning Lilco." The Federal nuclear commission, said a spokesman, John Kopeck, would have no comment.

Debbie Corley, a spokeswoman for Mr. Giuliani said, "The policy of this office is not to comment whether there is or is not any ongoing investigation."

The Suffolk officials -- County Legislators

Lilco Said to Be Target of Inquiry In Criminal Case

Continued From Page B1

Wayne Prospect and Gregory J. Blass — told a news conference today that four months ago they decided that the evidence accumulated by the county's investigators "was of such magnitude as to warrant the attention of a Government prosecutor."

Mr. Prospect and Mr. Blass said they had arranged a meeting with Mr. Giuliani, who, they said, "was extremely interested in what we had to say."

Since then, Mr. Prospect said, the prosecutor's office has "enthusiastically and vigorously" pursued an investigation, reviewing the county's documentary evidence and interviewing several of its witnesses.

Withstanding an Earthquake

Suffolk County, in a suit filed last year, said it had assembled documents that show Lilco's officers often misrepresented how quickly and at what cost they could complete Shoreham as they sought special rate increases from the state's Public Service Commission.

The county also charges that Lilco had falsified a report on Shoreham's ability to withstand an earthquake. In its suit, the county charges that Lilco and the Stone & Webster Engineering Corporation, Lilco's construction manager for Shoreham, had altered a study and filed the report with the nuclear commission.

Both charges have been emphatically and repeatedly denied by Lilco.

With no confirmation from Mr. Giuliani's office, today's comments from Mr. Prospect and Mr. Blass were met with uncertainty and skepticism. Lilco, for example, said it was "confused as to why they would be the ones to make such an announcement."

Impact on Negotiations

"We find it curious that if there was an investigation," said Mr. Lois, Lilco's spokesman, "that Mr. Prospect, a Suffolk County legislator, now makes the investigation public and not the Federal prosecutor or the Suffolk County's District Attorney's office."

It was also unclear how the county's announcement would affect the negotiations between the state and Lilco or the deliberations by the Long Island Power Authority, the state agency considering a takeover of the utility.

"We are quite puzzled by Wayne's announcement," said Vincent Tese, the president of the state's Urban Development Corporation and Governor Cuomo's chief representative to the talks with Lilco.

"We are trying to ascertain if there is an active investigation under way," Mr. Tese said. "But if there is an active investigation, the power authority would have to take a long, hard look at it and so do we."

Seeking to Recover Revenue

Mr. Prospect said he had decided to announce Mr. Giuliani's involvement because he felt it was time the public knew the company was under investigation.

Andrew J. Maloney, the United States Attorney in Brooklyn, responded angrily to Mr. Prospect's announcement. "We are aware of Mr. Prospect's

WAYNE PROSPECT'S OFFICE WILL CONFIRM THIS

THIS IS WE THE PEOPLE

THE DAILY NEW

Newburyport, Massachusetts

lay, May 14, 1988 /28 Pages

ENC # 13

NRC orders piping check

CONCORD, N.H. (AP) – A man with ties to two New Jersey companies admitted Friday that one of them falsified test reports on piping materials sent to nuclear power plants around the country, but denied similar allegations against the second company.

A Nuclear Regulatory Commission official stood by all the allegations, however.

Questions over whether the flanges, fittings and other materials meet federal standards prompted the NRC to order 38 nuclear projects to inspect the materials they received and replace them if necessary.

The projects include the stalled Seabrook reactor in New Hampshire and the Pilgrim plant in Plymouth, Mass.

In a bulletin issued the week, the commission cited potential safety problems. Some of the materials may be used in systems required to shut reactors down safely in an accident, the NRC official, Edward Baker, said.

Operating plants must complete the inspections and make any necessary replacements during any outage that starts 180 days after they received the May 6 bulletin, Baker, a section chief in NRC's Office of Nuclear Reactor Regulation, said by telephone from Bethesda, Md.

He said the agency would shorten the deadlines if it becomes aware that some piping material actually is substandard.

The bulletin requires plants under construction to complete the inspections and make any changes before they load fuel.

Seabrook spokesman Rob Williams said plant officials received the bulletin Friday and "our engineers are beginning to review our records on purchasing."

The NRC bulletin said the suspect piping dates to 1976 and came from Piping Supplies Inc. of Folsom, N.J., and the now-defunct West Jersey Manufacturing Co. of Williamstown, N.J.

MENTIONED IN OUR PRESS RELEASE MARCH 17th.

UPDATE ON OUR STORY OF MARCH 18TH. SEE ATTACHED.

8

We The People
of the United States
Stop Chernobyl Here

ENC. # 14

July 18, 1988

Mr. Victor Stello, Jr.
Executive Director for Operations
United States Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Stello:

I'm writing to you with regard to NRC Bulletin No. 88-05, dated May 6, 1988, concerning the "nonconforming materials" supplied by certain piping supply companies.

Although the NRC has identified a potential problem in at least 38 plants, it appears that this matter is still under investigation by the Agency. Obviously, it would be premature for me to comment on the Agency's investigation until such time as it has made some or all of its findings public. Given the NRC's conclusion that "potential generic safety implications" exist at the plants identified, and possibly others, it is hoped that the Agency will vigorously pursue this matter with all resources at its disposal.

I do believe, however, that the revelations in NRC Bulletin No. 88-05 raise a serious question that need not await the outcome of the Agency's investigation to warrant a response. That question regards when knowledge of these potential safety problems was first brought to the attention of the NRC and what actions were taken as a result and, finally, when those actions were taken.

I am sure it will come as no surprise to you that the public has less than 100 percent confidence in the NRC. I believe that you are now provided with a unique opportunity to reinstill public confidence in the wake of these revelations. First, that confidence may be restored by conducting a thorough investigation of the situation and promptly taking any and all necessary corrective actions. Second, I believe you should disclose to the public when these concerns first came to your attention and what actions you took with regard to the information.

I look forward to your response.

Sincerely,

Stephen B. Comley

Stephen B. Comley
Executive Director

Box 277, Rowley, MA 01969, (508) 948-7959
50 Court St., Plymouth, MA 02361, (617) 746-9300
National Press Bldg., 14 & F. Sts., N.W., Washington, D.C. 20045

EMC # 15

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

AUG 15 1988

Mr. Stephen B. Comley, Executive Director
We the People of the United States
Box 277
Rowley, Massachusetts 01969

Dear Mr. Comley:

Your letter of July 18, 1988, requested information concerning NRC Bulletin No. 88-05, "Nonconforming Materials Supplied by Piping Supplies, Inc. (PSI) at Folsom, New Jersey, and West Jersey Manufacturing Company (WJM) at Williamstown, New Jersey." You asked when knowledge of these potential safety problems was first brought to the attention of the NRC, what actions were taken as a result, and when those actions were taken.

The issue was first brought to the NRC's attention during the week of January 17, 1988, by a telephone call from a material supplier. Later that week, personnel from NRC's Vendor Inspection Branch conducted an inspection at Piping Supplies, Inc. On February 24, 1988, NRC subpoenaed documents from PSI and WJM and began an intensive record review. On May 6, 1988, NRC issued Bulletin No. 88-05 and on June 15, 1988, NRC issued Supplement 1 to the bulletin. Bulletin 88-05 required licensees to review their records for procurements from PSI and WJM and to conduct tests of any procured materials. NRC allowed continued operation of nuclear power plants during the record review and testing period because components designed to the ASME code and ANSI B31.1 standard have inherent margins of 3 to 4 times design loads. Also, piping systems in which nonconforming materials may have been installed are required to be hydrostatically tested at 1.25 to 1.50 times design pressures which provides additional assurance of the structural integrity of these systems. Preliminary safety analyses of available data indicates no immediate safety concerns.

So far, licensees have conducted in situ hardness tests on over 1300 pieces of the suspect material and destructive tests of about 60 samples. Engineering analyses have been performed to demonstrate that material that does not meet certain hardness values is still acceptable for its application in nuclear power plants. All these activities by the industry are being coordinated by the Nuclear Management and Resources Council (NUMARC). In a letter dated July 25, 1988, NUMARC stated that the results of these activities demonstrate that there is no public health and safety concern. On August 3, 1988, NRC issued Supplement 2 to Bulletin 88-05, temporarily suspending the requirements of Bulletin 88-05 and Supplement 1 for operating plants while the available data is being assessed. After completing the review, NRC will decide whether the requirements should be reinstated or whether other actions are warranted.

* THIS IS NOT TRUE. THEY KNEW ABOUT IT PREVIOUSLY.

Sincerely,

T Murley

Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

We The People
of the United States
Stop Chernobyl Here

ENC. #16

IF REAGAN SEES ME, IT WILL HELP BRING THE TRUTH OUT.

August 15, 1988

President Ronald Reagan
The White House
1600 Pennsylvania Ave.
Washington, D. C.

SEE NOTE ON 2ND PAGE

Dear Mr. President:

I am writing to you as a lifetime member of the Presidential Task Force and Inner Circle. I have written to you in the past on the matter of nuclear power in this country, and have sent you information on safety problems in the industry. I have also sent you information on the Nuclear Regulatory Commission's inability to regulate nuclear power plants adequately. A recent General Accounting Office report (enclosed) substantiates the belief of the people of the Town of Rowley, Massachusetts, that the NRC does not always properly investigate problems with nuclear plants and poor practices within the agency itself. Two years ago, 80% of Rowley signed a petition (enclosed) asking you to undertake an investigation of the NRC's practices. The people of Rowley are still waiting for an acknowledgment of their request.

I am the owner and administrator of Sea View Nursing Home in Rowley, Massachusetts which lies just outside the Emergency Preparedness Zone for the Seabrook, New Hampshire, Nuclear Power Plant. I fully agree with the State of Massachusetts' conclusion that the population could not be evacuated in the event of a serious nuclear accident at the plant. I am also the Executive Director of We The People Inc. of the United States which is a non-profit organization established to educate the American public about nuclear power.

Several years ago, regarding the Shoreham, New York, nuclear plant, you said you would not interfere with the state's powers to decide if evacuation is possible in case of a nuclear accident. (enclosed) Now you are considering signing an executive order which would take that power away from the state of Massachusetts for the communities near the Seabrook, New Hampshire, nuclear plant. I strongly urge you to avoid signing such an order.

Apart from the fact that evacuation of those communities is impossible, there are serious safety matters at Seabrook Station still under investigation by the NRC and others. One is the strong possibility that substandard piping fixtures were built into the plant (see enclosed documentation-NRC bulletin No. 88-05, May 6, 1988), such piping in the safety system compromises the health and safety of the public. These piping fixtures are currently failing testing and could result in a serious accident at any of the 38 plants involved.

Another problem under investigation at Seabrook Station is the inspection of important safety systems by an unqualified inspector. (enclosed) Despite knowledge of the plant builders that this inspector did not have the proper credentials to perform the work, he was allowed to act in an inspectors' capacity for a year.

Box 277, Rowley, MA 01969, (508) 948-7959
50 Court St., Plymouth, MA 02361, (617) 746-9300
National Press Bldg., 14 & F. Sts., N.W., Washington, D.C. 20045
Office: 5 & 6, 3 Pleasant St., Concord, NH 03301, (603) 228-0191

OVER..

#16

Another problem, also common to military equipment, is substandard bolts which become malleable or shear off under stress. Although the NRC claims that the utilities' inspection proves that these "counterfeit" bolts are not built into Seabrook Station, the inspection was very cursory and incomplete.

For reasons of safety, and also to uphold the idea that the federal government should not interfere in powers reserved to the states, I urge you to forego the executive order which would undermine Massachusetts' determination that evacuation around the Seabrook nuclear plant is impossible.

Last October 26, at the gala event for you hosted by the Inner Circle, I gave you a letter (copy of letter enclosed) with information and asked you to meet with me. I was trying to convey to you information we had about substandard materials, information which was not widely known at the time. I would still like to meet with you because there is additional information available other than what has now been provided, and more will be forthcoming. Like the problem of the substandard equipment, the NRC also has the information we have about nuclear plant problems, but is doing nothing about it, except perhaps to cover it up. Lastly, the NRC people that we have been working with for the past two years are willing to meet with you privately to inform you of the corruption which has deliberately jeopardized the safety of the American people. These violations, I have been told, are just the soft underbelly of the nuclear industry and the NRC.

I am sure you can understand the concern of these individuals over the consequences of coming forward and, I am sure you can understand that these individuals will only come forward if there are some reasonable assurances that a full and fair investigation will ensue.

I strongly believe that a full and fair investigation will uncover one of the biggest violations of the public trust this country has experienced. It is clear that, at this point in time, a large segment, if not a vast majority, of the American people have lost confidence in the ability of the Nuclear Regulatory Commission to protect their interest in health and safety over the financial interests of the large utility companies. An impartial investigation of the NRC will be a step toward restoring the confidence of the public in its government.

I know you have to be concerned about these matters, and I want to thank you for your consideration of them. Please let me know when it would be convenient for us to meet.

Sincerely,

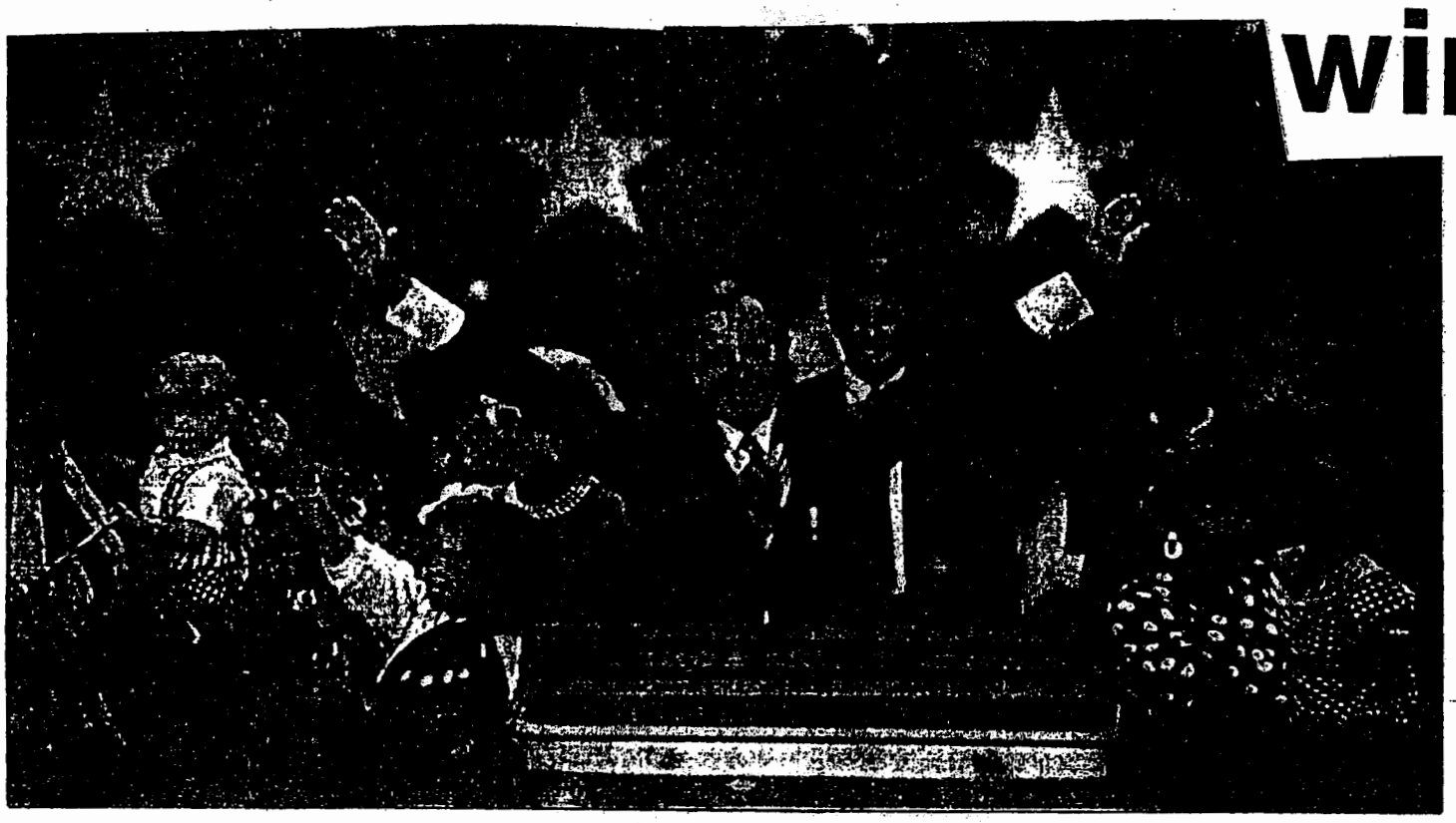
Stephen B. Comley

Stephen B. Comley
Executive Director

Enc: GAO report, Rowley Petition,
Shoreham comment, NRC Bulletin 88-05,
Seabrook Allegations, Letter of Oct. 26, 1987

THE DAILY NEW
Exh. #17
Newburyport, Massachusetts
lay, August 19, 1988 /40 Pages

Bush, Quayle 'mean to win



ASSOCIATED PRESS PHOTO

George Bush, surrounded by family and running mate, spreads his arms out after accepting his party's nomination.

Anti-Seabrook banner grounded

By PAMELA GLASS
Orleans News Service

NEW ORLEANS — Anti-nuclear activist Stephen Comley lost his bid to bring his anti-Seabrook battle to the Republican National Convention Wednesday when he was denied permission to fly a banner over the Superdome.

Comley, operator of a nursing home in Rowley, said the reason seems to be a miscommunication between the pilot of the plane and security people who set strict rules on airspace around the dome.

At first Comley was told the banner could only fly five miles from the Superdome, site of the convention. That was unacceptable, Comley said, because "it would have put us in the swamp with the snakes and alligators."

"Then I was told we could do it within a mile-and-one-half," he said. "But by the time we straightened this out it was too late."

Instead, Comley passed out bumper stickers, signs and news releases with the message "Hey George Stop Chernobyl Here." He also put signs beside the state flags in the Superdome of New Hampshire and Indiana, home of vice presidential nominee Daniel Quayle.

Comley said "nuclear power is the most important issue in the country and our leaders should start telling the truth about nuclear power."

Comley, who has flown banners over the state capitols in Boston and Concord, N.H., said he was upset he couldn't do it in New Orleans.

"I didn't think there was a law against freedom of speech in this country," he said.

The Boston Globe

THURSDAY, AUGUST 18, 1988 *35 cents at newsstands beyond 30 mi

#17A

REPUBLICAN 88 CONVENTION

The talk of New Orleans

Not a banner night

■ ***Stephen Comley***, a Rowley, Mass., nursing home operator who claims to have spent more than $200,000 in his battle against nuclear power, unsuccessfully sought permission to have a banner towed over the Superdome Tuesday night with the message: 'Hey, George, Stop Chernobyl here." "I didn't know there was a law against freedom of speech in this country," Comley said. Although Comley was denied air space, he busily distributed bumper stickers, signs and news releases. He also said he hoisted a "Stop Chernobyl" sign during Tuesday's convention address by New Hampshire Gov. John Sununu.

Don't pass him by

■ As the delegates to the Republican National Convention streamed out of the Superdome Tuesday night, they encountered an energetic young man on a mission. "Please!" ***Jack Lack*** shouted to stunned delegates. "Anybody who has passes for tonight! Gov. Sununu of New England is asking for them for souvenirs!" Lack said he is a volunteer from Ohio who had been asked by the Republican National Committee to assist the New England delegation. And after Sununu delivered his address to the convention, the governor asked him to collect the passes, Lack said. Finished with his tale, Lack returned to his task. "Please! Anybody who has passes for tonight . . ."

INTERESTING --

THIS LOOKS LIKE DISCRIMINATION TO ME. WHY WASN'T MR. JACK LACK ARRESTED FOR SHOUTING ABOUT TICKETS WHEN I WAS ARRESTED FOR INFORMING THE NEW HAMPSHIRE REPRESENTATIVES ABOUT THE DANGERS OF SEABROOK.

REMEMBER MR. LACK, THERE IS AN APPROPRIATE TIME AND PLACE FOR EVERYTHING!

over

NAT'L REPUBLICAN SEN. COMM.
440 FIRST STREET, NW NO. 600
WASHINGTON, DC 20001 09PM

Western Union Mailgram

1-205451U222008 08/09/88 ICS WA16614 BSNA
00121 MLTN VA 08/09/88 JN48446

#17B

MR. STEPHEN B COMLEY
MANSION DR
ROWLEY MA 01969

AUGUST 8, 1988

DEAR STEPHEN:

AS CHAIRMAN OF THE REPUBLICAN SENATORIAL INNER CIRCLE, I AM DELIGHTED AND THRILLED THAT YOU WILL BE JOINING US IN NEW ORLEANS FOR THE 34TH REPUBLICAN NATIONAL CONVENTION.

I WON'T HAVE ANOTHER OPPORTUNITY TO GET IN TOUCH WITH YOU BEFORE THE CONVENTION AND THERE ARE SOME IMPORTANT PIECES OF INFORMATION I NEED TO PASS ALONG.

FIRST OF ALL, INNER CIRCLE CONVENTION REGISTRATION WILL TAKE PLACE AT THE CROWNE PLAZA HOTEL, 333 POYDRAS STREET IN DOWNTOWN NEW ORLEANS ON SUNDAY, AUGUST 14, FROM 12 NOON TO 6:00 P.M., AND AT THE HILTON RIVERSIDE AND TOWERS, POYDRAS STREET AND THE MISSISSIPPI RIVER, ON MONDAY, AUGUST 15 FROM 8:00 A.M. TO 12 NOON. SHOULD YOU ARRIVE AFTER THE SCHEDULED CONVENTION REGISTRATION, PLEASE CHECK IN AT THE INNER CIRCLE OFFICE AT THE CROWNE PLAZA HOTEL.

SECOND, WITH PRESIDENT REAGAN, VICE PRESIDENT BUSH AND MEMBERS OF THE CABINET AND CONGRESS IN ATTENDANCE, SECURITY WILL BE EXTREMELY TIGHT. FOR THAT REASON, YOU MAY ENCOUNTER SLIGHT DELAYS AS YOU ENTER THE SUPERDOME OR INNER CIRCLE VIP EVENTS. WHILE I HOPE THERE ARE NO DELAYS OF LONGER THAN FIVE MINUTES OR SO, YOUR PATIENCE WILL BE GREATLY APPRECIATED.

IF YOU HAVE ANY FURTHER QUESTIONS OR CONCERNS, PLEASE FEEL FREE TO CONTACT ANY MEMBER OF THE INNER CIRCLE STAFF AT 1-800-624-2360. I LOOK FORWARD TO SEEING YOU ON THE 15TH!

WITH WARM REGARDS,

SENATOR RUDY BOSCHWITZ
CHAIRMAN

20:28 EST

We The People
of the United States
Stop Chernobyl Here

#17e

IMMEDIATE PRESS RELEASE
PRESS CONTACT: STEPHEN B. COMLEY, EXECUTIVE DIRECTOR
WE THE PEOPLE, INC. OF THE UNITED STATES
508-948-7959 OR 508-948-2553
DATE: WEDNESDAY, JULY 20, 1988
TIME: 6:30-7:30 P.M.
LOCATION: DEMOCRATIC CONVENTION, ATLANTA, GEORGIA
BANNER: "HEY DUKE - STOP CHERNOBYL HERE, TOO!"

A MASSACHUSETTS ANTINUCLEAR GROUP HAS TAKEN TO THE AIR OVER THE DEMOCRATIC NATIONAL CONVENTION IN ATLANTA TO GET THE ATTENTION OF GOVERNOR MICHAEL S. DUKAKIS. A GIANT BANNER WITH THE MESSAGE "HEY DUKE - STOP CHERNOBYL HERE, TOO!" WILL FLY OVER THE CONVENTION ON WEDNESDAY FROM 6:30-7:30 P.M. GREETING DELEGATES AS THEY APPROACH THE SESSION EXPECTED TO NOMINATE DUKAKIS FOR THE PRESIDENCY.

WE WANT GOVERNOR DUKAKIS TO HAVE A CONSISTENT NUCLEAR POLICY FOR MASSACHUSETTS AND THE NATION" SAID STEPHEN COMLEY, DIRECTOR OF WE THE PEOPLE, INC. "IT IS GOOD THAT HE OPPOSES THE SEABROOK PLANT IN NEW HAMPSHIRE, BUT WE DEMAND THAT HE ALSO OPPOSE THE RESTART OF THE DANGEROUS PILGRIM PLANT IN MASSACHUSETTS AND SUPPORT A STATEWIDE REFERENDUM HERE TO BAN NUCLEAR POWER, WHICH HE HAS SO FAR REFUSED TO DO.

"BY URGING DUKAKIS TO STOP CHERNOBYL HERE, WE MEAN STOPPING NUCLEAR POWER IN MASSACHUSETTS, GEORGIA, AND ACROSS THE NATION. MIKE DUKAKIS WON THE NEW HAMPSHIRE PRIMARY BECAUSE OF HIS OPPOSITION TO SEABROOK. NOW IT IS TIME FOR HIM TO EXPAND THAT POLICY TO HIS OWN STATE AND THE ENTIRE COUNTRY" SAID COMLEY, A REGISTERED INDEPENDENT AND NURSING HOME OWNER WHO LIVES NEAR THE EMBATTLED SEABROOK PLANT. AMERICANS, ABOVE ALL, DEMAND CONSISTENCY FROM OUR PRESIDENTIAL CANDIDATES. WHAT'S GOOD FOR NEW HAMPSHIRE IS GOOD FOR THE NATION. IT IS TIME FOR MICHAEL STANLEY DUKAKIS TO GET OFF THE FENCE."

Box 277, Rowley, MA 01969, (508) 948-7959
50 Court St., Plymouth, MA 02361, (617) 746-9300
National Press Bldg., 14 & F. Sts., N.W., Washington, D.C. 20045
Offices 5 & 6, 3 Pleasant St., Concord, NH 03301, (603) 228-9484

#17b

THE DAILY NEWS

Newburyport, Massachusetts

:0, 1988 /36 Pages

Comley to fly banner over Atlanta convention

The Rowley nursing home owner who has flown banners opposing the Seabrook nuclear power plant over the White House, Massachusetts State House, Concord, N.H., and almost every major national event is not about to leave the Democratic Convention in Atlanta alone.

Stephen B. Comley, owner of the Seaview Nursing Home and organizer of the anti-nuclear group We the People, said he plans an flight over the convention center between 6:30 and 7:30 tonight.

"Hey Duke – Stop Chernobyl Here, Too!" the banner will read.

Gov. Michael Dukakis, the likely party nominee for president, has held up licensing of the Seabrook reactor by refusing to participate in the emergency planning required of nuclear plants.

"By urging Dukakis to stop Chernobyl here, we mean stopping nuclear power in Massachusetts, Georgia and across the nation," Comley wrote in a press release.

We The People
of the United States
Stop Chernobyl Here

IMMEDIATE PRESS RELEASE

#178

PRESS CONTACT: STEPHEN B. COMLEY, EXECUTIVE DIRECTOR
WE THE PEOPLE, INC. OF THE UNITED STATES
MAIN OFFICE: BOX 277 ROWLEY, MASS. 01969
508-948-7959 or 508-948-2553 (BEFORE THE 15TH AND AFTER THE 17th)

CONVENTION: NEW ORLEANS WEST TRAVEL LODGE
2200 WEST BANK EXPRESSWAY
HARVEY, LA
504-366-5311 (AUGUST 15, 16, 17)

DATE: AUGUST 16, 1988
TIME: 6:30 P.M. TO 7:30 P.M.
LOCATION: REPUBLICAN NATIONAL CONVENTION
NEW ORLEANS, LA
BANNER: "HEY GEORGE - STOP CHERNOBYL HERE!"

"HEY GEORGE - STOP CHERNOBYL HERE!"

IS THE GIANT MESSAGE THAT WILL BE FLOWN OVER THE REPUBLICAN NATIONAL CONVENTION IN NEW ORLEANS, TUESDAY, AUGUST 16TH AT 6:30 P.M. TO 7:30 P.M. SPONSORED BY THE ANTI-NUCLEAR GROUP, WE THE PEOPLE, INC. DURING THE LAST MONTHS DEMOCRATIC CONVENTION IN ATLANTA, THE GROUP BROADCAST A SIMILAR MESSAGE TO MASSACHUSETTS GOVERNOR MICHAEL S. DUKAKIS.

"WE WANT THE CANDIDATES FROM BOTH PARTIES TO UNDERSTAND THAT THE AMERICAN PEOPLE OPPOSE NUCLEAR POWER AS DANGEROUS AND EXPENSIVE," SAID WE THE PEOPLE DIRECTOR STEPHEN B. COMLEY, A NURSING HOME OWNER AND REGISTERED INDEPENDENT VOTER FROM ROWLEY, MASS. "VICE-PRESIDENT BUSH NEEDS TO UNDERSTAND THAT A CHERNOBYL DISASTER WILL HAPPEN HERE IN THE UNITED STATES IF PRESIDENT REAGAN AS WELL AS THE NEXT PRESIDENT DOES NOT ACT FOR THE PEOPLE TO STOP IT."

COMLEY SAID, THAT WE THE PEOPLE, INC., BY FLYING THESE MESSAGES OVER BOTH CONVENTIONS, IS BRINGING ATTENTION TO THE GROUPS' INVESTIGATION OF SUB-STANDARD MATERIAL INCLUDING PIPE FIXTURES THAT WERE SOLD WITH FALSIFIED TEST RESULTS TO 38 PLANTS THROUGHOUT THE NATION INCLUDING THE SEABROOK, N. H. NUCLEAR PLANT. WHERE IT HAS BEEN TESTED, THE PIPE FIXTURES USED BY 38 REACTORS, FROM THE PILGRIM PLANT IN PLYMOUTH, MASS. TO THE GRAND GULF PLANT IN MISSISSIPPI, IS FAILING TODAY, SAID COMLEY, WHO IS ATTENDING THE GOP CONVENTION IN NEW ORLEANS.

Box 277, Rowley, MA 01969, (508) 948-7959
50 Court St., Plymouth, MA 02361, (617) 746-9300
National Press Bldg., 14 & F. Sts., N.W., Washington, D.C. 20045
Offices 5 & 6, 3 Pleasant St., Concord, NH 03301, (603) 228-9484

EXC. #18

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

OCT 0 4 1988

THE REASON WHY THIS LETTER ACKNOWLEDGES ME FROM THE WHITE HOUSE IS BECAUSE OF THE MATERIAL I LEFT WITH REAGAN AND BUSH ON 8/15. IN MY OPINION, THEY WERE JUST COVERING THEMSELVES WHICH MAKES STELLO THE NEXT OLLIE NORTH.

Mr. Stephen B. Comley
Executive Director
We The People of the United States
Box 277
Rowley, Massachusetts 01969

Dear Mr. Comley:

Your letter of August 15, 1988, to President Ronald Reagan expressing your concerns regarding Seabrook Station has been referred to me for response.

I share your concern about the potential use of substandard piping fixtures at nuclear power facilities. Therefore, NRC issued NRC Bulletin No. 88-05 and Supplements 1 and 2 thereto (copies enclosed) to inform applicants and licensees of this potential problem. The Seabrook Station licensee reviewed the Seabrook Station construction records in accordance with the requirements of the bulletin and supplements and determined that 369 suspect fixtures were installed in the Seabrook Unit 1 plant. A report of the licensee's review was submitted to NRC on August 25, 1988, and is currently being reviewed by the NRC staff. The applicant must demonstrate to the satisfaction of the NRC staff that all of these suspect fixtures provide an acceptable level of quality and safety.

A second concern expressed in your letter was that an unqualified inspector had been used at Seabrook Station. An Authorized Nuclear Inspector (ANI) trainee was assigned to the Seabrook Station from May to December 1985. The NRC review determined that the ANI trainee performed assignments in accordance with his assigned training program and that qualified ANIs had evaluated and monitored his training, progress, and inspection work. The NRC concluded that there was neither a noncompliance with the American Society of Mechanical Engineers Code nor evidence of wrongdoing.

You also expressed a concern regarding the thoroughness of the licensee's inspection to determine that "counterfeit" bolts were not built into Seabrook Station. The licensee's initial inspection, performed in response to NRC Bulletin No. 87-02 (copy enclosed), determined that the fasteners used in Seabrook Station were acceptable. After that initial inspection, NRC issued Supplements 1 and 2 (copies enclosed) to NRC Bulletin No. 87-02. These supplements requested and then clarified the request for additional information on the suppliers and manufacturers from whom the subject fasteners may have been purchased. The NRC reviewed the information submitted by the Seabrook Station licensee in response to Supplements 1 and 2 to NRC Bulletin No. 87-02 and concluded that the actions taken by the licensee were both complete and adequate and that the fasteners installed in Seabrook Station are acceptable for their intended uses.

Thank you for your interest in these matters.

Sincerely,

Frank J. Miraglia

for Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Related Information ENC. #19

Boston Herald

WEATHER
TODAY: Partly sunny Highs 20s.
TOMORROW: Mostly sunny, cold. Highs 20s
Details on Page 20
TODAY'S TV: Page 25

Telephone (617) 426-3000 ★★★ 25 Cents 30¢ BEYOND 30-MILE ZONE Saturday, December 10, 1988

IF THEY ARE FAILING AT SEABROOK, THEY ARE FAILING ACROSS THE COUNTRY.

Seabrook pipes OK'd by NRC fail inspection

CONCORD, N.H. — Though it initially reported no problems and Nuclear Regulatory Commission inspectors at first closed the matter, the Seabrook nuclear plant has had to replace two safety-related pipe flanges that did not meet federal standards, officials said yesterday.

THIS HAS BEEN UPDATED TO 59 PLANTS.

Seabrook officials tested piping material at the plant after the NRC issued a bulletin in May warning 38 plants nationwide that a New Jersey supplier had falsified test reports and could not prove the materials met engineering standards.

Seabrook told the NRC that all its materials met American Society of Mechanical Engineers standards, and commission inspectors closed the matter. A Seabrook spokesman also said in August that the plant had found all of its piping material to be up to par.

But on Sept. 20, the inspectors called plant officials and asked for further tests, according to an NRC inspection report released this week that reopened the subject.

"They wanted a chemical analysis that they did not ask for in (the bulletin)," Seabrook spokesman Sean O'Neill said yesterday.

After an independent laboratory chemically analyzed shavings from the flanges, the inspection report said, Seabrook officials notified the NRC on Oct. 14 that "two blind flanges in the service water system require replacement."

ON MAY 6, 1988, THE NRC RELEASED A BULLETIN SAYING 38 NUCLEAR UTILITIES INCLUDING SEABROOK STATION AND THE PILGRIM NUCLEAR PLANT MUST SELF-INSPECT PIPING INSTALLED SINCE 1976 TO SEE IF ANY OF THE PIPING IN THE SAFETY SYSTEMS IS SUBSTANDARD. (SEE PAGE 8 OF THIS PACKET.) THIS MEMO CONFIRMS OUR ALLEGATIONS RELEASED ON MARCH 17, 1988. (SEE ENCLOSED PRESS RELEASE, PAGE 10 OF THIS PACKET). WE THE PEOPLE BELIEVE THAT THE ONLY REASON THE NRC RELEASED THIS MEMO TO THE INDUSTRY WAS BECAUSE THEY KNEW THE WORD WAS OUT. THIS IS AN EFFORT TO MAKE THE NRC LOOK RESPONSIBLE. THE KEY QUESTION WE THE PEOPLE ASKED MR. [illegible] AND MR. ZECH IS WHEN DID THEY FIRST LEARN OF THESE ALLEGATIONS? THEY ANSWERED AND SAID IT WAS JANUARY 17, 1988. (SEE PAGE [illegible] OF THIS PACKET). THE [illegible] ACTUALLY KNEW EARLIER THAN THEY SAID.

1A

We The People
of the United States
Stop Chernobyl Here

ENC. # 20

COUNTERFEIT AND SUBSTANDARD MATERIALS IN U.S. NUCLEAR PLANTS

PART 1

INTRODUCTION

In the last year, the Nuclear Regulatory Commission (NRC) has reported a wide variety of materials used in a majority of U.S. nuclear power plants has been falsely certified as meeting NRC, American Society of Mechanical Engineers (ASME) and other required standards. These flawed, substandard materials include electrical components; flanges, pipe fittings and other piping materials; and fasteners like nuts and bolts.

Agency reports demonstrate an NRC pattern of downgrading nuclear plant safety standards rather than requiring the substandard materials be replaced. Design and construction standards are an essential basis for nuclear industry and NRC claims that redundant and backup systems make the dangerous nuclear technology safe.

PIPING MATERIALS

Substandard piping materials manufactured between 1962 and 1985 are part of safety systems at a majority of U.S. nuclear power plants. At least three piping manufacturing companies routinely imported foreign piping materials of a much lower quality than is required for nuclear plant construction, then falsified paperwork to say the materials met nuclear-grade standards, according to NRC documents. These materials, falsely

Box 277, Rowley, MA 01969, (508) 948-7959
50 Court St., Plymouth, MA 02361, (617) 746-9300

(26)

certified for use in safety systems, were then sold to nuclear power plants and to other manufacturers and suppliers who then sold the materials to nuclear plants (1).

This information undermines the "redundancy," "backup," and "in-depth defense" theories of nuclear plant design and construction, theories which admit it is a hazardous technology, but claim the plants are safe because of high standards required in building them. These NRC reports reveal nuclear plant safety systems, designed in detail down to the chemical composition of metals to be used, are not what they are required to be.

Certification of nuclear grade materials is a fundamental and critical method for ensuring the nuclear industry is following the stringent requirements for building nuclear plants. Falsification of certifications and inspections in this field is a crime with severe penalties since failure to adhere to NRC standards could result in a nuclear disaster. During nuclear plant construction, the massive numbers of inspections generate a paper trail for each system and component. But if the certifications at the beginning of that trail are false, inspections thereafter are unreliable and possibly invalid.

The NRC itself actually inspects only a tiny percentage of a nuclear power plant. The agency depends heavily on self-inspections by nuclear plant licensees. According to Tom Murley, NRC Director of the Office of Nuclear Reactor Regulation, licensees are only required to test a certain percentage of components used in plants. He noted that once a percentage of components with a specific model number are tested, if more components with that same model number are reordered, there is no requirement to test those at all (2).

The NRC knew of falsified certifications on piping materials at least as early as January 1988, according to a letter from NRC Director of Nuclear Reactor Regulation Tom Murley to We the People Director Stephen Comley (3). It wasn't until May 6 that the NRC issued a general bulletin to all nuclear plant license holders. Bulletin 88-05 told licensees they had 120 days to check their records; locate all pipe fittings, flanges, subassemblies and components from West Jersey Manufacturing Co. (WJM), Piping Supplies, Inc. (PSI) and 19 other companies; test the materials; "replace all questionable fittings and flanges;" and report back. At that point, the NRC named 38 plants which had received these poor quality materials (4).

Bulletin 88-05, particularly the section requiring testing and replacement, was met with dismay by the nuclear industry: nuclear power plants are one huge mass of fittings, flanges and piping materials. For places too radioactive for workers' health, the NRC reduced requirements to a paperwork search (5), even though the root of the problem is falsified paperwork. The nuclear industry, deeply concerned about the huge expense of carrying out the NRC program (6), set out to prove there is no problem, even though Victor Stello, the NRC's Executive Director for Operations, announced that tens of thousands of falsely certified flanges had been bought by nuclear power plants (7).

The NRC's Supplement 1 to Bulletin 88-05, released June 15, disclosed that Carolina Power's Shearon Harris plant had just tested two WJM flanges from the warehouse, neither of which came close to the required tensile and yield strength, nor did they have enough carbon and manganese. In response, the NRC abbreviated the reporting deadline from 120 to 30 days for licensees to find and test all accessible flanges and fittings from the

companies under suspicion.

Interestingly enough, at the same time they changed the reporting deadline, the NRC cut back on their requirements for rectifying the safety problems, despite the proof of substandard materials from Shearon Harris. If the questionable materials proved to be substandard, licensees had only to explain why continued operation with substandard safety components was justified. The NRC also "reduced the scope" of the search to fittings and flanges, eliminating subassemblies and components. Nowhere in Supplement 1 does the NRC require replacement of substandard parts as was the case in the original Bulletin (8).

The NRC's release of Supplement 2 on August 3 was a relief to the nuclear industry; it ordered a halt to any further actions by licensees. The bulk of Supplement 2 is an industry-generated study purporting to prove there is no problem.

But Supplement 2 also said the NRC discovered at least 19 more plants with dubious piping materials, bringing the total so far to 57; at least 9 more companies distributed questionable piping materials, a total of 28; and in addition to fittings and flanges, 27 other product forms involved, including couplings, plate rings, and socket weld boss (to Seabrook Station) (9).

It is clear why the NRC saw fit to "temporarily suspend" further licensee investigation and action on this problem. As the NRC investigation grew more extensive, ever more evidence surfaced showing the problem with substandard nuclear grade piping materials was quite widespread.

The only way the NRC could genuinely protect the public's health and

#20

safety, an NRC mandate from Congress, was to require the defective materials be replaced with those which met the plants' designed nuclear standards. But that solution would cost the nuclear utilities enormous sums of money (10); they might even find it more profitable to simply close their plants.

Instead of opting for safety, the NRC once again lowered the standards. In this case the agency simply had to accept the industry's computer analysis engineering away the problem. In a letter to Stephen Comley on August 15, Murley wrote, "engineering analyses" showed materials which don't meet required strength are still acceptable for "application in nuclear power plants (11)."

The Nuclear Management and Resources Council (NUMARC) was coordinating the activities necessary to demonstrate there really isn't a problem, Murley explained to Comley. According to Murley, NUMARC stated in a letter to the NRC July 25 that "the results of these activities demonstrate there is no public health and safety concern." NUMARC is a nuclear industry organization; Bechtel, a multinational nuclear company, produced the "generic lab analysis" report for NUMARC which the NRC used to justify cancelling further investigations at nuclear plants (12).

NUMARC's July 29 cover letter for the generic analysis report stressed the importance of suspending inspections. Utilities were making "expenditures of major proportions...without abatement" and further testing won't "result in additional insights." The NUMARC letter also noted the lab testing program was not actually complete as it didn't include all of the information gathered by the utilities before they stopped testing (13).

Even though utilities reported that 8 of 108 items tested were below

#20

certification for operation is based on those inspections.

Given that the NRC is aware of these and other safety problems at the nuclear plants, the agency's acceptance of Bechtel's computerized assumptions was rather hasty. Bulletin 88-05 and Supplement 1 show the falsified piping certifications call into doubt assurances of nuclear plant safety. Supplement 2 shows the agency willing to elevate utilities' economic concerns at the expense of safety, however flimsy the scientific basis might be.

This is the sort of behavior which led one honest member of the NRC to admit before Congress in 1985 that there is a 45 percent chance of a core melt or other serious accident at U.S. nuclear plants every 20 years. A 1982 study commissioned by the NRC said a nuclear plant accident could cause up to 100,000 first-year deaths and 600,000 injuries. That is an expensive price to pay for electricity.

NOTES

1. US Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, NRC Bulletin No. 88-05, May 6, 1988; Supplement 1, June 15, 1988; Supplement 2, August 3, 1988, Washington, D.C.

2. Inside N.R.C., Volume 10, No. 16, McGraw Hill, August 1, 1988.

3. Thomas E. Murley, Director, USNRC Office of Nuclear Reactor Regulation, Letter to Stephen B. Comley, Executive Director, We The People of the United States, August 15, 1988.

4. USNRC Bulletin No. 88-05.

5. Ibid.

6. William H. Rasin, Director, Technical Division, Nuclear Management and Resources Council, Letter to Thomas T. Martin, USNRC Associate Director for Inspection and Technical Assessment, Office of Nuclear Reactor Regulation, July 29, 1988.

7. Inside N.R.C., Volume 10, No. 13, McGraw Hill, June 20, 1988.

#20

8. USNRC Bulletin 88-05, Supplement 1.

9. USNRC Bulletin 88-05, Supplement 2.

10. Rasin Letter to Martin.

11. Murley, Letter to Comley, August 15, 1988.

12. Bechtel National, Inc., NUMARC Generic Testing Program Response to NRC Bulletin No. 88-05, Interim Report, for Electric Power, Palo Alto, CA, July 29, 1988.

13. Rasin Letter to Martin.

14. Bechtel National.

15. USNRC Bulletin 88-05 and Supplement 2.

16. US Nuclear Regulatory Commission, Region I, Report No. 50-443/84-12, Inspection at Seabrook Station conducted August 13-17 and 27-31, 1984.

17. United States of America v James V. Padavano, No. 85-16-01-L, U.S. District Court for the District of New Hampshire.

18. US Department of Labor, Case No. 84-ERA-13, March 19, 1984.

19. Thomas E. Murley, USNRC Director, Office of Nuclear Reactor Regulation, Letter to Stephen B. Comley, Executive Director, We The People of the United States, October 4, 1988.

20. US Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, NRC Information Notice No. 88-35, June 3, 1988.

THIS WAS IN RESPONSE TO A LETTER WE HANDED PRESIDENT REAGAN AT THE REPUBLICAN PRESIDENTIAL CONVENTION IN NEW ORLEANS AUGUST 15TH.

COUNTERFEIT AND SUBSTANDARD MATERIALS IN MANY U.S. NUCLEAR PLANTS
PART 2

PART 2 OF 20

ELECTRICAL COMPONENTS

An electrical component manufacturer uncovered a counterfeiting scheme of national proportions when used circuit breakers, falsely ceritified as new, were sold to the Diablo Canyon nuclear power plant in California. Every circuit breaker tested failed (1). Square D, the manufacturer whose counterfeited label was on the circuit breakers, sued five California electrical supply companies for refurbishing and selling electrical components as new with false certifications.

In it's suit, Square D charged the counterfeiting has been going on for ten years; components were supplied to the Department of Defense and NASA as well as to nuclear power plants. Members of the companies being sued stated in depositions there could be more than 50 companies nationwide engaged in similar counterfeiting (2). A Square D official pointed out it is a serious situation when substandard electrical components are built into NASA and military systems, but "to think that these could possibly wind their way back into nuclear plants is very frightening (3)."

On June 3, 1988, three months after being notified of the counterfeiting, the NRC had U.S. Marshals seize 200,000 electrical items manufacturer trademarks, and Underwriter Laboratory certifications from the companies named in the suit. During the raid, one of the owners told a deputy marshal circuit breakers were sold to nuclear plants in many locations around the U.S., including California, Arizona, Illinois, and the east coast (4). Westinghouse and General Electric are among the 12 manufacturers on the NRC's July 8 preliminary list whose names were

PART 2 OF 20

possibly counterfeited (5). The NRC examination of seized circuit breakers showed they were "of the type which could be used in safety systems of nuclear plants if they were new and authentic (6)."

In April, the NRC announced a different electrical supply company, Planned Maintenance Systems, had supplied falsely certified components to 34 nuclear plants, including the Pilgrim, Rowe and Seabrook nuclear plants (7). By July 21, the NRC discovered at least one nuclear plant had bought counterfeit circuit breakers for safety systems, and listed 24 nuclear plants, including Pilgrim, in Plymouth, Massachusetts, which received shipments from the 5 suspect companies (8). A draft NRC bulletin said, "These examples indicate that there is a potential generic safety concern regarding electrical equipment supplied to nuclear power plants (9)."

Despite this safety concern, the NRC exhibited great restraint in acting on this major safety problem. NRC Commissioner Kenneth Clark said he saw no need for immediate action; the manufacturers would take care of the problems by suing the counterfeiters (10). But a Square D official said, "If NRC thinks our lawsuit is going to clean up the industry, they're wrong. There's too much money to be made on these things---1000 percent or more profit on refurbishing (11)."

Tom Murley, NRC's Director for the Office of Nuclear Reactor Regulation, also tried to pass off the widespread use of substandard and counterfeit parts as a problem to be solved by the nuclear industry, specifically by the Nuclear Management and Resources Council (NUMARC), an industry organization. "NUMARC realizes this is their problem and they better get on top of it," Murley said. However, a NUMARC spokesman insisted it's role is simply to advise the NRC (12).

Another indication of NRC reluctance is the three-month delay in notifying nuclear plant licensees of the problem after the agency had been told about the Diablo Canyon counterfeiting caught by Square D (13). And even though the agency notified licensees, it did not require them to take any actions to resolve the problem (14).

In an August meeting memorandum, the NRC discussed the "dedication" process whereby components bought for non-safety uses are upgraded to safety applications. The NRC was worried that the dedication process at nuclear plants was not uniform (15), indicating the problem extended into safety systems even though most of the counterfeited electrical equipment was initially commercial grade (16). Nevertheless, the NRC acceded to a NUMARC request and exempted commercial grade circuit breakers from the investigation (17).

The August memo raised another major safety issue, one the agency downplayed by saying many components were not used in safety systems. That is the "balance-of-plant applications," where a failure of non-safety systems could "challenge" safety systems (18). The NRC is very narrow in distinguishing between nuclear safety systems, for which there are many rules and requirements, and non-safety systems. For example, the agency does not consider a nuclear plant's fire protection system to be a safety system. In the memo the NRC acknowledged a safety-related connection between the two types of systems. Even so it required no action from nuclear power plant licensees.

PART 2 OF 20

FASTENERS: BOLTS AND NUTS

The NRC hesitates to order conformance to safety standards by plants with installed counterfeit and substandard parts because this problem permeates the nuclear industry. Resolving it would require major replacement programs for piping, electrical components, and fasteners. In the case of the counterfeit nuts and bolts, NRC's Tom Murley admitted the agency knew about them for two years before it ordered the nuclear utilities to investigate.

Murley mentioned the counterfeiting problem extends to a "broad spectrum of equipment,"including pumps, circuit breakers, and valves. Although he admitted some of these parts were used in safety systems, he said they posed no safety problem because of the large margin of redundancy in nuclear plant design (19). But if a variety of safety components do not meet design standards, there is a major reduction in redundancy.

Of 32 fasteners tested from three nuclear plants, 11 did not meet the standards (20). An NRC sample test of 137 fasteners from 16 plants revealed a 20 percent failure rate (21), and when the Calvert Cliffs, Maryland, plant found commercial grade fasteners had been used in safety systems, it tested 1539 fasteners; 339 failed. In light of this data, the NRC's testing program for fasteners at all nuclear plants was exceedingly limited. The agency asked licensees to test 10 safety and 10 non-safety from their warehouses (22). Since the counterfeit fasteners scandal has been public knowledge for more than two years, it is much more likely the substandard materials would be found built into the plants rather than in the warehouses.

Tom Murley observed that past inspection requirements for materials built into the nuclear plants are not adequate. "We acknowledge that the quality assurance system is not perfect," Murley said in July, "It relies heavily on...paper audits and prototype testing. It is aimed at finding errors. It is not aimed at detecting fraudulent equipment (23)."

These counterfeiting discoveries have exposed a dangerous development: ever greater numbers and types of nuclear plant components are proving to be far below the design standards required. While the agency devises systems to try to prevent future inclusion of bogus parts in nuclear plants, the plants continue to operate. No real effort has been put into replacing those bad parts. Instead, the NRC engineers away the problems on paper. The continued operation of these plants, and the continued profits of the nuclear utilities, are clearly of greater concern to the NRC than are the health and safety of the public the agency is mandated to protect.

NOTES

1. US Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Information Notice No. 88-46, July 8, 1988.

2. Inside N.R.C., Volume 10, No. 19, McGraw Hill, September 12, 1988.

3. Ibid.

4. Inside N.R.C., Volume 10, No. 15, McGraw Hill, July 18, 1988.

5. US Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Information Notice No. 88-46, Attachment 2, July 8, 1988.

6. Inside N.R.C., July 18, 1988.

7. US Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Information Notice No. 88-19, April 19, 1988.

8. US Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Information Notice No. 88-46 Supplement 1, Attachment 1, July 21, 1988.

9. Nuclear Regulatory Commission, Region II Division of Reactor Projects, Memorandum to Gus Lainas, Assistant Director, from James Stone Project

Manager, regarding NUMARC meeting, Enclosure 3, Draft Bulletin, August 9, 1988.

10. Inside N.R.C., July 18, 1988.

11. Inside N.R.C., September 12, 1988.

12. Inside N.R.C., Volume 10, No. 16, McGraw Hill, August 1, 1988

13. Ibid.

14. US Nuclear Regulatory Commission, Information Notice No. 88-46.

15. Nuclear Regulatory Commission, Memorandum to Gus Lainas.

16. US Nuclear Regulatory Commission, Information Notice No. 88-46, Supplement 1.

17. Inside N.R.C., Volume 10, No. 18, McGraw Hill, August 29, 1988.

18. Nuclear Regulatory Commission, Memorandum to Gus Lainas, Enclosure 1.

19. Inside N.R.C., August 1, 1988.

20. US Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, NRC Compliance Bulletin No. 87-02, November 6, 1987.

21. Inside N.R.C., July 18, 1988.

22. US Nuclear Regulatory Commission, Compliance Bulletin No. 87-02.

23. Inside N.R.C., August 1, 1988.

Manager, regarding NUMARC meeting, Enclosure 3, Draft Bulletin, August 9, 1988.

10. Inside N.R.C., July 18, 1988.

11. Inside N.R.C., September 12, 1988.

12. Inside N.R.C., Volume 10, No. 16, McGraw Hill, August 1, 1988

13. Ibid.

14. US Nuclear Regulatory Commission, Information Notice No. 88-46.

15. Nuclear Regulatory Commission, Memorandum to Gus Lainas.

16. US Nuclear Regulatory Commission, Information Notice No. 88-46, Supplement 1.

17. Inside N.R.C., Volume 10, No. 18, McGraw Hill, August 29, 1988.

18. Nuclear Regulatory Commission, Memorandum to Gus Lainas, Enclosure 1.

19. Inside N.R.C., August 1, 1988.

20. US Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, NRC Compliance Bulletin No. 87-02, November 6, 1987.

21. Inside N.R.C., July 18, 1988.

22. US Nuclear Regulatory Commission, Compliance Bulletin No. 87-02.

23. Inside N.R.C., August 1, 1988.

We The People
of the United States
Stop Chernobyl Here

EMC. # 20A

Sent Cert 10/13/55

Senator Robert Dole
U. S. Senate
141 Hart
Washington, DC 20510

Dear Senator Dole:

This letter and the enclosed attachments detail the Nuclear Regulatory Commission's (NRC) failure to protect public health and safety as is its Congressional mandate. The agency does not enforce its own standards and regulations for safe nuclear plant construction and operation, nor does it ensure all residents near nuclear plants can be properly evacuated in the face of a nuclear accident.

Enclosure 1, Counterfeit and Substandard Materials (Parts 1 & 2), analyzes information from sources including recent NRC reports. It shows that most U.S. nuclear plants (from New England to the West Coast) have been built with counterfeit materials which are far below the agency's required standards for nuclear plant safety. These counterfeit materials include electrical components such as circuit breakers, piping materials, flanges, valves, and fasteners such as nuts and bolts. NRC documents show these materials repeatedly failed tests of strength and reliability. The agency did not order the counterfeit parts be replaced even though use of these materials means nuclear plants are much less safe than the agency believed. Instead, the NRC lowered the safety standards for these materials.

As recently as a few weeks ago, the NRC raided four more Southern California firms suspected of selling counterfeit electrical components to nuclear power plants (see Enclosure 2, Sworn Affidavit by U.S. Senior Investigator). With each passing day, the magnitude of the problem becomes more alarming. The NRC is only now beginning to address the problem, not because of its diligence in protecting the public health and safety, but because the problem has become so widespread that the Commission can no longer ignore it.

This is a dangerous situation. The NRC and the nuclear industry have always claimed that even though nuclear technology is dangerous, the plants are safe enough because they are built with back up, redundant, safety systems. However, since materials in the main safety systems as well as in back-up systems are substandard, claims of safety because of redundant systems are invalid.

Box 277, Rowley, MA 01969, (508) 948-7959
50 Court St., Plymouth, MA 02361 (617) 746-[illegible]

Since nuclear plants are less safe than the agency thought, plans for protecting the surrounding populations should be strengthened. Such is not the case. For example, people with special needs have not even been identified within the ten mile emergency planning zone. Evacuation plans approved by the NRC have no provisions for elderly, deaf, and blind people, and others with special needs. Instead, most of these people will be left behind. This is discrimination against the handicapped, in violation of federal law and the laws of many states. It is morally reprehensible to ignore persons who would most need assistance in time of emergency (see Enclosure 3, Related Information, pages 12 & 13, We The People's explanation of the special needs issue).

Special needs people appear to be expendable in the agency's eyes; at some nuclear plants that notion of expendability extends to the entire population. In the case of New Hampshire's Seabrook Station, the agency seriously downgraded required standards and rules for evacuation planning so as to be able to ignore strong evidence the seacoast area north of Boston cannot be evacuated. The Commonwealth of Massachusetts, after extensive study and deliberation, determined that evacuation was impossible. The response of the NRC was to label the state as uncooperative. However it is not uncooperative for the state to make legitimate decisions about the welfare of its citizens. This situation resulted in a rule change that substituted a "best effort" standard for safety standard with regards to evacuation planning.

The need for Congressional action has become even more pressing with the recent Presidential order on evacuation planning that overrides state and local powers to reject evacuation plans which won't work. The issue of nuclear power has become secondary with this action by President Reagan, which cracks the very foundation of American democracy, a government of the people and by the people.

These brief examples and the attachments supporting them, demonstrate an NRC pattern of allowing operation of nuclear plants at the expense of public safety. When the agency's rules and safety standards, established as the basis for protecting the public, conflict with plant operation, the safety standards are reduced or abolished.

The NRC is answerable only to Congress, and to date, Congress has not been asking serious questions of the NRC. It is essential the body representing the people of the U.S. investigate the agency and take action to ensure the public safety, since the agency itself has moved further and further from that responsibility. There are a number of nuclear plants not yet in operation which have been built with counterfeit materials. Seabrook Station is one of them. Congress must prevent contamination of any nuclear plant by preventing the issuance of any licenses until all counterfeit materials have been identified and replaced. This will also keep open the option of conversion to much safer energy alternatives like gas. Plants already in operation must also be ordered to replace all counterfeit parts.

Until then, the people of this country are in danger. As the Chernobyl nuclear plant accident shows, even though it was not the worst-possible accident, radiation knows no boundaries. The industry and the NRC have refused to address the implications of the Chernobyl accident. They can't even properly address the safety of people within the 10 mile radius of nuclear power plants, much less outside that limit.

In August, 1986, 80% of the town of Rowley, Massachusetts, petitioned President Ronald Reagan to conduct an independent investigation of the NRC, (copy enclosed, page 14 of Related Information). To date, there has been no response to Rowley's petition.

Former NRC Commissioner James Asselstine, in an interview August 15, 1986, said nuclear plant accidents in this country are inevitable because of how poorly they are built and operated. The NRC is mandated to regulate the industry so as to prevent such accidents; but it is Congress which must now enforce that mandate. In the absence of Congressional action, the NRC will be allowed to conduct "business as usual." This leads not only to a substantial risk of a serious nuclear accident, but exacerbates a crisis of public confidence in both the NRC and the Congress and their collective ability to safeguard the public health and safety.

We The People has contact with good people inside the NRC who are willing to come forward and expose the corruption within their agency if a Congressional investigation is granted. (see NRC quotes, page 11 of Related Information). The consequences of coming forward for these individuals will necessitate reasonable assurances that a full and fair investigation will ensue.

We The People has retained the services of Ernest Hadley, an attorney experienced in representing whistleblowers. He is a former associate of the Government Accountability Project in Washington, D.C. We The People can assist in bringing forward information to expose one of the biggest violations of the public trust that this country has ever witnessed. The nuclear industry is both wealthy and powerful, but, neither of those factors give it the right to deliberately jeopardize the health and safety of the American people.

I hope you will soon be able to find the time to meet with me and other members of our staff to further discuss this matter. Please inform me of your response at your earliest possible convenience.

Sincerely,

Stephen B. Comley

Stephen B. Comley
Executive Director
We The People, Inc.

SBC/mk
Enc:
Enclosure 1: Counterfeit and Substandard Materials
Enclosure 2: Sworn Affidavit by U.S. Senior Investigator
Enclosure 3: Related Information Packet:
Correspondence including letter given to President Reagan August 15, 1988 and October 4, 1988 response to that letter from the NRC pages 2 & 3. The NRC's reply of July 18th which stated when they first learned there were counterfeit parts. The NRC stated it was January 17, 1988, but the agency actually knew earlier than that date.

Documentation of the enclosed materials is available on request.

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Sen. Robert Dole
U.S. Senate
141 Hart
Washington, DC 20510

4. Article Number

Type of Service:
☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X

7. Date of Delivery
DEC 16 1988

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Sen. Pete Domenici
U.S. Senate
434 Dirksen
Washington DC 20510

4. Article Number

Type of Service:
☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X

7. Date of Delivery
DEC 15 1988

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☑ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Sen. John Glenn
U.S. Senate
[illegible] Hart
[illegible]ington DC 20510

4. Article Number
P442 252 348

Type of Service:
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail

UNITED STATES OF AMERICA
v.
The Premises Known As
Panelboard-Specialties
29885 Second Street, Unit E and I
Lake Elsinore, California

DOCKET NO.

MAGISTRATE'S CASE NO. 88-1581M

TO: Any Special Agent(s) of the U.S. Marshals or any other authorized officers.

ENC. # 208

Affidavit(s) having been made before me by the below-named affiant that he/she has reason to believe that on the premises known as

Panelboard Specialties, 29885 Second Street, Unit E and I, Lake Elsinore, Calif. Unit E and I are one story masonry structures approximately 50 feet from each other sharing the building with other businesses. Unit I and has the letter I over the door and a sign reading Panelboard Specialties Sales Office. Unite E has the letter E over the door and a sign reading Panelboard Specialties Corporate Office.

in the CENTRAL District of CALIFORNIA

there is now being concealed certain property, namely:

SEE ATTACHMENT A.

SWORN AFFIDAVIT BY U.S. SENIOR INVESTIGATOR

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the person or premises above-described and the grounds for application for issuance of the search warrant exist as stated in the supporting affidavit(s),

YOU ARE HEREBY COMMANDED to search on or before ten (10) days (not to exceed 10 days) the person or place named above for the property specified, serving this warrant and making the search (in the daytime — 6:00 A.M. to 10:00 P.M.) (at any time in the day or night)* and if the property be found there to seize it, leaving a copy of this warrant and receipt for the property taken, and prepare a written inventory of the property seized and promptly return this warrant to the duty U.S. Magistrate as required by law.

U.S. Judge or Magistrate

NAME OF AFFIANT	SIGNATURE OF JUDGE OR US MAGISTRATE	DATE/TIME ISSUED
WILLIAM J. McNULTY		4:00 p November 4, 1988

*If a search is to be authorized "at any time in the day or night" pursuant to Federal Rules of Criminal Procedure Rule 41(c), show reasonable cause therefor.

*United States Judge or Judge of a State Court of Record

UNITED STATES OF AMERICA v. The Premises Known As Luckow Circuit Breaker 2708 South Grand Avenue Santa Ana, California	DOCKET NO.	MAGISTRATE'S CASE NO. 88-1578M
	TO: Any Special Agents of the U.S. Marshals or any other authorized officers	

20 B

Affidavit(s) having been made before me by the below-named affiant that he/she has reason to believe that on the premises known as Luckow Circuit Breaker, 2708 South Grand Avenue, Santa Ana, Calif., further described as a single story building of masonry construction with the number 2708 over the entrance and a sign reading Luckow Circuit Breaker and logo LCB affixed to the building, which is located in a small office park.

in the CENTRAL District of CALIFORNIA

there is now being concealed certain property, namely:

See attachment A.

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the person or premises above-described and the grounds for application for issuance of the search warrant exist as stated in the supporting affidavit(s).

YOU ARE HEREBY COMMANDED to search on or before ten (10) days (not to exceed 10 days) the person or place named above for the property specified, serving this warrant and making the search (in the daytime — 6:00 A.M. to 10:00 P.M.) (at any time in the day or night)* and if the property be found there to seize it, leaving a copy of this warrant and receipt for the property taken, and prepare a written inventory of the property seized and promptly return this warrant to the duty U.S. Magistrate (U.S. Judge or Magistrate) as required by law.

NAME OF AFFIANT	SIGNATURE OF JUDGE OR US MAGISTRATE	DATE/TIME ISSUED
WILLIAM J. McNULTY	JOHN R. KRONENBERG	4:50 p.m. November 4, 1988

*If a search is to be authorized "at any time in the day or night" pursuant to Federal Rules of Criminal Procedure Rule 41(c), show reasonable cause therefor.

**United States Judge or Judge of a State Court of Record.

UNITED STATES OF AMERICA
v.

The Premises Known As
Dan Luckow Electric
7760 Gloria Avenue
Van Nuys, California

20 B

DOCKET NO.

MAGISTRATE'S CASE NO. 88-1579M

TO: Any Special Agents of the U.S. Marshals or any other authorized officer.

Affidavit(s) having been made before me by the below-named affiant that he/she has reason to believe that on the premises known as Dan Luckow Electric, 7760 Gloria Avenue, Van Nuys, California, further described as a single story concrete type building, at the corner of Gloria and Stagg Avenues, with the number 7760 affixed to the exterior of the building and a large sign bearing the name Dan Luckow Electric.

in the CENTRAL District of CALIFORNIA

there is now being concealed certain property, namely:

SEE ATTACHMENT A.

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the person or premises above-described and the grounds for application for issuance of the search warrant exist as stated in the supporting affidavit(s),

YOU ARE HEREBY COMMANDED to search on or before ten (10) days (not to exceed 10 days) the person or place named above for the property specified, serving this warrant and making the search (in the daytime — 6:00 A.M. to 10:00 P.M.) (at any time in the day or night)* and if the property be found there to seize it, leaving a copy of this warrant and receipt for the property taken, and prepare a written inventory of the property seized and promptly return this warrant to the duty U.S. Magistrate (U.S. Judge or Magistrate) as required by law.

NAME OF AFFIANT	SIGNATURE OF JUDGE OR US MAGISTRATE	DATE/TIME ISSUED
WILLIAM J. McNULTY		4:50 pm November 4, 1988

* A search is to be authorized "at any time in the day or night" pursuant to Federal Rules of Criminal Procedure Rule 41(c), show reasonable cause therefor.

United States Judge or Judge of a State Court of Record.

UNITED STATES OF AMERICA
v.

The Premises Known As
Rosen Electric Equipment
8226 East Whittier Blvd.,
Pico Rivera, California

20 D

DOCKET NO.

MAGISTRATE'S CASE NO. 88-1580M

TO: Any Special Agent of the U.S. Marshals or any other authorized officers

Affidavit(s) having been made before me by the below-named affiant that he/she has reason to believe that on the premises known as Rosen Electric Equipment, 8226 East Whittier Blvd., Pico Rivera, Calif., further described as a large, single sotry building of masonry construction with the number 8226 affixed to the left of the door, and in large letters on the front of the building, the words Rosen Electric Equipment.

in the CENTRAL District of CALIFORNIA

there is now being concealed certain property, namely:

SEE ATTACHMENT A

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the person or premises above-described and the grounds for application for issuance of the search warrant exist as stated in the supporting affidavit(s),

YOU ARE HEREBY COMMANDED to search on or before ten (10) days (not to exceed 10 days) the person or place named above for the property specified, serving this warrant and making the search (in the daytime — 6:00 A.M. to 10:00 P.M.) (at any time in the day or night)* and if the property be found there to seize it, leaving a copy of this warrant and receipt for the property taken, and prepare a written inventory of the property seized and promptly return this warrant to the duty U.S. Magistrate (U.S. Judge or Magistrate) as required by law.

NAME OF AFFIANT	SIGNATURE OF JUDGE OR US MAGISTRATE	DATE/TIME ISSUED
WILLIAM J. McNULTY		4:00 pm November 4, 1988

*If a search is to be authorized "at any time in the day or night" pursuant to Federal Rules of Criminal Procedure Rule 41(c), show reasonable cause therefor.

**United States Judge or Judge of a State Court of Record

CE:jo

ATTACHMENT A (70 B)

1. All items and documents related to the sale and/or distribution of circuit breakers, including but not limited to:

   a. Purchase orders, invoices, receiving reports, change orders, letters, correspondence, customer lists, sales journals, and bills of lading.

   b. List of employees, or any other documents identifying employees or management.

2. All items and documents related to the manufacturing of circuit breakers, including but not limited to:

   a. Puchase orders, invoices, receiving reports, change orders, letters, correspondence, supplier lists, material purchases, and bills of lading.

3. All items or documents related to the quality certifications for circuit breakers.

4. Any manufacturer's label or labels.

5. Any circuit breakers in the process of being reconditioned or re-labelled.

20 B

I William J. McNulty, declare and state:

1. I am a Senior Investigator with the Region V Office of Investigations, United States Nuclear Regulatory Commission (NRC) and have been so employed since January 1988. Prior to that, I was employed as a Special Agent of the Bureau of Alcohol, Tobacco, and Firearms for 12 1/2 years.

2. I make this affidavit based upon personal knowledge gained as a result of my investigative activities and documents obtained during these activities.

3. In April 1988, I initiated an investigation into the sale of substandard counterfeit circuit breakers sold to Diablo Canyon Nuclear Power Plant. Sale of substandard counterfeit circuit breakers at nuclear power plants would constitute a serious threat to the safe conduct of the nuclear facility and be a violation of Title 18 USC 1001; Title 18 USC 2320, Trafficking of Counterfeit Goods or Services; Section 206 of the Energy Reorganization Act of 1974, as Amended and Implemented pursuant to Title 10 Part 21.21; and the Atomic Energy Act as promulgated by Title 42 USC 2273.

4. Because of the required high reliability in quality standards for the use of electrical circuit breakers in nuclear power plants, the NRC requires an approved procurement system to be followed by each of the nuclear

power plants. Each system generally relies on the purchase of proven - - tested products of known quality through authorized vendors/distributors of name brand products. In many instances, the name brand products have been tested and the system of manufacturing has been examined by the nuclear utilities and the NRC for compliance with proper manufacturing processes. These processes result in reasonable assurance that those products manufactured by the name brand manufacturer meet the desired performance and quality standards. When the name brand product is purchased through the approved procurement system, there is a reliance by the nuclear utilities and the NRC that the product is authentic and meets predetermined quality standards of that product.

5. On July 6 and 7, 1988, as assigned case agent, I participated in obtaining and executing six federal search warrants issued by the U.S. District Court of the Central District of California. Magistrate Case Number 88-922M, 88-923M, 88-924M, 88-925M, 88-926M, and 88-927M. These warrants signed by Honorable Joseph Reichman, United States Magistrate, authorized a search of the following five companies for business records and counterfeit labels relating to the sales and distribution of reconditioned and counterfeit circuit breakers: 1) General Circuit Breaker, 2) HLC Electric Supply, 3) California Breakers, 4) AC Circuit Breakers, and 5) General Magnetics Circuit Breakers. After reviewing documents seized during these search warrants, I determined that the five companies searched had sold hundreds of reconditioned circuit breakers to nuclear power plants throughout the United states and 17 other United States Government agencies to include the United States Secret Service, either through manufacturer authorized electrical supply houses or direct sales.

6. On July 7, 1988, during the execution of Federal Search Warrant 88-928M, at General Circuit Breaker, 11740 Clark Street, Arcadia, California, I interviewed Xavier Contreras, President of General Circuit Breaker. Contreras described his business as a "gray market" operation that reconditions and relabels circuit breakers which are typically sold to commercial electrical supply outlets. Based upon my review of documents and field reports, I have determined that the other four companies searched also recondition and relabel circuit breakers. The labels are often printed by local print shops or are photocopies of authentic manufacturing labels.

20B

7. On July 7, 1988, Xavier Contreras provided me with a list of companies who also recondition and relabel circuit breakers. Among the companies on that list were:

- Rosen Electric
- Dan Luckow Electric
- Luckow Circuit Breakers
- Panel Board Specialties

8. As a result of the searches conducted on July 7, 1988, and the information obtained during the course of my investigation, the NRC issued an Information Notice alerting all United States nuclear power plants of the potential safety hazards presented by defective reconditioned circuit breakers with counterfeit labels.

20 B

9. As a result of the NRC Information Notice, General Electric Supply Company caused a search of purchase orders from approximately 130 General Electric supply houses to be made to determine to what extent their distribution system may have been infiltrated by the circuit breaker "gray market."

10. Initial review of documents provided by General Electric Supply Company indicate that Rosen Electric has sold circuit breakers through a General Electric supply house to a nuclear power plant and also made several sales to National Aeronautics and Space Administration facilities.

11. On November 2, 1988, I received copies of civil filings made on behalf of Westinghouse Electric Corporation and Underwriters Laboratories, Inc. which were filed in U.S. District Court, Central District of California, under Civil Cases 88-06025WDK and 88-06028PAR. As a result of reviewing these filings and sworn declarations, I believe that Rosen Electric, 8226 East Whittier Boulevard, Pico Rivera, California; Luckow Circuit Breakers, 2708 South Grand Avenue, Santa Ana, California; Dan Luckow Electric, 7760 Gloria Avenue, Van Nuys, California; and Panel Board Specialties, 29885 Second Street, Lake Elsinore, California, are engaged in the reconditioning of used circuit breakers to include relabeling these circuit breakers with counterfeit labels and selling these breakers as new. I base this belief on the following sworn declarations:

On October 25, 1988, acting on behalf of General Electric and Westinghouse, undercover operative David Perticone purchased a General Electric circuit breaker from Rosen Electric. While picking up the breaker at Rosen Electrics business premises at 8226 East Whittier Boulevard, Pico Rivera, Perticone observed circuit breakers being reconditioned. He also observed what appeared to be photocopies of General Electric and Westinghouse labels next to the breakers which were being reconditioned. These labels were arrayed in such a manner that Perticone concluded that each label was to be placed on breakers being reconditioned. On October 20, 1988, undercover operative Michael Camplin purchased a circuit breaker from Rosen Electric that was determined by Westinghouse Engineer, Ronald Ringer, to have been assembled from several different types of circuit breakers and was labeled with a counterfeit Westinghouse label.

13. As to Panel Board Specialties:

On October 5, 1988, Dennis Johnson stated that between June 29, 1987 and January 22, 1988, he was employed as a Shop Supervisor at Panel Board Specialties. During his tenure at Panel Board Specialties, Johnson said that 80 percent of all circuit breakers sold by Panel Board Specialties were used circuit breakers that had been reconditioned and sold as new. These breakers were relabeled with photocopied labels which were stored on the premises. Between October 19 and 25, 1988, undercover operative Perticone purchased two circuit breakers which were represented as

reconditioned from Panel Board Specialties which were determined by General Electric and Westinghouse engineers to bear counterfeit labels. 20 B

14. As to Dan Luckow Electric:

Between October 19 and 25, 1988, Perticone purchased two circuit breakers from Dan Luckow Electric, 7760 Gloria Avenue, Van Nuys. These circuit breakers were examined by General Electric and Westinghouse engineers and determined to be reconditioned and bore what appeared to be counterfeit labels.

15. As to Luckow Circuit Breakers:

On October 3, 1988, Michael Strauss, in a sworn declaration, stated that between February and May 1987, he was employed by Luckow Circuit Breakers as a Purchasing Agent. Strauss said that Luckow Circuit Breakers purchased used circuit breakers, reconditioned them, and in many instances sold them as new. Strauss also said that during the reconditioning process, photocopies labels were glued onto the breakers. These labels were stored in a workbench on the premises. On October 20, 1988, Perticone purchased a Westinghouse JA type circuit breaker from Luckow Circuit Breakers which was represented to be reconditioned by Luckow Circuit Breakers. Analysis by Westinghouse engineers determined that the breaker was in fact a KA series breaker which had been converted and made to look like a JA breaker. This breaker was used and there was no evidence of reconditioning as was represented by Luckow Circuit Breakers. On October 24, 1988, two General Electric Circuit Breakers were purchased

from Luckow Circuit Breakers by Perticone. These breakers were examined by General Electric engineers who determined that one of the breakers had been recalibrated from a 100 amp breaker to a 110 amp breaker. This recalibration effectively increases the amperage level at which the breaker will trip. In the engineer's opinion, this breaker would likely fail to operate as a 110 amp breaker is designed and could rupture the case causing a hazardous situation. The other breaker, although sold as a 110 amp breaker had not been recalibrated and was in fact a 100 amp breaker, if utilized in a 110 amp application, this breaker could also rupture creating a hazardous situation. Both of these breakers were missing factory installed insulation material which could result in sever injuries or electrocution during operation.

20B

16. On November 3, 1988, I spoke with Joseph Lee, an attorney who represents the Square D Corporation, Westinghouse Corporation, and the General Electric Corporation. Attorney Lee advised that after consultation with his clients, Square D Corporation, Westinghouse Corporation, and the General Electric Corporation that Dan Luckow Electric, ~~Luckow Circuit~~ Breakers, and Panel Board Specialties were not authorized distributors of Square D, Westinghouse, and General Electric products. Lee further advised that Rosen Electric was an authorized General Electric distributor but was not authorized Square D or Westinghouse distributor and further that none of these four companies were authorized to affix or reproduce and use in any way trademarks, labels, or certifications for any Square D, General Electric, or Westinghouse products.

substandard electrical components to nuclear power plants licensed by the NRC and sales to other government agencies, it will be necessary to search the premises of the four business locations for business records and automated records and programs that will establish the sales, distribution, shipping, manufacturing, material purchases, accounts receivable, accounts payable, and quality certifications for any sales of circuit breakers to distributors and suppliers of the nuclear power industry and/or directly to nuclear power plants. It will also be necessary to search the premises for the presence of counterfeit labels and reconditioned circuit breakers bearing counterfeit labels.

20h

Executed this 4th day of November, 1988, at Los Angeles, California.

William J. McNulty, Senior Investigator
Office of Investigations
Field Office, Region V
United States Nuclear Regulatory
Commission

Sworn and subscribed to before me this _____ day of November 1988.

_____
United States Magistrate

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE ATTORNEY GENERAL
JOHN W. McCORMACK STATE OFFICE BUILDING
ONE ASHBURTON PLACE, BOSTON 02108-1698

JAMES M. SHANNON
ATTORNEY GENERAL

ENC. #20C

December 6, 1988

Stephen B. Comley
We the People
Box 277
Rowley, MA 01969

Dear Mr. Comley:

Thank you for your letter to Attorney General Shannon dated November 30, 1988. I have reviewed the analysis by We the People. In order to complete our review, I would appreciate the original reports footnoted at the end of your analysis. I would also appreciate any additional information you could give me concerning the confidential informants within the NRC.

I look forward to hearing from you shortly.

Very truly yours,

Stephen A. Jonas
Deputy Attorney General
Chief, Public Protection Bureau

SAJ/BT

WE ARE ALSO NOTIFYING EVERY U.S. SENATOR, CONGRESSMAN, GOVERNOR (INCLUDING THE "PUSSYCAT") AND WHITE HOUSE STAFF TO ENDORSE THIS CONGRESSIONAL INVESTIGATION.

BLW:cwg
LTR12-6C

United States Attorney
District of Maryland

United States Courthouse, Eighth Floor
101 West Lombard Street
Baltimore, Maryland 21201-2692

301/539-2
FTS 962-4

206

December 6, 1988

Stephen B. Comley
Executive Director
We The People of the United States
50 Court Street
Plymouth, Massachusetts 02361

Dear Mr. Comley:

Thank you for your letter of October 13, 1988.

I have reviewed the material you have furnished this office, and your requested "independent investigation of the NRC". I trust you realize that my jurisdiction is limited to the investigation of suspected criminal activity within the District of Maryland. In your material, I fail to divine any allegations of such conduct occurring within this District.

Your materials do refer to reports of substandard and falsely certified parts being used in nulear power plants. You should be aware that several criminal investigatons of the manufacturers of such items are currently underway in districts that have jurisdiction over such manufacturers.

I appreciate your taking the time to share your concerns with us.

With best regards.

Sincerely,

Breckinridge L. Willcox
United States Attorney

United States Senate

WASHINGTON, DC 20510

20 C

December 19, 1988

The Honorable John Breaux
Chairman
Senate Subcommittee on Nuclear Regulation
458 Dirksen
Washington, DC 20510

Dear John:

I am sending to you an analysis prepared by a constituent group in Massachusetts regarding suspect materials used in the Seabrook and Pilgrim nuclear power plants.

I would appreciate your thoughts and ideas on how to proceed with this troubling information. If your committee could help in addressing these concerns it would be greatly appreciated.

Sincerely,

John Kerry

United States Senate
WASHINGTON, DC 20510

20 C

December 19, 1988

The Honorable John Glenn
Chairman
Senate Committee on Governmental Affairs
340 Dirksen
Washington, DC 20510

Dear John:

I am sending to you an analysis prepared by a constituent group in Massachusetts regarding suspect materials used in the Seabrook and Pilgrim nuclear power plants.

I would appreciate your thoughts and ideas on how to proceed with this troubling information. If your committee could help in addressing these concerns it would be greatly appreciated.

Sincerely,

John Kerry

UNITED STATES SENATE
WASHINGTON, DC 20510

20 C

December 19, 1988

The Honorable Quentin N. Burdick
Chairman
Senate Committee on Environment and
Public Works
458 Dirksen
Washington, DC 20510

Dear Quentin:

I am sending to you an analysis prepared by a constituent group in Massachusetts regarding suspect materials used in the Seabrook and Pilgrim nuclear power plants.

I would appreciate your thoughts and ideas on how to proceed with this troubling information. If your committee could help in addressing these concerns it would be greatly appreciated.

Sincerely,

John Kerry

United States Senate
WASHINGTON, DC 20510

20 C

January 2, 1988

Mr. Stephan B. Comley
50 Court Street
Plymouth, MA 02361

Dear Mr. Comley:

I have forwarded the analysis that you sent me regarding substandard materials in nuclear power plants to the appropriate committee chairmen.

I will keep you up to date as they respond to this information. Thank you for sending me the report.

Sincerely,

John Kerry

enc.

LL:SAP:fcm

Washington, D.C. 20530

JAN 3 1989

20 C

Mr. Stephen B. Comley
Executive Director
We the People of the United States, Inc.
Box 277
Rowley, Massachusetts 01969

Dear Mr. Comley:

Your letter of December 13, 1988 addressed to Attorney General Thornburgh has been referred to the Criminal Division. We have reviewed the materials you enclosed. The Department is aware of the allegations you have made concerning counterfeit and substandard materials, and is taking appropriate measures with respect to the situation. Accordingly, we do not believe it is necessary to meet with you at this time. Please do not hesitate to forward to us any further information you may develop concerning possible federal criminal violations at nuclear power plants.

Sincerely,

Edward S.G. Dennis, Jr.
Assistant Attorney General
Criminal Division

By:

Lawrence Lippe, Chief
General Litigation and
Legal Advice Section
Criminal Division

20 C

STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

MARIO M. CUOMO
GOVERNOR

January 3, 1989

Dear Mr. Cromley:

The Governor has asked me to respond to your recent letter to him requesting a meeting regarding the Nuclear Regulatory Commission.

I have forwarded your letter to Frank Murray, Deputy Secretary to the Governor for Energy and Environment, for appropriate action. Mr. Murray can be reached at 518-474-1288.

Thank you for taking the time to forward this information to the Governor.

With best regards,

Howard B. Glaser
Special Assistant to
the Governor

Mr. Stephen B. Comley
Executive Director
We The People of the United States
Box 277
Rowley, Massachusetts 01969

United States Senate

WASHINGTON, D.C. 20510

206

January 10, 1989

Mr. Stephen B. Comley
We The People, Inc. of the U.S.
Box 277
Rowley, Massachusetts 01969

Dear Mr. Comley:

Thank you very much for sending me information on the Nuclear Regulatory Commission's activities.

I value your thoughts and appreciate your taking the time to provide me with this information. This information will be helpful in my consideration of legislative proposals in this area.

Again, thank you for taking the time to contact me. Please feel free to send me any other materials you may wish to bring to my attention.

Sincerely,

Bill Bradley

Bill Bradley
United States Senator

BB/msz

THE WHITE HOUSE

WASHINGTON

January 18, 1989

20 C

Dear Mr. Comley:

Thank you for your letter of December 30, 1988, requesting an appointment with the President to discuss your concerns regarding the Nuclear Regulatory Commission's position on the safety of U.S. nuclear power plants.

Unfortunately, due to the many demands on the President's time before he leaves office, we are unable to schedule any additional appointments.

Again, thank you for your interest and concern.

Sincerely,

Fred Ryan

FREDERICK J. RYAN, JR.
Assistant to the President

Mr. Stephen B. Comley
Executive Director
We The People of the United States, Inc.
Box 277
Rowley, MA 01969

QUENTIN N. BURDICK, NORTH DAKOTA, CHAIRMAN

DANIEL PATRICK MOYNIHAN, NEW YORK
GEORGE J. MITCHELL, MAINE
MAX BAUCUS, MONTANA
FRANK R. LAUTENBERG, NEW JERSEY
JOHN B. BREAUX, LOUISIANA
BARBARA A. MIKULSKI, MARYLAND
HARRY M. REID, NEVADA
BOB GRAHAM, FLORIDA

ROBERT T. STAFFORD, VERMONT
JOHN H. CHAFEE, RHODE ISLAND
ALAN K. SIMPSON, WYOMING
STEVE SYMMS, IDAHO
DAVE DURENBERGER, MINNESOTA
JOHN W. WARNER, VIRGINIA
LARRY PRESSLER, SOUTH DAKOTA

PETER D. PROWITT, STAFF DIRECTOR
BAILEY GUARD, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6175

20c

January 31, 1989

The Honorable John Kerry
358 Russell Senate Office Building
United States Senate
Washington, D.C. 20510

Dear John:

Thank you for forwarding to me information provided by your constituents regarding the use of substandard or counterfeit materials by U.S. nuclear power plants. I apologize for the delay in responding to this material. The Committee on Environment and Public Works has been undergoing a reorganization, and it was unclear until last week that I would be continuing in my capacity as Chairman of the Nuclear Regulation Subcommittee.

As you know, counterfeit or substandard materials have shown up in a number of sensitive applications, including nuclear and defense applications. The Nuclear Regulatory Commission (NRC) has been working with the industry to identify the scope and severity of this problem, and has issued a number of bulletins regarding remedial actions when problems have been discovered. I have requested a variety of documents from the NRC in relation to this matter, and will be happy to forward to you those that you may find useful in responding to your constituents.

Please know that I have directed the staff to review this matter further, and will keep this issue in mind as we develop the agenda for the Subcommittee. If I may be of further assistance, please let me know.

Thanks!

Sincerely,

John

JOHN BREAUX
United States Senator

JB:pc

PUBLIC CITIZEN

Buyers Up ☐ Congress Watch ☐ Critical Mass ☐ Health Research Group ☐ Litigation Group

20 C

February 28, 1989

Stephen B. Comley
We the People
P.O. Box 277
Rowley, MA 01969

Dear Mr. Comley:

This letter is to confirm that Public Citizen joins you in calling for a Congressional investigation of the Nuclear Regulatory Commission's (NRC) failure to adequately address the use of counterfeit and substandard materials being used in U.S. nuclear power plants.

Although the issue of "bogus parts" affects many U.S. industries (including the airline industry and the military), a counterfeited and substandard valve or circuit breaker can have particularly severe repercussions in a nuclear power plant. Although Victor Stello, the NRC's Executive Director of Operations, has stated, "This is a very serious issue," the NRC has done little to address it. A series of NRC notices on the issue to nuclear power plant operators included few new requirements, and the NRC has since weakened some of those.

Currently, the NRC is publicly aware of bogus parts being used in a number of areas including circuit breakers, motor-operated valves, piping materials, and fasteners. Although the agency has issued notices on each of these issues, it has failed to address the over-arching problem -- intentional fraud on the part of materials suppliers and the lax attitude of nuclear plant operators in inspecting the parts they purchase and install.

The NRC is deferring its regulatory responsibility in this area to the nuclear industry itself, a strategy that has failed thus far. A Congressional investigation is necessary to uncover the extent of the bogus parts problem and NRC's unwillingness to correct it. Public Citizen joins you in calling for such an investigation.

Sincerely,

Kenneth Boley
Nuclear Safety Analyst
Critical Mass Energy Project
of Public Citizen

215 Pennsylvania Ave. SE ☐ Washington, DC 20003 ☐ (202) 546-4996

EDWARD M. KENNEDY
MASSACHUSETTS

United States Senate

WASHINGTON, DC 20510

200

May 18, 1989

The Honorable John Breaux
Chairman
Senate Subcommittee on Nuclear Regulation
458 Dirksen
Washington, DC 20510

Dear John:

In recent months, actions taken by the Nuclear Regulatory Commission relative to the licensing of the Seabrook Nuclear Power Plant and the restart of the Pilgrim Nuclear Power Station have generated considerable concern among residents of Massachusetts.

Certain constituent organizations, including "Citizens Urging Responsible Energy" and "We The People" have requested that Congressional investigations be undertaken to examine the activities of the NRC Region I Office in relation to the restart of the Pilgrim plant, and the use of counterfeit materials at a number of plants, including Seabrook.

We are forwarding background material prepared by these groups for your review. We would appreciate your evaluation and advice on desirable courses of action to take with regard to this disturbing information. If your Subcommittee would deem it appropriate to address these concerns, it would be deeply appreciated.

With best wishes,

Sincerely,

Edward M. Kennedy

John F. Kerry

Gerry E. Studds

EDWARD M. KENNEDY
MASSACHUSETTS

United States Senate

WASHINGTON, DC 20510

(20 C)

May 18, 1989

The Honorable Quentin N. Burdick
Chairman
Senate Committee on Environment and Public Works
458 Dirksen
Washington, DC 20510

Dear Quentin:

In recent months, actions taken by the Nuclear Regulatory Commission relative to the licensing of the Seabrook Nuclear Power Plant and the restart of the Pilgrim Nuclear Power Station have generated considerable concern among residents of Massachusetts.

Certain constituent organizations, including "Citizens Urging Responsible Energy" and "We The People" have requested that Congressional investigations be undertaken to examine the activities of the NRC Region I Office in relation to the restart of the Pilgrim plant, and the use of counterfeit materials at a number of plants, including Seabrook.

We are forwarding background material prepared by these groups for your review. We would appreciate your evaluation and advice on desirable courses of action to take with regard to this disturbing information. If your Committee would deem it appropriate to address these concerns, it would be deeply appreciated.

With best wishes,

Sincerely,

Edward M. Kennedy

John F. Kerry

Gerry E. Studds

EDWARD M. KENNEDY
MASSACHUSETTS

United States Senate

WASHINGTON, DC 20510

20 C

May 18, 1989

The Honorable John Glenn
Chairman
Senate Committee on Governmental Affairs
340 Dirksen
Washington, DC 20510

Dear John:

In recent months, actions taken by the Nuclear Regulatory Commission relative to the licensing of the Seabrook Nuclear Power Plant and the restart of the Pilgrim Nuclear Power Station have generated considerable concern among residents of Massachusetts.

Certain constituent organizations, including "Citizens Urging Responsible Energy" and "We The People" have requested that Congressional investigations be undertaken to examine the activities of the NRC Region I Office in relation to the restart of the Pilgrim plant, and the use of counterfeit materials at a number of plants, including Seabrook.

We are forwarding background material prepared by these groups for your review. We would appreciate your evaluation and advice on desirable courses of action to take with regard to this disturbing information. If your Committee would deem it appropriate to address these concerns, it would be deeply appreciated.

We also want to commend you and the Committee for the ongoing examination of the NRC's actions taken in regard to Mr. Roger A. Fortuna, the former Deputy Director of the NRC's Office of Investigations. Perhaps, within the scope of the Committee's current investigation, consideration might be given to some of the allegations raised in the enclosed material.

With best wishes,

Sincerely,

Edward M. Kennedy

John F. Kerry

Gerry E. Studds

20 C

EDWARD M. KENNEDY
MASSACHUSETTS

United States Senate

WASHINGTON, D.C. 20510

May 23, 1989

Mr. Stephen B. Comley
Executive Director
We The People of the
United States, Inc.
Box 277
Rowley, Massachusetts 01969

Dear Mr. Comley,

In response to your request for a Congressional investigation into the possible use of counterfeit materials at nuclear power plants, Senator Kennedy, Senator Kerry and Congressman Studds sent the enclosed letters to the appropriate members of the Senate who chair Committees or Subcommittees with jurisdiction over this matter.

Our office will provide you with copies of the responses from Senator Glenn, Senator Burdick and Senator Breaux once they have been received and reviewed by Senator Kennedy.

Again, thank you for your continuing interest in the important issues relating to nuclear power plants.

Sincerely,

Kathleen R. Anderson
Mass. Legislative Director

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

OFFICE OF THE
SECRETARY

April 4, 1990

ENC. #21a

Mr. Stephen Comley
We The People, Inc.
Box 277
Rowley, Massachusetts 01969

Dear Mr. Comley:

This is to confirm that the material you gave me at the Nuclear Regulatory Commission's March 1, 1990, meeting on Seabrook was handled as follows:

- a copy of all materials, including a xerox copy of the photo, was given to the Office of the Chairman and to the Offices of each Commissioner, the Office of the General Counsel, the Office of the Executive Director for Operations, and to the Office of Public Affairs.

- a copy of all materials, including a xerox copy of the photo, was placed in the Secretary's official correspondence file for Seabrook and placed in the Public Document Room.

- a copy of all materials, including the original of the photo, was sent to the NRC Inspector General for appropriate action. The Inspector General was advised of your claim that the photo was a picture taken of you in October 1987 giving former President Reagan a letter which indicated that there was a problem with substandard parts in the nuclear industry.

If you have further questions regarding any followup investigation, you should refer them to the Office of the Inspector General (301-492-9093).

Sincerely,

John C. Hoyle
Assistant Secretary

We The People, Inc.
of the United States
Stop Chernobyl Here

21b

September 14, 1990

Mr. David Williams
Office of the Inspector General
Nuclear Regulatory Commission
Washington D.C. 20555

Dear Mr. Williams,

On October 26, 1987, during a luncheon held in Washington, D.C. by the Republican Inner Circle of which I am a member, I handed President Ronald Reagan a package of information about counterfeit, substandard materials built into U.S. nuclear power plants. At the time this information was known to the U.S. Nuclear Regulatory Commission, but was being kept secret.

Although the President denied the exchange took place, a photograph of me handing the information to the President shows that it did.

We gave a copy of these photographs as well as some documents to members of your staff during our meeting of August 10, 1990. I am asking you to investigate why the President denied receiving this information. I would also like you to investigate why the NRC tried to keep the information about counterfeit substandard materials "a public secret" instead of taking immediate action to protect the people who live near the affected nuclear power plants. It is my belief that the only reason the NRC finally admitted the serious safety problem exists is because We The People made a major effort to publicize the situation, (see New York Times article March 18, 1988 enclosed), forcing the NRC to finally alert owners of nuclear power plants which contain the counterfeit, substandard materials.

Please let me know as soon as possible what action you intend to take in this matter and if I can help in any way with this investigation.

Sincerely,

Stephen B. Comley

Stephen B. Comley
Executive Director

SBC/mk

A non profit, tax exempt organization
Main Office: Box 277, Rowley, MA 01969, (508) 948-7959
50 Court St., Plymouth, MA 02361, (508) 746-9300
National Press Bldg., 14 & F. Sts., N.W., Washington D.C. 20045, (202) 628-6611
Offices 5 & 6, 3 Pleasant St., Concord, NH 03301, (603) 228-9484
Bayberry Village, Route 9, Kennebunk, ME 04043, (207) 967-5111

We The People, Inc.
of the United States
Stop Chernobyl Here

2/b

September 14, 1990

Mr. David Williams
Office of the Inspector General
Nuclear Regulatory Commission
Washington D.C. 20555

Dear Mr. Williams,

On October 26, 1987, during a luncheon held in Washington, D.C. by the Republican Inner Circle of which I am a member, I handed President Ronald Reagan a package of information about counterfeit, substandard materials built into U.S. nuclear power plants. At the time this information was known to the U.S. Nuclear Regulatory Commission, but was being kept secret.

Although the President denied the exchange took place, a photograph of me handing the information to the President shows that it did.

We gave a copy of these photographs as well as some documents to members of your staff during our meeting of August 10, 1990. I am asking you to investigate why the President denied receiving this information. I would also like you to investigate why the NRC tried to keep the information about counterfeit substandard materials "a public secret" instead of taking immediate action to protect the people who live near the affected nuclear power plants. It is my belief that the only reason the NRC finally admitted the serious safety problem exists is because We The People made a major effort to publicize the situation, (see New York Times article March 18, 1988 enclosed), forcing the NRC to finally alert owners of nuclear power plants which contain the counterfeit, substandard materials.

Please let me know as soon as possible what action you intend to take in this matter and if I can help in any way with this investigation.

Sincerely,

Stephen B. Comley

Stephen B. Comley
Executive Director

SBC/mk

A non-profit, tax exempt organization
Main Office: Box 277, Rowley, MA 01969, (508) 948-7959
50 Court St., Plymouth, MA 02361, (508) 746-9300
National Press Bldg., 14 & F. Sts., N.W., Washington D.C. 20045, (202) 628-6611
Offices 5 & 6, 3 Pleasant St., Concord, NH 03301, (603) 228-9484
Barbers Village, Route 9, Kennebunk, ME 04043, (207) 967-5111

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

2/c

May 31, 1991

OFFICE OF THE
INSPECTOR GENERAL

Mr. Stephen B. Comley
Mansion Drive
Rowley, MA 01960

Dear Mr. Comley:

This correspondence is provided in response to your request of Special Agent Kent E. Walker concerning the status of an allegation you forwarded to the Inspector General concerning former President Ronald Reagan. You alleged that in October 1987 you provided President Reagan with information regarding the use of counterfeit and substandard parts throughout the nuclear industry and that the former President subsequently refused to acknowledge receipt of that information. Your concerns were provided to the Federal Bureau of Investigation, Silver Spring, MD, on December 13, 1990.

Sincerely,

Leo J. Norton

Leo J. Norton, Assistant Inspector
General for Investigations

Portsmouth Herald 21a

PORTSMOUTH, N.H., THURSDAY EVENING, MAY 10, 1990 72 PAGES—7 SECTIONS 30¢ Single Copy

luclear woes don't surprise activist

CHRISTOPHER COMFORT
Herald Staff Writer

'ORTSMOUTH — An-
nuclear activist Stephen
nley says he's not surprised

Nuclear Regulatory Com-
ssion decided to withdraw a
000 fine against a Florida
clear power plant for using
standard materials after the
mmission labeled the situation
industry-wide problem."

ast week, the NRC sent a
ter to officials at Florida
wer Company's Crystal River
clear plant saying a $50,000
il penalty against the com-
y for failure to assure com-
nents installed in safety-
ated systems of the plant's
ctor would be withdrawn.

n May 2, the NRC announced
fine against the Florida plant
s being withdrawn "because
NRC staff has determined
the commission has agreed
t escalated enforcement ac-
n on individual cases is not the
propriate response for what
pears to be an industry-wide
problem."

The so-called "industry-wide problem," according to Mr. Comley, is the result of private vendors selling components for nuclear reactors which do not meet minimum standards set by the NRC.

Mr. Comley asserts that the use of inadequate components in safety-related systems can be found in at least 59 nuclear plant reactors across the country, including the Seabrook Station.

He said he's been working to bring this fact to the attention of Washington officials for over two years.

The anti-nuclear activist and owner of the Rowley, Mass., organization We The People personally gave information regarding faulty materials to former President Reagan over two years ago - but White House officials denied the exchange ever took place.

Photographs of the brief encounter with Mr. Reagan make it difficult to refute Mr. Comley's claim.

The exchange with former President Reagan occurred during a Republican fundraiser in October 1987. In August of 1988, the NRC wrote Mr. Comley saying they were first alerted to the faulty materials situation in January of that year.

Mr. Comley says the NRC knew about the situation before January 1988.

"I've continued to give people in Washington this information including the Inspector General," the Republican activist said referring to documents on "conterfeit" materials at Seabrook and dozens of other plants.

"I gave Reagan the information in October of 1987 but, you know, people said he probably didn't read it," he said.

Mr. Comley said he also gave NRC Assistant Chairman John Hoyle similar information during the commission's meeting on March 1, 1990 to approve a full-power license to the Seabrook plant.

Mr. Hoyle, in a letter to Mr. Comley dated April 4, 1990, said he forwarded the information to the NRC's Assistant Inspector General Leo J. Norton along with a photograph of the Reagan exchange Mr. Comley gave him.

"We currently have an investigation on several topics Mr. Comley and others have raised and at Seabrook it would be on reports of different welding problems at the plant," Mr. Norton said.

He would not, however, comment directly on the status of the investigation but said "If we can see a need for looking beyond Seabrook, we will."

Mr. Norton said if there are technical concerns at a nuclear plant regarding health or safety it would be the NRC's responsibility to determine what course to take.

Mr. Comley said Mr. Norton had once told him the matter of inadequate components in nuclear plants may be an investigation for U.S. Attorney General Richard L. Thornburgh.

"Of course Mr. Thornburgh was the governor of Pennsylvania during the Three-Mile Island coverup," Mr. Comley said.

We the People photo

IN PERSON - Anti-nuclear activist Stephen Comley, lower left, passes information on inadequate nuclear reactor safety components to former President Ronald Reagan during a Republican fundraiser on Oct. 26, 1987.

Seabrook ordered own shutdown

PORTSMOUTH — In a Page 1 story Monday, May 7, concerning the request to Gov. Judd Gregg from six Democratic state senators seeking a probe of mechanical and operational problems at Seabrook Station, it is stated the latest shutdown was ordered by the Nuclear Regulatory Commission after turbine vibrations exceeded allowed limits as the reactor reached 8 percent capacity.

Ron Sher, a New Hampshire Yankee spokesman, said Tuesday that was incorrect.

The Nuclear Regulatory Commission did not order the Seabrook Station shutdown Saturday, April 28, he said. Seabrook Station engineers and senior management made the decision to delay testing for four to six weeks in order to make modifications to the plant's turbine.

He further said turbine vibrations did not exceed allowable limits but that Seabrook Station engineers determined that electrical feedback forces from the New England electric power grid could cause a specific section of the turbine to vibrate beyond specifications if the plant were reconnected to the New England electrical grid.

The senators, including Sen. Elaine Krasker of Portsmouth, said in the letter questions of mechanical integrity and operational management need to be answered and an independent investigation by an organization such as the congressional General Accounting Office or the state attorney general's office would tell what remedial steps need to be taken.

The senators said they are concerned with the future health and prosperity of the people and are not acting as a partisan organization in the debate over nuclear power.

New Hampshire Yankee said in a news release the modification to the turbine will involve installing four new solid-metal rotors to replace four existing tubular-metal rods between some of the turbine blades in one section of the turbine, and welding the solid-metal rods to the turbine blades.

Because of the length of time required to make the modification to the turbine, senior management decided to shut down the plant's nuclear reactor last Saturday.

IN THE EYES OF THE AMERICAN PEOPLE, EVERY DAY THAT FORMER PRESIDENT REAGAN IGNORED MY CONCERNS, HE JEOPARDIZED NOT ONLY THE AMERICAN PEOPLE'S LIVES BUT GIVEN CHERNOBYL, THE REST OF THE WORLD. I THINK THAT HE HAS A LOT OF EXPLAINING TO DO. THERE WILL BE NO OLLIE NORTH'S IN THIS ONE. IT'S GOING TO MAKE WATERGATE LOOK LIKE A JACK AND JILL STORY. AS IN THE PRESENT AND PAST ADMINISTRATION, THE ATTITUDE HAS BEEN WHAT THE PEOPLE DON'T KNOW WON'T HURT THEM WHEN IN FACT WHAT THE PEOPLE AREN'T AWARE OF WILL LIKELY KILL THEM. IT'S TIME MR. BUSH CHANGED POLICY BY LISTENING TO HIS BOSS, THE AMERICAN PEOPLE INSTEAD OF CONTINUING TO ALLOW THE NRC TO PLEDGE ALLEGIANCE TO THE NUCLEAR INDUSTRY'S PROFITS. SOME PEOPLE WILL CONTINUE TO TRY TO STIFLE WE THE PEOPLE, INC. EFFORTS BUT I DIDN'T SPEND $300,000 AND 60 WEEKS IN WASHINGTON IN THE PAST FOUR YEARS TO EXPOSE PART OF THE TRUTH. (STELLO'S WITHDRAWAL-HE'S JUST A SMALL UNDERBELLY OF WHAT'S REALLY GOING ON-THE AMERICAN PEOPLE HAVE A RIGHT TO KNOW THE TRUTH NO MATTER HOW UGLY IT IS.) THE FINES, $273,500 AS OF 5/11/90, THE COURT'S THREAT OF IMPRISONMENT, INTIMIDATION BY THE NRC AS WELL AS SOME POLITICIANS, WILL NOT DETER MY COMMITMENT. WE THE PEOPLE HAS THE BALL NOW AND, IF WE DON'T FUMBLE IT, OUR KIDS MAY HAVE A CHANCE AT THEIR FUTURE. (I THINK IT'S GOING TO BE A LONG, HOT SUMMER FOR MR. BUSH IN KENNEBUNKPORT. HOPE HE DOESN'T GET OUR OFFICE). THIS IS A [illegible] S. Comley

21D

Wellsville Daily Reporter Page

The Daily Reporter, Monday, March 5, 1990

ELLSVILLE
EPORTER
- MARYLAND

Seabrook licensing not without moving protests

Editor's note: Reporter correspondent Gudren Scott attended the recent hearing at the Nuclear Regulatory Commission in Washington D.C., Thursday at which the Seabrook Nuclear Reactor received its license.

By GUDRUN SCOTT
Reporter correspondent

MARYLAND — The Seabrook nuclear power reactor received its full-power licence Thursday at the headquarters of the Nuclear Regulatory Commission in Rockland, Md.

For 20 years New England citizens have been protesting the building of this reactor at a seaside beach inhabited by up to 100,000 who cannot escape except by a two-lane road.

The rules for emergency exit plans were lately changed to exclude locals and have been developed instead by FEMA government officials. A handful of protesters traveled from New Hampshire to Washington for this hearing.

One official who entered the plush conference room said "There are some folksingers outside but I think the people in here outnumber them."

Security was nerve-rackingly tight. The room was peppered with police despite a metal detector walk through for everyone.

Eight overhead TV monitors displayed a computerized message to the audience that said: "Commission meetings are open for the public to observe. Members of the public are not allowed to participate by the commission pursuant to regulation promulgated by the general services administration for conduct in buildings 41 CFR 101.305.

Disorderly conduct or other conduct including display of signs and posters which creates loud or unusual noise or a nuisance impedes or disrupts the performance of official duties by the commission or its staff are not permitted..."

However, as soon as the commissioners commenced the meeting, one person in the front row stood up and announced that "the public has a right to speak, you are here to perpetrate a great evil... trampling on Democracy... decisions cannot be done in secrecy." A couple of police officers led the man out.

Next, another man in the front row held up a piece of paper in each hand for the commissioner's benefit — the audience could not read it.

I was scared and distracted and wondered what the police would do with this guy. However, nobody stopped him. It turned out he was Steve Comley, owner of a family nursing home (complete with greenhouse and birdhouses for the patients) near Seabrook, well known to the commissioners. He heads an organization called "WE the People" and nurses from his nursing home will answer any inquiring phonecaller about his organization.

Comely told me afterwards he was holding up a copy of the Constitution and a photo of himself and President Reagan. In the photo, he was handing the president an envelope containing evidence of many inferior, improper parts installed in 59 reactors. NRC has stated that they knew about these defective parts.

The meeting itself consisted of some nervous older men reading from some prepared papers a quick preamble about the full power license and then had a quick vote. They did however add that the licence would not go into effect until March 9, 1990.

Massachusetts Attorney General James Shannon is expected to appeal the NRC decision according to Scott Denman, director of the Safe Energy Communication Council.

After the commissioners were finished, a strange high pitched bone-chilling whistle or bath[illegible] sound was heard from somewhere within the audience.

In a few minutes everyone was outside in the bright sunshine and the person who had been escorted out by police was among them.

He was Roy Morrison of Warner, N.H., spokesperson for Clamshell Alliance.

Morrison had not received a fine or imprisonment for speaking out this time. He was told he could not re-enter the building.

He said he had spent 15 days in jail once; "You have to stand up to defend your family and your land," he said.

In recent months there have been over 70 arrests of Clamshell members who refused to leave New Hamshire Gov. Gregg's State House office after demanding state action to oppose unworkable nuclear evacuation plans.

Clamshell members expect prompt action by the courts to reverse the NRC vote and there is a congressional investigation now underway by Rep. Peter Kostmayer (D-Pa.) to get at the bottom of what is called "the Seabrook licensing scandal".

Ipswich Chronicle

116, No. 4 2 sections, 80 Pages Thursday, January 19, 1989 A North Shore Weeklies publication 50¢

210

Comley seeks federal investigation of the NRC

By Michael Freeman

Stephen B. Comley, an anti-nuclear activist and executive director of We The People, Inc., is calling for a congressional investigation into the Nuclear Regulatory Commission (NRC).

Comley, who is the director of the Sea View Convalescent and Nursing Home, sent out letters in December to every U.S. senator, congressman, governor and the White House staff requesting that they endorse the congressional investigation.

In his letter, Comley stated that the NRC has failed "to protect the public health and safety as is its Congressional mandate. The agency does not enforce its own standards and regulations for safe nuclear plant construction and operation, nor does it ensure all residents near nuclear plants can be properly evacuated in the face of a nuclear accident."

However, Comley's target is not just the NRC, but also the Seabrook nuclear power plant in New Hampshire.

"We have a serious situation on our hands," Comley said last week. "I think the Reagan Administration should turn its attention to their own backyard and to what's endangering our children's lives. We could have another Chernobyl on our hands," Comley said, referring to the nuclear reactor in the Soviet Union.

The goal of We The People is "to shut them (nuclear reactors) all down. We need to have safe energy," Comley said. "We can't keep endorsing unsafe energy systems."

Reactions from Cuomo, Helms

So far, Comley has received a response from only a few politicians. The only governor to contact him was New York Gov. Mario Cuomo. Comley has also been notified by the office of U.S. Sen. Jesse Helms (R-North Carolina).

The letter from Cuomo's office was signed by Howard B. Glaser, special assistant to the governor, who stated that Comley's letter had been forwarded to Frank Murray, deputy secretary to the governor for energy and the environment.

The letter from Helms' office, signed by the senator himself, stated that "I am genuinely grateful to you for taking the time to write. Your thoughtfulness in sending the helpful material you enclosed is also appreciated. Please be assured I will give this careful consideration."

However, it was unclear from the letter whether Helms favored or opposed the investigation. Barbara Lukens, administrative assistant to Helms, said the office had no comment on the matter. "We communicate with our constituents and not with the press," Lukens said.

Comley also said he had been contacted by the office of Sen. John Kerry (D-Massachusetts). "They have expressed support for a congressional investigation" into the NRC, Comley said.

Larry Carpman, press secretary for Kerry, said the senator "has stated in the past that he would look into the possibility of investigating the decision-making process and the structure of the NRC."

"We have asked the other senators to comment," Carpman said. "We are waiting for their response."

We The People
of the United States, Inc.
Stop Chernobyl Here

210

IMMEDIATE PRESS RELEASE

DATE: THURSDAY, OCTOBER 12, 1989
TIME: 9:30 A.M.
LOCATION: 1324 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C.
PRESS CONTACT: STEPHEN B. COMLEY, EXECUTIVE DIRECTOR
WE THE PEOPLE, INC. OF THE UNITED STATES
508-948-7959 OR 2553

On Thursday, October 12, 1989, Stephen B. Comley, Executive Director of We The People, Inc. an anti-nuclear, fact-finding organization will attend the Oversight Hearing by Congressman Kostmayer on the Actions of NRC Officials in the Agency's Office of Inspector and Auditor (OIA) in its Investigation of Mr. Roger Fortuna, Deputy Director of NRC's Office of Investigations (OI).

Congressman Kostmayer has called on Mr. Roger Fortuna, Deputy Director of the Office of Investigations, NRC; Ms. Sharon Connelly, former Director, Office of Inspector and Auditor, NRC; Mr. Victor Stello, Appointee Assistant Secretary of Defense Programs, Department of Energy, Executive Director for Operations, NRC; Judge Alan Rosenthal, former Administrative Law Judge of the NRC as well as others to testify and answer questions.

Comley recently sent letters to Congressman Kostmayer (see enclosed copy) as well as to Congressman Sharp and Secretary of Energy James Watkins in which he outlines his reasons of opposition to the appointment of Victor Stello.

We The People, Inc. headed by Comley, forced Victor Stello to finally admit in May, 1988 that there are tens of thousands of counterfeit substandard components in 59 U. S. nuclear plants in the United States including Seabrook. This was noted again recently in New York Times article 8/4/89 (copy enclosed). Comley also asked publicly for the resignation of Victor Stello in February, 1987 at which time Stello confronted Comley and they exchanged heated words. The NRC contends in their letter to Comley dated August 15, 1988 that they first learned of this troubling information on January 17, 1988. Comley contends this was a lie. They actually knew about this earlier as Comley gave this information to President Reagan on October 26, 1987.

Stello has been involved in a six-month Congressional investigation of slush fund he used to pay former nuclear worker Doug Ellison for incriminating evidence against an NRC inspector. Ellison was paid $6,000.00 in cash by Stello's staff for testimony which implied that NRC Inspector Roger Fortuna suppressed evidence of problems at a nuclear plant.

OVER

Box 277, Rowley, MA 01969, (508) 948-7959
50 Court St., Plymouth, MA 02361, (508) 746-9300

A non-profit, tax exempt organization

Panel Sees Animosity Behind Inquiry on Nuclear Body

By MATTHEW L. WALD

A Senate committee said yesterday that an internal investigation at the Nuclear Regulatory Commission of charges of misconduct by a high-ranking official appeared motivated as much by "personal and professional animosity" as by any legitimate need.

The investigation involved a payment of $6,000 in cash to an informer, surreptitiously recorded tapes of telephone conversations and commission officials lying to each other, said a report issued by the Senate Government Affairs Committee.

The investigation has aroused interest because it was approved by the commission's top staff official, Victor Stello Jr., whom President Bush recently nominated to be head of production at the nation's troubled nuclear weapons complex. Mr. Stello has not been confirmed by the Senate, but he started the job on an acting basis last week.

'Lack of Good Judgment'

Senator John Glenn, an Ohio Democrat who is chairman of the committee, said the investigation showed "an unseemly lack of good judgment" by high-level staff members at the commission, which oversees civilian nuclear plants.

The investigation under scrutiny was pursued by Sharon R. Connelly, then head of the commission's Office of Inspector and Auditor, against Roger Fortuna, then deputy director of the Office of Investigation.

Two years ago, Mr. Fortuna testified against Mrs. Connelly when she was accused of trying to shield her deputy from charges of sexual harassment.

Late last year Mrs. Connelly, whose office handles the commission's internal investigations, received a complaint about Mr. Fortuna from a former technician at the Nine Mile Point 2 reactor, near Oswego, N.Y.

The former technician, Douglas Ellison, said Mr. Fortuna, whose office is responsible for looking into reactor safety problems, had not adequately handled safety complaints Mr. Ellison had expressed.

> The committee said the investigation wasted money.

Among the panel's findings is that in seeking information derogatory to Mr. Fortuna, Mrs. Connelly asked the agency's top lawyer if she could hire an informant as a "consultant" and pay him for information and tapes of telephone conversations. The lawyer told her that she probably could not unless public health and safety was involved.

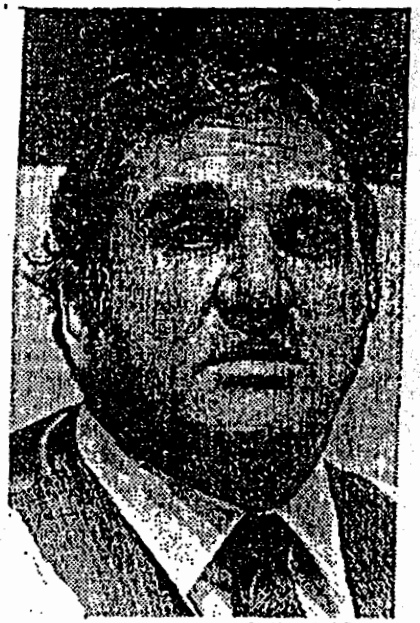
Informant's Allegations Limited

Senate investigators later questioned the lawyer, William Parler, the commission's general counsel, and he said that in hindsight he should have urged the commission to subpoena the tapes rather than pay for them, the report said.

The report does not center on Mr. Stello, but it says that he ruled that the informant might have information on reactor safety. The safety allegations the informant provided were so limited, the Senate report said, that "the case could equally be made that this safety rationale mere provided a convenient cover to do something that the N.R.C. general counsel had otherwise indicated could not be done — putting someone on the payroll to provide information pertaining to an internal affairs investigation."

A spokesman for the commission, Joseph Fouchard, said that his agency had received the study yesterday and was studying it.

A judge chosen by the commission to investigate has concluded that Mr. Fortuna had acted appropriately in his investigation of the allegations made by the technician, Mr. Fouchard said.



The New York Times

Victor Stello Jr. as the top-ranking staff official at the Nuclear Regulatory Commission approved a $6,000 cash payment for an informer in an internal commission investigation.

But the judge is still investigating whether Mr. Fortuna improperly disclosed derogatory information about the informer to an anti-nuclear advocate or received information from the activist that he should have passed on to others at the Nuclear Regulatory Commission.

The activist, Stephen B. Comley, has been subpoenaed and ordered to turn over tapes he might have of conversations between himself and Mr. Fortuna. Mr. Comley of Rowley, Mass., who heads a group, We the People, has refused to testify or provide tapes and asserted that he receives confidential information from nuclear plant workers and cannot do anything that would damage their confidence in him.

Recently Mr. Comley was fined $200 a day by a Federal judge in Boston, and the fines could increase to $1,000 if he does not comply. We the People was instrumental in bringing to light last year the presence of counterfeit parts in nuclear plants around the country.

According to the Senate report, the information that Mr. Fortuna might have disclosed improperly to Mr. Comley was that the former technician had pleaded guilty to attempted sexual abuse of a 13-year-old girl. It is not clear what information Mr. Comley might have given Mr. Fortuna.

In the disputed investigation, Mr. Ellison, the informant, was paid $6,000 and put up in a hotel near Washington for two weeks while Mrs. Connelly and two other staff members met with him. Mrs. Connelly gave him a code name and arranged her vacation for the time he was there, the report said.

The commission has asserted that Mrs. Connelly wanted to pay him rather than subpoena the tapes because Mr. Ellison had threatened to destroy the tapes. But the Senate report said that there was no evidence for that and that "to the contrary, he was threatening to 'go public.'"

The Senate committee concluded that the investigation was unfair to Mr. Fortuna, violated established principles of internal investigations and should not have so heavily involved top management. The investigation, the committee said, "represented a waste of government funds;" the investigation was "incompetently conducted, punctuated by management intervention and other problems."

"In sum, we found very little reason for the course of conduct of this investigation," the committee said.

Mr. Fouchard said that the commission could not comment further because the matter is still under internal investigation.

THE PARTS ISSUE A COVERUP AND P REAGAN WAS INV THERE WILL BE N OLLIE NORTHS IN THIS ONE.

2/D

THIS MUST HA BEEN QUITE WEEK.

I NEVER SAID I WOULD NOT TESTIFY AND THEY WON'T HAVE TO PAY ME, EITHER. I DO NOT LIE.

The New York Times

210

yright © 1989 The New York Times NEW YORK, FRIDAY, OCTOBER 13, 1989 50 cents beyond 75 miles from New

-PLANT NOMINEE ADMITS MISTAKES

x-Official on Nuclear Panel Says He Delayed Inquiry Into Safety Allegations

By MATTHEW L. WALD
Special to The New York Times

WASHINGTON, Oct. 12 — The for-er chief of staff of the Nuclear Regu-tory Commission acknowledged to-y that he had kept secret for seven onths allegations of drug use and fety problems at a nuclear plant in state New York, even though he be-ved they were probably true.

The former official, Victor Stello Jr., President Bush's nominee to take arge of the Energy Department's oubled nuclear weapons complex. He ld a Congressional subcommittee to-y that a technician at the plant who ade the allegations also provided in-rmation that could implicate another ficial at the Nuclear Regulatory ommission, Roger Fortuna.

Mr. Stello said he deferred the in-iry into the safety questions because at would have alerted Mr. Fortuna nd he wanted the investigation of Mr. ortuna to proceed in secret.

But the investigation was not secret, ecause investigators tipped their ands when they sought to question Mr. ortuna on the allegations only weeks fter the technician made them, ac-ording to testimony today by other ommission officials.

Questions on Stello's Judgment

Mr. Stello agreed with a comment by e chairman of a House Interior sub-ommittee, Representative Peter H. ostmayer of Pennsylvania, who said was a "stupid oversight" not to ask r a prompt investigation of the alle-ations, which concerned the Nine Mile oint I nuclear plant in Oswego, N.Y.

Witnesses repeatedly cast doubt on r. Stello's judgment in approving the vestigation of Mr. Fortuna, which as an unprecedented procedure for e Nuclear Regulatory Commission at involved a $6,000 cash payment to e technician, secret meetings in hotel oms and apparent violations of the ommission's handbook on respecting e rights of targets of investigatons.

Mr. Kostmayer and others said the eason for the investigation of Mr. Fortuna was a longstanding feud between r Fortuna and a protegé of Mr. Stello's, Sharon Connelly. Several years earlier, Mr. Fortuna had exposed an improper attempt by Mrs. Connelly to shield one of her subordinates from a charge of sexual harassment.

The hearing today is not formally related to the confirmation process for Mr. Stello, but members of the subcommittee staff said they hoped it would play a role.

Testimony About a Tape

Among the other highlights today was extended discussion of a tape, which the commission received from the informer in exchange for the $6,000 and which did not appear to implicate Mr. Fortuna after all. A judge hired by the commission to investigate Mr. Fortuna said in testimony that the tape appeared to have been edited.

Despite a spirited exchange between Mr. Kostmayer and Mrs. Connelly, who also appeared as a witness, it was never made clear exacly what Mr. Fortuna was being accused of.

Mrs. Connelly, whose job is to investigate wrongdoing by commission employees, said one focus of the inquiry was Mr. Fortuna's relationship with an anti-nuclear activist in Massachusetts, Stephen B. Comley. The tape in question is of a telephone conversation between the two.

Mr. Fortuna was deputy director of the Office of Investigations, which looks into allegations of wrongdoing at nuclear plants. He has been on leave for seven months and is now assigned to a job in the agency's Freedom of Information Office. Mr. Fortuna said today that he has spent $60,000 on legal and other expenses, most of it borrowed from his parents.

Mr. Kostmayer said the interim report by the judge found that Mr. Fortuna had used rough language in the conversation and appeared improperly to give advice to Mr. Comley, who was planning to present evidence to the Justice Department about falsification of papers in the construction of the Seabrook nuclear plant in New Hampshire.

Mr. Fortuna, who is a former assistant district attorney and prosecutor, said in an interview that Mr. Comley had provided important safety information and that he was cultivating the man as a source.

Also testifying was Ben B. Hayes, the director of the Office of Investigations, who said, "In my 27 years of Government service, I have never seen an investigation as perverted." He praised Mr. Fortuna.

The hearing today follows a report by the Senate Governmental Affairs Committee that also cast doubt on Mr. Stello's judgment. The chairman of that committee, John Glenn, Democrat of Ohio, has not taken a public position on the Stello nomination, although he sits on the Senate Armed Services subcommittee that will take up the matter first.

The New York Times/Andrew

Victor Stello Jr., right, former chief of staff of the Nuclear Regulatory Commission, said he had kept secret for seven months allegations of drug use and safety problems in a New York State nuclear p He waited to testify at hearing with Dennis Darr general counsel of the commission.

NYT - NATIONAL Page A17

*

21 D

Nuclear Agency Aide Gave False Report, Inquiry Finds

By MATTHEW L. WALD

The former chief of staff at the Nuclear Regulatory Commission gave false and contradictory information to Congress, says the commission's inspector general, who has sent a report on the case to the Justice Department for possible criminal prosecution.

The report said the former chief, Victor Stello Jr., also improperly delayed an investigation of unsafe conditions at a nuclear reactor in upstate New York.

The inspector general's report is the latest twist in a complicated tale of intrigue at the agency, which oversees the safety of civilian nuclear reactors.

The affair has already cost Mr. Stello another job; he was nominated last year by President Bush to be in charge of the nuclear bomb complex as Assistant Secretary of Energy for defense programs. But Mr. Stello withdrew his name from consideration in April, saying in a letter to the White House that the controversy over his tenure in his previous job made confirmation impossible.

'Doing an Outstanding Job'

Mr. Stello now supervises preparations to reopen several nuclear weapons plants that have been shut for safety reasons. The Department of Energy said in a statement yesterday that he is "doing an outstanding job," and that the inspector general's report raised no new issues. The department said, "This report will finally bring these issues to a close."

NOT YET

The latest twist in a tale of intrigue involving an unsafe reactor.

At the center of the conflict at the commission is whether high officials there, with the approval or involvement of Mr. Stello, tried to oust an independent safety investigator, Roger Fortuna.

When a former instrument technician at the Nine Mile Point nuclear complex in Oswego, N.Y., told the commission that he had information about safety problems at the reactors and tapes of telephone conversations that demonstrated wrongdoing by Mr. Fortuna, officials flew the technician to Washington and paid him $6,000 in cash for the tapes, even though the commission had the power to subpoena the tapes.

Eventually, many of the charges were substantiated and Niagara Mohawk Power Corporation, which owns the reactors, paid a fine of $50,000. Mr. Fortuna was suspended from his job and then transferred to less important work for several months. After subsequent investigations, he was reinstated.

'No Apparent Reason' for Delay

In the report obtained yesterday, the inspector general, David C. Williams, concluded that the $6,000 payment was justified. But he found that "there was no apparent reason" for a delay in investigating the allegations, which involved falsification of tests, and drug and alcohol use.

Mr. Stello had maintained that the primary reason for paying the informer for the tapes was concern for health and safety, but, Mr. Williams's report said Mr. Stello had delayed sending the allegations for investigation. Mr. Stello had asserted in testimony to Congress that he delayed because he did not want tip off Mr. Fortuna that the commission had communicated with the informer, but the report obtained yesterday said that "this argument is not credible." The delay continued even after Mr. Fortuna had been told about the informer, the inspector general noted.

Mr. Williams called the investigation "untimely, disjointed and incomplete."

Officials of Sharon R. Connelly's office, which conducted the investigation, "failed to advise individuals of their rights," said the report, adding, "this failure violates all principles of fairness in conducting investigations."

In a cover letter, Mr. Williams said that information in the report had been referred to the Justice Department "as a basis for possible criminal prosecution." The report said that some allegations, if true, would constitute perjury.

In addition to Mr. Stello, the report contains evidence of possible wrongdoing by two investigators in Mrs. Connelly's office.

'Dallas, With Radiation'

Woven into the investigation is a story of conflicts that one Congressman likened to a soap opera at a hearing last October. " 'Dallas,' with radiation" is how the case was described by Representative Peter H. Kostmayer, a Pennsylvania Democrat who is chairman of a subcommittee of the House Interior Committee.

Mr. Stello had a public confrontation with Mr. Fortuna's superior, and was hostile to the independent investigator's office, according to testimony before Congress last year. The conflict apparently stemmed from Mr. Fortuna's efforts to lay the groundwork for criminal prosecution of utilities that violated nuclear safety laws. Mr. Stello sought to bypass prosecution in favor of correcting physical problems, and keeping reactors running.

The investigation of the Mr. Fortuna and the New York nuclear plant was approved by Mrs. Connelly, a Commission official in charge of finding wrongdoing in the agency. Mr. Fortuna's division investigates wrongdoing by holders of licenses issued by the commission. Mr. Fortuna said he had apparently earned her wrath by testifying against her some years earlier, when Mrs. Connelly was accused of trying to shield her deputy from charges that the deputy had engaged in sexual harrassment.

A spokesman for the Office of Defense Programs at the Department of Energy, where Mr. Stello now works, said yesterday that Mr. Stello was traveling and would have no comment.

Mrs. Connelly said that she could not comment, because to do so would violate Mr. Fortuna's privacy.

The New York Times

Victor Stello Jr., the former chief of staff at the Nuclear Regulatory Commission, gave false and contradictory information to Congress, the commission's inspector general has found.

THIS INVOLVED THE COUNTERFEIT SUBSTANDARD PARTS THAT EXIST IN 59 PLANTS IN THE U.S. INCLUDING SEABROOK, WHICH OUR GROUP, WE THE PEOPLE BROUGHT TO LIGHT. SEE ATTACHED 9-4-89 NEW YORK TIMES ARTICLE.

STATE POLICE SAID WE WERE ON THEIR TURF NOT THE BASE'S PROPERTY. NOBODY EVER REFUSED TO LEAVE. IT IS OBVIOUS THEY WERE AFRAID OF THE MESSAGE.

THE DAILY NEW

Newburyport, Massachusetts

Friday, September 8, 1989 /36 Pages 35 cents $1.70 home-del

N-plant activist wants banner returne

PORTSMOUTH — Rowley anti-nuclear activist Stephen B. Comley says he is ready to take legal action to win the return of a large banner confiscated by Pease Air Force Base police last Friday.

Military police took the banner and detained Ingrid Sanborn of West Newbury and Kurt Ehrenberg of Portsmouth for allegedly trespassing on base property, said Pease spokeswoman Capt. Laura Spence.

Spence said base security is holding the banner pending an investigation into the incident and may turn it over to Secret Service officials.

Comley, a Rowley nursing home owner and director of the anti-nuclear group We The People, which owns the banner, said he is prepared to take legal action to win its return.

He said the banner is worth $2,000, and taking it violated his right to freedom of expression.

Comley said he refused a request from Pease officials to put in writing his request for the banner's return.

Sanborn and Ehrenberg were holding the 10-by-20-foot banner at the front gate when they reportedly were asked to leave and refused.

ASSOCIATED PRESS P

Stephen Comley, (far right) executive director of We The People was stopped in Kennebunkport, Mai by secret service, local police and state troopers when he tried to walk his banner past Preside Bush's home last Friday.

The banner's message associates opposition to the Seabrook plant with the Chernobyl nuclear power plant disaster in the Soviet Union.

The banner shows a woman in a wheelchair and reads: "Mr. Bush, when Chernobyl happens here, they won't evacuate me. Join We the People. Stop nuclear power."

Sanborn and Ehrenberg were held until the arrival of state police, who took charge of the pair and released them soon after.

The protesters took the banner to Pease after they were refused permission to fly it at Presi Bush's Walker's Point hom Kennebunkport.

Capt. Spence said Pease sec is tighter when Bush stays a vacation home in Kennebunk But she added, "They were passing on base property."

SEE CIVIL LIBERTIES IN N.H. STATEMENT ON BACK COVER

We The People of the United States, Inc.

Stop Chernobyl Here

Enc #23

IMMEDIATE PRESS RELEASE

DATE:	SUNDAY OCTOBER 22, 1989
TIME:	1:00 P.M.
LOCATION:	KENNEBUNKPORT, MAINE, WALKER'S POINT - OVERLOOKING PRESIDENT BUSH'S SUMMER WHITEHOUSE
BANNER:	"MR. BUSH WHEN CHERNOBYL HAPPENS HERE THEY WON'T EVACUATE ME. JOIN WE THE PEOPLE. STOP NUCLEAR POWER."
PRESS CONTACT:	STEPHEN B. COMLEY, EXECUTIVE DIRECTOR WE THE PEOPLE, INC. OF THE UNITED STATES 508-948-7959 OR 2553 SUNDAY MORNING CAN BE REACHED AT OUR OFFICE IN KENNEBUNK, MAINE 207-967-5111

On Sunday, October 22 at 1:00 p.m. members of We The People and others will display a banner along the road at Walker's Point overlooking President Bush's summer Whitehouse in Kennebunkport to call President Bush's attention to the dangers of nuclear power. The 10-foot by 22-foot red white and blue banner depicts a woman in a wheelchair and says, "MR. BUSH WHEN CHERNOBYL HAPPENS HERE THEY WON'T EVACUATE ME. JOIN WE THE PEOPLE. STOP NUCLEAR POWER." (This is the same banner that was confiscated by Pease Air Force Base when members of We The People tried to display their message to Mr. Bush when he flew into Pease Air Force Base from the Whitehouse 9-1-89. (See enclosed article). The authorities falsely said we were trespassing when we weren't. Clara Ebel, Director of the American Civil Liberties Union of New Hampshire (603-225-3080) is pursuing this matter.

The banner dramatizes the fact that in the case of a nuclear disaster, there are no plans for evacuating the special needs population including senior citizens who are homebound, in nursing homes, or in hospitals and who cannot easily be mobilized. Instead, the Nuclear Regulatory Commission (NRC) has declared that these Americans be left behind to drink potassium iodine to be administered by volunteers willing to stay behind in the event of a nuclear accident.

"It is blatant discrimination to plan to leave a whole sector of the population behind. If more people knew about the government's discriminatory plans to leave our elders and handicapped people behind during a nuclear accident, they would understand what little regard the NRC and the nuclear industry has for the American public in general," said Steve Comley, Executive Director of We The People, an antinuclear fact finding organization.

Box 277, Rowley, MA 01969, (508) 948-7959
50 Court St., Plymouth, MA 02361, (508) 746-9300
National Press Bldg., Suite 994, 14 & F. Sts., N.W., Washington, D.C. 20045, (202) 628-6611
Offices 5 & 6, 3 Pleasant St., Concord, NH 03301, (603) 228-9484

A non-profit, tax exempt organization

"In all due respect to Mr. Bush, he is not only not up to speed on the safety of the Seabrook nuclear power plant, he is not up to speed on his nominee, Victor Stello, who he wants to take charge of the Energy Department's troubled nuclear weapons plants. Victor Stello, the former Chief of Staff of the NRC, was summoned to appear recently at a hearing in front of Rep. Peter H. Kostmayer of Pennsylvania, and admitted that he kept information secret for 7 months from the American people. (See New York Times article 10-13-89). In so doing he deliberately jeopardized the safety of the American people as he has done many times in the past. The NRC, a federal agency accountable to the American people and to the President, persists in protecting nuclear industry profits at the expense of public health and safety. We want to inform the President that this agency's policies are a direct danger to his family and neighbors in Kennebunkport."

23

We The People was instrumental in bringing to public attention, as well as forcing the NRC to finally admit, that there are tens of thousands of counterfeit defective materials built into a majority of nuclear power plants across the country including Seabrook Station. (See New York Times article 8-4-89 enclosed). When the NRC discovered that many counterfeit valves, circuit breakers, piping materials and fasteners did not meet safety standards, the agency lowered safety requirements rather than ordering nuclear utilities to replace the defective materials.

"Mr. Bush should listen more to the people who have scrutinized the facts instead of relying solely on John Sununu, his very biased Chief of Staff," Comley said.

We The People is organizing a petition drive in Kennebunkport, gathering signatures asking Bush to support a Congressional investigation of the counterfeit substandard parts issue and of the NRC's handling of this most troubling information.

To date, Governor Cuomo of New York, U.S. Senators Kennedy and Kerry and Congressmen Mavroules and Studds of Massachusetts as well as responsible groups including Clamshell Alliance, Republicans Against Seabrook, Citizens Within the Ten Mile Radius and Ralph Nader's group Public Citizen have endorsed We The People's call.

"If Bush truly supports what the flag flies for, democracy, he will support our call for a Congressional investigation which will show that he believes the health and safety of the American people is more important than nuclear industry profits," Comley concluded.

We The People will continue to inform the President about unsafe conditions at Seabrook as well as other plants containing these bogus parts and about the corrupt practices of the NRC. The NRC has gone from its mandate of protecting the safety of the people to nothing more than a guard dog for the nuclear industry.

(ANYONE INTERESTED IN PARTICIPATING IN THE PETITION DRIVE SHOULD CALL OR WRITE THE WE THE PEOPLE OFFICE, ROUTE 9, KENNEBUNK, MAINE, 207-967-5111).

ENC

G

September 26, 2002

MEMORANDUM TO: Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

FROM: John R. Fair, Senior Mechanical Engineer */RA/*
Mechanical and Civil Engineering Branch
Division of Engineering
Office of Nuclear Reactor Regulation

SUBJECT: DIFFERING PROFESSIONAL VIEW CONCERNING THE PROPOSED 10 CFR 50.69 RULEMAKING

The purpose of this memorandum is to document my differing professional view concerning the proposed rulemaking to add new section 10 CFR 50.69, "Risk Informed Categorization and Treatment of Structures, Systems, and Components." My specific concern is that the treatment requirements specified for RISC-3 SSCs are not sufficient to provide reasonable assurance of adequate protection of public health and safety.

The staff in NRR has spent over two years developing the 50.69 rule language. This effort included numerous internal staff meetings, review by internal oversight groups, and public meetings with external stakeholders. This effort resulted in the July, 31, 2002, version of the rule published on the NRC web site (posted on August 2). The July 31 version of the rule represented the balance of categorization and treatment requirements necessary to achieve a staff consensus to go forward with the proposed rulemaking. The Division of Regulatory Improvement Programs significantly altered the July 31 version of the rule without any input from the technical reviewers that were involved in the development of the rule for the past two years. Critical portions of the treatment process were eliminated based on the nebulous assertion that the rule language contained too much detail. The accompanying statement of considerations (SOC) indicates that the Commission expects licensees and applicants to satisfy many of the treatment provisions that were eliminated from the July 31 rule language. The current rule language is not consistent with many of the SOC expectations. As discussed in the ensuing paragraphs, portions of the July 31 rule language were eliminated without a valid technical justification.

The following language was deleted from the general treatment requirements for RISC-3 SSCs specified in the July 31 version of 50.69(d)(2):

> *These processes must meet voluntary consensus standards which are generally accepted in industrial practice, and address applicable vendor recommendations and operational experience. The implementation of these processes and the assessment of their effectiveness must be controlled and accomplished through documented procedures and guidelines. The treatment processes must be consistent with the assumptions credited in the categorization process.*

(1)

Section III.3.2 of the SOC contains the statement: "Thus, collectively, RISC-3 SSCs can be safety significant and it is important to maintain their design basis functional capability." It is important to recognize that, although on an individual basis RISC-3 SSCs may have low risk significance, collectively RISC-3 SSCs are safety significant. The failure of even a small number of these RISC-3 SSCs could lead to serious safety consequences. Therefore, in order for the staff to conclude that 50.69 provides reasonable assurance of adequate protection of public health and safety, the staff must conclude that the RISC-3 treatment requirements provide an adequate framework for assuring that RISC-3 SSCs maintain their design basis functionality. As stated in Section V.4.4 of the SOC, "It is necessary for a licensee to consider the impact that a change in treatment (as a result of removal of special treatment requirements) might have on the ability of the SSC to perform its design basis function and on the reliability of SSCs." The SOC further concedes that this assessment may be either quantitative or qualitative. This is a weakness in the categorization process. A key cornerstone of the robust categorization process, the sensitivity study, may hinge on individual judgement. Safety-related SSCs are assumed to be highly reliable. A change in unavailability by a factor of 2 to 5, such as recommended in the NEI categorization guidelines (NEI 00-04) for the sensitivity study, still requires that the SSCs remain highly reliable. Monitoring normal operational SSC performance will not provide reliability estimates of SSC performance during design basis events. In order to have reasonable confidence that high reliability of SSCs is achieved for all design basis conditions, the RISC-3 treatment processes must meet standards that are generally accepted in industrial practice along with applicable vendor recommendations, and must be accomplished using controlled procedures. It is difficult to understand why these general requirements were considered too detailed for the rule language. Consensus standards and vendor recommendations are developed considering past performance of SSCs. The consensus standards and vendor recommendations contain essential criteria that is necessary to provide confidence in the functionality of SSCs. If licensees and applicants don't use available consensus standards and don't even follow vendor recommendations, the staff will not have a basis to assess reliability assumptions used in the categorization process.

The following bracketed language was deleted from the design control requirements specified in the July 31 version of 50.69(d)(2)(i):

> *Design functional requirements and bases for RISC-3 SSCs must be maintained and controlled ["including selection of suitable materials, methods, and standards; verification of design adequacy; control of installation and post-installation testing; and control of design changes"]. RISC-3 SSCs must be ["have a documented basis to demonstrate that they are"] capable of performing their safety-related functions...*

Post-installation testing is an essential step in establishing the functionality of newly installed SSCs. Section V.5.2.1 of the SOC contains the statement: "Licensees would be expected to perform sufficient post-installation testing to verify that the installed SSC is operating within expected parameters and is capable of performing its safety functions under design-basis conditions." It is not clear why the requirement for post-installation testing was deleted from the rule language if licensees are expected to perform post-installation testing.

The current rule language does not require licensees and applicants to have any documentation to show that design requirements have been met. This is a significant deficiency in the current rule language. Without documentation, there is no assurance that

SSCs meet their design requirements and, consequently, no assurance that design basis functionality has been maintained. Maintaining documentation to show that design requirements have been met is a relatively simple common sense requirement. It is not clear why this requirement was considered overly prescriptive and removed from the rule language.

The following additional language was removed from the design control provisions specified in the July 31 version of 50.69(d)(2)(i):

> *"Replacements for ASME Class 2 and Class 3 SSCs and parts must meet either: (1) the requirements of the ASME Boiler & Pressure Vessel (BPV) Code; or (2) the technical and administrative requirements, in their entirety, of a voluntary consensus standard that is generally accepted in industrial practice applicable to replacement. ASME Class 2 and Class 3 SSCs and parts shall meet the fracture toughness requirements of the SSC or part being replaced."*

Proposed 50.69(b)(1)(iv) allows licensees to replace ASME SSCs with non-ASME SSCs. This constitutes a change in the design of these components since the ASME Code contains design requirements. As a consequence, it is necessary to establish some criteria for the design of these SSCs. Section III.3.2 of the SOC contains the statement, "For the specific case of repair and replacement of ASME Class 2 and Class 3 SSCs, the Commission concludes that it would be acceptable to allow these SSCs to meet a voluntary consensus standard that is generally accepted in industrial practice..." However, the current rule language does not require these SSCs to meet any standard. The July 31 rule language is necessary to achieve the stated objective in the SOC. Section V.5.2.1 of the SOC also contains the statement, "Another example is a requirement for fracture toughness of particular materials that is part of a licensee's design requirements; such a requirement would continue to apply when repair and replacement of affected components is undertaken." However, the fracture toughness requirements are specified in the ASME Code. If a licensee does not use the ASME Code for replacement SSCs, then fracture toughness requirements will be lost. That is the reason the fracture toughness was addressed in the July 31 rule language. If SSCs do not possess adequate fracture toughness, then multiple brittle failures could occur when the SSCs are challenged by a design basis event such as an earthquake.

The following language was removed from the procurement provisions specified in the July 31 version of 50.69(d)(2)(ii):

> *"Upon receipt, the licensee shall verify that the item received is the item that was ordered."*

The purpose of the rule language is to assure that licensees and applicants maintain some control over procured items. Lack of procurement control could result in the installation of SSCs that are not capable of performing their design basis function. Section V.5.2.2 of the SOC contains the statement: "In addition to appropriately specifying the procurement of the desired component, the licensee/applicant would also be expected to conduct activities upon receipt to confirm that the received component is what was ordered." It is not clear why the requirement was considered too prescriptive for the rule language if the Commission expects of licensees and applicants to confirm that a received item is what was ordered.

Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

Secretary CARL PAPERIELLO, Deputy EDO

JON JOHNSON, Deputy Director, NRR

DAVID MATTHEWS, Director, Division of Regulatory Improvement Programs

GARY HOLAHAN, Director, Division of Systems Safety & Analysis

TIMOTHY REED, Senior Project Manager, Policy & Rulemaking Program

JACK STROSNIDER: Deputy Director, Office of Research

THOMAS SCARBROUGH, Senior Mechanical Engineer, Division of Engineering

DAVID FISCHER, Senior Mechanica Engineer, Division of Engineering: Division of Engineering

JOHN FAIR: Senior Mechanica Engineer, Division of Engineering: Division of Engineering

(This transcript produced from electronic caption media and audio and video media provided by the Nuclear Regulatory Commission)

P-R-O-C-E-E-D-I-N-G-S

Good morning. On behalf of the Commissioners I would like to welcome everyone on today's briefing on risk informing our special treatment requirements.

As I suspect everyone in the room recognizes, we have been embarked on a long-term effort to re-examine the foundations of our regulatory system. With the advent of the tool of probabilistic assessment and its development and several thousand reactor years of experience with plants, we have deep insights into the risks associated with plants.

And the Commission has sought for a number of years to find various ways in which we use these risk insights to shape our regulatory system in new ways. Option 2 of this effort was to focus on the requirements dealing with safety-related structure systems and components or SSC's as I'm sure they will be referred to throughout the rest of this morning.

safety, reducing unnecessary regulatory burden. And we believe it will better focus the staff and the industry on safety.

In developing the staff's position, there were a spectrum of views. This reflects stakeholder inputs over an extended period of time. In this regard, the office was provided, on September 26, with three differing professional views.

The filers believe that the treatment of RISC-3 components is not sufficient to maintain safety and protect the public health and safety. The rule package acknowledges the receipt of these differing views and indicates that the normal agency process would be used.

However, upon reflection, the office director concluded that circumstances were not conducive to convening a normal review panel. The range of views, the level of detail of RISC-3 components were well known and fully vetted during the development process.

Nevertheless, the more detailed version of the rule suggested by the filers has been placed in the Federal Register notice for public comment and review. We believe that the public comment will be valuable to develop the final rule, and it will

provide a better understanding of the staff's position and the basis for the proposed technical requirements.

I would like to note that the filers have stated that there were inconsistencies between the statements of consideration and the proposed rule. And our staff has reviewed these and concluded that there's no change to the rule making package necessary.

I would like to thank the Commission for providing the opportunity for the filers to present their views. We have had a lot of debate, but it's been a healthy debate. And it has contributed to the quality product that you have before you.

We believe that the continued involvement of the public will only improve the product.

Mr. Reed?

TIMOTHY REED: Thanks Jon.

Good morning.

Staff appreciates this opportunity to brief the Commission on the proposed 50.69 rule making package. We will provide a pretty high level overview of the proposed rule making package. We certainly hope it supports you in your efforts to make a decision on whether to publish the package for public comment.

There are issues that remain to be resolved in the implementation guidance. We recognize that. But we think the most efficient way to move forward and get to a final rule filing guidance is to put this thing out for public comment and get the external stakeholder feedback.

Slide two, please.

This slide shows basically what I plan to discuss today. I want to start with a little bit of background and then go to a high level discussion of the proposed rule, discuss some of the significant issues we had to tackle in putting this package together, then summarize and wrap up.

Slide three, please.

Prior to the package that is before you today, there were three Commission papers that pertained to this effort. It started really with secy-98-300. That paper identified what were termed options, as has already been mentioned by Chairman Meserve for risk informing the activities and regulations of the Commission.

We are here today to discuss Option 2.

That's risk informing the special treatment requirements and now, of course, proposed 50.69. Under this framework, licensees or applicants using a risk-informed process to categorize structure systems [illegible] throughout this briefing -- can remove these SSCs from the special treatment requirements. Then they come in, of course, under a 50.69. That's how they're addressed.

These special treatment requirements, they reside in parts 21, 50 and 100 of the Code of Federal Regulations. They, of course, are intended to provide a high level of confidence that this equipment is capable of meeting and functioning requirements under design basis conditions.

What are we talking about when we talk about special treatment requirements when we talking about equipment? Qualifications requirements, documentation requirements, reporting requirements. It can be maintenance testing, surveillance requirements, quality assurance requirements ,just to name some examples.

In June of 1999, the Commission directed the staff to implement Option 2 of secy-98-300. We went forward and developed a rule making plan and

advance notice for proposed rule making. We provided that to the Commission in secy-99-256 in October of 1999.

The Commission approved the rule making plan and the ANPR. We then subsequently issued that ANPR in March of 2000.

Next slide please.

The ANPR generated more than 200 comments. The staff looked at those comments and provided its preliminary responses. Those were contained in secy-00-194. That secy also discussed, in a little more detail, our thoughts on the regulatory framework.

We briefed the Commission in conjunction with that secy. That was briefing on September of 2000. And we also discussed our ideas on the framework at that time.

Then in June of 2001, the staff briefed the Commission again. This time it was in support of the issuance of the South Texas exemption review and approval. It discussed both the South Texas review and approval and, of course, the 50.69 framework and our efforts to develop it.

As you are aware, the South Texas review and approval, that exemption request, laid the

groundwork for 50.69 by demonstrating that was, in fact, possible to risk-informed special treatment requirements. Of course, that was an exemption we heard on today on the rule making.

But many of the technical issues that were addressed, or we had to address under 50.69 were, in fact, first addressed under the South Texas review.

Finally, I would like to add that we also met with the ACRS on September 13th of 2002, this year. And we have got the ACRS' endorsement to put this package out for public comment. Now, I say they endorsed putting out the public comment. They didn't agree with all the technical issues. But we need to work some of this implementation guidance out. But nonetheless, the ACRS agreed the best way to move forward was to get this thing out for public comment.

Slide five, please.

Throughout this effort, we have had extensive really interaction with external stakeholders. And it's certainly been constructive.

We have had several workshops in supporting the rule making effort. And additionally, and importantly, the industry, through the Nuclear Energy Institute and the industry group have been very supportive of the rule making effort. NEI, in fact,

has developed implementation guidance in the form of NEI 0004 and the owner's groups use that guidance and actually different draft revisions of that guidance and piloted that as part of our pilot program.

They used the feedback that was generated by both the staff and industry participation in the pilot to improve the NEI guidance. And, of course, we used that feedback also to help us put this framework together, as well as generate our issues associated with the implementation guidance.

So it benefited us as well.

In addition, staff has also issued three versions of the draft rule language, and put that out on external web. And we have got a lot of good interaction and feedback on that draft language.

It helped us to identify and address issues, questions, and certainly helped us improve the language that resulted in the proposed rule language that's before the Commission now.

But I would note that external stakeholders were somewhat handicapped in the fact that we could put the language out but could not put the supporting statement considerations out at the same time. So they really didn't have a good idea of some of the

intent behind the language. So that sort of handicapped their reaction in that respect.

Next slide, please.

I would like to now go to the rule. And we will do that in a pretty [illegible]. But before we jump into that, I want to remind everybody, including the Commission, of course, that proposed 50.69 is only about risk informing special treatment requirements. These are the so-called assurance requirements. I will say this several times throughout this. But what we're not doing in 50.69 in Option 2 is we are not changing the design basis functional requirements.

In fact, this became a key constraint on this entire rule making effort and a challenge we had to overcome. We had to risk-inform special treatment requirements while maintaining design function requirements.

So an overview then, what are we doing with proposed 50.69? We are establishing a risk-informed categorization process in which a licensee or applicant then would categorize SSCs, they adjust the treatment, depending on their categorization to apply that treatment, and then you maintain the validity of that process over time.

So that's basically the way the rule works. It starts off in paragraph A. We define the key language. You will see there the risk-informed safety classes or RISC. That's the acronym for risk-informed safety classes. RISC-1, RISC-2, RISC-3, and RISC-4. These are the bins into which the SSCs are categorized. And this is dependent on where is SSC is coming from and where it's going to. And as a deterministic regime. These SSCs are defined as either safety related or nonsafety related. And, of course, in 50.69, we are going to take them and we are going to move them into safety significant, low safety significant and that results in the four boxes.

Real quickly, these RISC-1 SSCs are safety related safety significant SSCs. That's the bin for those. RISC-2 are safety significant nonsafety related SSCs. Down at RISC-3 we are looking at safety related low safety significant SSCs. And finally, RISC-4, we are talking about nonsafety related low safety significant SSCs.

The rule goes on to define safety significance function. And we define that as functions whose loss of degradation could have a significant adverse affect on defense in-depth,

safety margins or risks. And this was chosen to be entirely consistent with the philosophy of Reg Guide 1.174. And that's a philosophy I think you will find embedded throughout this rule.

This language is then linked back into the definition of RISC-1 risk categories because, in fact, safety significant SSCS are SSCs that perform safety significant functions.

Next comes paragraph B. What we were trying to do in paragraph B is really three things, trying to identify to may implement 50.69 first.

Secondly, we provide you a list of special treatment requirements for which 50.69 offers an alternative.

Finally, we identify there what a licensee or applicant must do to start the process in terms of making a submittal that the staff then reviews, looks at it, and approves it, versus the paragraph C requirements, then does that prior to the implementation.

First, regarding who may adopt this rule. This is a voluntary rule. It may be adopted by your holders of reactor licenses, that includes both your standard or part 50 licenses as well as the renewed part 54 licensees. It may also be adopted by

applicants, and that includes both traditional part 50 applicants, as well as applicants for the part 52 licensees.

Secondly, in paragraph B we have the list there of the special treatment requirements. I won't go through the entire list. You can read it, of course, for yourself. It starts with part 21. There's numerous regulations noted there. Like 50.55(a) pieces, appendix B, Part 50, just to name a couple.

Finally, the third thing we are trying to do in this paragraph again is to identify what you have got to do as an applicant or licensee to start the process and get it going.

Licensees must submit a license amendment application, following the provisions of 50.90. That's the license amendment provisions. And any information you would provide to us is identified in paragraph B. But essentially what it is, it's a description of the categorization process, a description of the measures taken to ensure PRA quality, the results of any PRA review process done, and then a description of the evaluations that are going to be conducted to show that the paragraph C

requirements are met. The requirements I am talking about here are the requirements that show that you have a small change of risk associated with implementation of 50.69.

Staff will then provide audit of against paragraph C requirements. In fact, if they meet that, then we will prove it, and that allows you to go forward and implement the rule.

Applicants basically will do the same thing. They submit the same sort of information as part of their application. The NRC would then act on that as part of its action on the license application.

Next comes paragraph C, what I view as the heart of proposed 50.69. These are the categorization requirements.

Fundamentally, implementation of proposed 50.69 categorization requirements involves the establishment of an integrated decision making panel. It's a panel that, in fact, ultimately determines whether SSCs are safety significant or low safety significant.

This panel often is referred to as an expert panel, and it essentially provided all the relevant information pertaining to safety

significance, and that comes from both the old deterministic world of qualitative information that's available as well as any information you have from a PRA, quantitative type information you may have.

And this also includes information from such assessment tools as seismic margin analysis, shut down analysis, vulnerability analysis, like five, for example, what you have available. In other words, it gives you an idea of safety significance.

As such then, what you will see in paragraph C is you have got the PRA requirements, the categorization requirements, the requirements to have this expert panel. And notably requirements to show with some reasonable confidence that the change of risk associated with the implementation of this rule is small.

And we talk about what small is in the SSC. And we talk about terms really -- the terms we use for risk are CDF, core damage frequency or large early release frequency, LERF.

With regard to the PRA requirements, you need a plant specific PRA which at a minimum must model severe accidents scenarios resulting from internal events at full power. So you need an internal events full power PRA. This PRA must have

been subjected to a peer review process against a standard or a set of acceptance criteria accepted by the staff.

And the categorization process itself must address basically everything, internal and external events and all operating modes, regardless of what your PRA is restricted to.

So I just mentioned maintaining with sufficient confidence the small increase in risk as measured by changes in CDF and LERF as a key requirement to 50.69. In paragraph C we require the licensees to conduct the evaluations to support their conclusion that this requirement is being satisfied.

In paragraph C also places a limit on the freedom to selectively implement 50.69. And although you have to implement the entire regulation as a whole, you can't pick pieces of it, we have developed a regulation to have significant flexibility in terms of you can implement it for any or all of the special treatment requirements that are listed in paragraph B and you can implement it for any number of systems in the plant.

What you can't do, and where the restriction is, you can't implement it for a component within a system. And we have reasons for

that. Essentially, we want to make sure you identify all the functions, for all the different modes. If you do it on a systems basis, we think you capture that.

Next slide, please.

Next we come to paragraph D. These are the treatment requirements.

What we do is apply, of course, treatment requirements to each of the risk categories. Starting with RISC-1 and RISC-2 categories SSCs -- again these are the safety significant SSCs. First, they remain subject to any special treatment requirements that are applicable. We haven't removed any special treatment requirements from either box. Of course, most of them are on box one, RISC-1 SSCs.

But in addition if you look into the proposed rule, you will see a requirement in D-1. And that is to have requirements there to ensure that the SSCs perform their functions consistent with the categorization assumptions.

Since current special treatment requirements are more than sufficient, in fact, provide a high level of confidence, to ensure that these SSCs perform their design basis functions, the focus here is really on assumed performance beyond

design basis conditions or situations.

Specifically we want to make sure that the treatment applied to these SSCs is sufficient to support the key categorization assumptions that pertain to SSC performance as credited and beyond design basis situations.

Now, RISC-3, going down to the RISC-3 bin now. What we have there is high level requirements to implement processes to provide what we refer to as reasonable confidence in the capability of RISC-3 SSCs to perform the safety-related functions.

In developing this portion of the role, we took a more performance based approach that recognizes the low safety significance of the SSCs to which these requirements apply. We have established the minimum requirements that provide this reasonable confidence in the capability of RISC-3 SSCs.

It should be noted that the treatment applied to RISC-3 SSCs needs to be sufficient to support the evaluations that I previously mentioned that were performed up in paragraph C that showed the small changes of CDF and LERF. So that's another constraint on the RISC-3 treatment.

Given the low safety significance of RISC-3 SSCs, there's a reason to ask why we, in fact, have

requirements in the proposed rule on these SSCs. Individually, RISC-3 SSCs are not safety significant. In other words, they wouldn't get into this bin if they were. But we need to recognize that collectively they can be safety significant.

So it becomes very important there to maintain the design basis function requirement. So this goes back to this whole idea of maintaining design basis, at least design base function requirements that was built into this framework.

So as a result, and you look into this, you will see we have problematic requirements in D-2 of the rule. They go to design control, procurement, maintenance, inspection, testing, surveillance, and corrective action.

And the proposed framework relies on the licensee to develop and implement programs that meet these high level requirements. Unlike the approach that was taken for the categorization requirements, which, in fact, we have a review and approval built into the framework, here we are not reviewing and approving the RISC-3 treatment programs. Our primary regulatory focus is on the safety significant SSCs and associated activities. And, of course, this is principally on assuring robust categorization. And

we have a reduced focus on RISC-3 activities associated requirements.

And this is how we think it should be. This is the risk-informed focus.

Next comes paragraph E.

This is another key piece of the rule. And this paragraph incorporates monitoring and process feedback requirements. There is another key piece of the framework. And they are the means by which you maintain the validity of the categorization process over time.

Licensees are required, basically, in E-1, to provide any kind of data that can affect the PRA model itself. This can come from design changes, procedure changes, operational experience, even industry operational experience that can affect the model itself. That's what E-1 is trying to do, bring that data back into the process. It's done on a periodic basis.

E-2 and E-3 are basically feeding back in performance data. E-2 is the performance data for RISC-1 and RISC-2. In fact, it's requiring you to monitor these RISC-1 and RISC-2 SSCs and feed this data back into the process, the categorization process.

E-3 is requiring you to consider the data that's actually collected under D-2 of the rule. If you go into D-2, you will see a maintenance protection inspection testing surveillance requirement. The court requires you to collect data.

Okay. That data then will be looked at in E-3. What you are doing there is you are really examining data to determine whether, in fact, an evaluation for delta CDF and delta LERF remains valid. That's what E-3 is doing for you.

All of this data is being fed back in the categorization process. The process itself must be adjusted to maintain its validity.

That means you have got to do one of two things, essentially, either change the categorization or change the treatment. But you have got to maintain the validity of the categorization process. That's the way paragraph E works.

Next comes paragraph F.

Paragraph F of 50.69 specifies requirements for documentation and change control. Licensees are required to document the basis for the categorization of SSCs and are required to update the FSAR descriptions in accordance with 50.71 to reflect the progress and implementation of 50.69.

With regard to change control requirements, we haven't developed any unique change control requirements. So we would be relying on the processes that exist today.

Finally, this paragraph provides relief from 50.59. And this is relief for those changes that are in the FSAR that are direct results of the changes in treatment as applied to SSCs that fall out of this process, recharacterization.

Again, any changes that involve nontreatment aspects of these SSCs must go under all the normal design change control requirements. That includes 50.59. So anything outside of treatment gets the normal design change control. Again, we are not changing design basis functional requirements of 50.69.

Finally, the rule ends with paragraph G. This paragraph specifies the new reporting requirement applicable to events, conditions that were prevented in RISC-1 and RISC-2 SSCs from performing a safety significant function and that are now otherwise reportable under current requirements that are in 50.72 and 50.73.

Now, 50.72 and 50.73 are more than adequate to address anything within the design basis. So what

are we looking at here? We are really looking at beyond the design basis safety significant functions. And that's what we want reported here. And you would follow basically the provisions of 50.73 paragraph B. And I am submitting a LER in this regard.

Next slide please.

Actually, Jon Johnson has already mentioned this a little bit. So, I will just hit it again here. This slide is really discussing some of the challenges that we have had to address as we have come along here in 50.69.

As I'm sure the Commission is aware, this has been challenging, it's been time consuming. It's truly, I think a first of a kind rule making in developing this framework. We wrestled with numerous technical issues. These issues really are all related, and I kind of view them in a sense as a tug of war. What we tried to do is balance categorization requirements on one side and treatment requirements on the other.

We have really driven this thing to be toward the robust categorization. In other words, we want the requirements in the rule to be such that a licensee implementing processes to comply with it, it will be a robust categorization process. And by

robust I mean you will have a high confidence that the SSCs are being put into the correct bins.

So we have tried to derive on the categorization process. We think, of course, we are there.

On the treatment side what we have tried to do, well, if it's safety significant, we keep all the special treatment requirements. We have a requirement basically to maintain the validity of the categorization process for beyond design basis. We think we have the sufficient treatment requirements there.

And what have we done down in the low safety significant SSCs? We have tried to be performance based to the maximum extent possible and have the minimum requirements that basically provide a reasonable level of competence so that these SSCs maintain their capability of design basis functions.

Of course, throughout our base our major concern is safety. We think this framework maintains safety.

Additionally, we think we have got the right balance here in terms of robust categorization and our treatment on the other side of the issue here.

We also think it's also consistent with what we have told the Commission in previous secy papers we are going to do, and we think it's consistent with your expectations of what you are looking for from the staff in this effort.

A key piece, of course, is this delta CDF and delta LERF issue, this piece of it. We don't want a, of course, implementation of 50.69 to result in any more than a small increase in risk. Really, the technical challenge here is evaluating this due to implementation. In other words, assuming a performance change in RISC-3 SSCs that results from some change of treatment and then having a basis to support that. We are going to have to continue to work with this. This is really an implementation guidance issue. This would be something that would be addressed in NEI 0004.

We are going to have to continue working with external stakeholders in the industry to get there on this one. But we think we are going to do that and get to the final rule and reg guide and have this issue addressed.

But the bottom line is, the staff feels that it has achieved the proper balance in these technical areas in the proposed rule package.

Next slide, please.

In summary, the staff believes it has developed a rule making package that the proposed 50.69 that first successfully risk informs the special treatment requirements.

Secondly it's consistent with our agency goals and most importantly, it maintains safety.

Thirdly, we think it's consistent with our previous statements to the Commission and Commission direction to us on this effort. So we think it meets expectations.

We recognize that there are issues that remain to be resolved regarding the implementation guidance and the associated draft regulatory guide. And we are going to continue to work in interactions with stakeholders and industry to get those issues resolved as we go through with the rule making process.

But we feel at this point and time, it's important to get the entire proposed rule making package issued for external stakeholders feedback, and we request that the Commission decide accordingly. We, in fact, believe this is the best, most efficient way to get there to the final rule and final reg guide.

Thank you for your time and patience today.

CARL PAPERIELLO: This concludes the staff's formal presentation.

CHAIRMAN RICHARD MESERVE: Thank you.

We can see the size of the package that we have in front of us. This is obviously a very complicated matter.

Let me say that one of the challenges, I think, that we all have is that there is -- I perceive that there's sort of a special vocabulary that's been developed by people who work this field. So there's a problem of communication that we have to deal with.

Let me say that my reaction, my question here may reflect some misunderstanding of vocabulary. We have -- the whole point of the categorization process is, of course, is to be able to bin the SSCs, with the new elements here being particular the RISC-2 and the RISC-3 categories.

RISC-2 categories are the ones that, of course, that you have determined as a result of this process, are the safety significant things that are not captured under existing rule.

And as I go through 50.69 as to those items, safety significant items about which we have -- don't have, don't capture under existing special

treatment requirements, the only thing we impose is a single sentence that is on page 139 of the rule making package.

Let me read it. It says the licensee or applicant shall ensure that RISC-1 and RISC-2 SSCs perform their functions consistent with a categorization process assumptions by evaluating treatment being applied to these SSCs to ensure that it supports the key assumptions in the categorization process that relate to their assumed performance.

That's a difficult sentence to interpret. And that's maybe probably a vocabulary issue here. But I take it to mean that the treatment -- you have certain assumptions in the PRA part of this process, that is, certain assumptions that you have made as to these components, these SSCs and you need to make sure you have treatment that is sufficient to -- that is at least self-consistent with your assumptions in the evaluation process as to their availability.

As I look, I think that's all there is in this rule for RISC-2.

You made a point on RISC-1 that we felt it necessary to go through and to retain everything that exists in part 21, part 50, and part 100 for the

RISC-100 category.

So I would like to get some comfort on RISC-2. I mean, this is a new element here that we have said -- these are safety related things that we are not capturing now. And we have basically a self consistency requirement that is a certain degree of vagueness associated with it. And I'm a little puzzled, quite frankly. And I would direct this to the DPVers who have a lot of focus on the RISC-3 categorization and concerns that we are being too vague in how we are dealing with that. Whereas it seems to me that their concerns, if anything, are greatly amplified or ought to be greatly amplified, unless I'm misunderstanding this, with regard to the RISC-2 category.

I would appreciate it if you could give me some comfort that we are really dealings with the RISC-2 category in a serious way. This is one of the new elements of this process, is that we have learned something about some things that we are not treating today as being safety significant that we have learned that are safety related, that they are very important. And everything is hinging on one rather difficult short sentence.

JON JOHNSON: Because those two are not

part of the PRA evaluations that proceed the categorization, I think the answer is probably best answered by Tim but I'm sure Gary would like to add something.

TIMOTHY REED: I can start and then Gary can add.

I think that dividing it into two pieces into box two SSCs -- we are maintaining any special treatment requirements over in box two, for example, maintenance rule. There can be part 100 requirements there. There can be other requirements on box two. I'm not going to go through all of them but there are some. There are not nearly as many as box one.

So if there's anything in design basis that there's for those, it's going to be maintained.

Now, what about beyond the design basis issue? And that's where you are going to.

If you are taking credit for these things in your PRA, then you need to maintain that credit, okay. And make sure that you feedback monitoring data to maintain that credit, and that your treatment -- and that feedback, by the way, is in E-2 -- and that your treatment in D-1 is sufficient to maintain it.

I think Gary can go into a lot more detail

about how you do that. But what we are really saying is, in a sense, in a broad sense is that whatever your risk is today is acceptable. We are not trying to lower the risk or enhance safety here. Your risk, basically, you are assuming in your PRA or you are having in your PRA is basically a function of how you are accrediting these SSCs.

Now, I'm not going to enhance the treatment here. I'm going to make sure you maintain it, essentially lock it in place. And that's really what is going on here. There is an awful lot to this, but I will let Gary take it here in a second.

But really to me I think it comes down to, are your assumptions and your PRA actually valid. And this will make sure, in fact, they are valid.

JON JOHNSON: Gary, you can add to that.

GARY HOLAHAN: The statement of consideration attempts to expand on this thought somewhat.

CHAIRMAN RICHARD MESERVE: If you look at page 105, which describes this. It says, as to this point, for SSCs categorized as RISC-1 or RISC-2, all existing applicable requirements continue to apply. This includes any applicable special treatment requirements. Which says to me that for RISC-2 you

get what's there, which is maybe minimal and not anything else, other than what you get from D-1.

GARY HOLAHAN: I think also if you look at page 22 in section 33-1, it talks about what assumption it is in the PRA that we are talking about in the categorization process. It refers to availability, capability and reliability of equipment. So what it's doing is it's bringing two new aspects under regulatory control.

It's bringing, first of all, a severe accident function of this equipment. And in the past we have really only controlled design basis requirements.

And it's also specifically addressing availability, reliability and capability, which are really key elements that the PRA uses to judge the safety significance of the equipment.

What it doesn't do is it doesn't prescribe to the licensees how they should maintain the reliability, availability and capability. So it's much more a performance oriented approach.

But it does bring under regulatory controls a number of aspects of the RISC-2 SSCs that were not there before. Even the existing maintenance rule, which addresses some of these components, doesn't

really cover availability and reliability. It only covers maintenance failures or maintenance related activities.

CHAIRMAN RICHARD MESERVE: Well, let me ask the question this way then.

If you have emphasized that the real focus of this rule is make sure the categorization process is robust and you have a process that's operating, are we -- does the staff believe it's necessary to see what is proposed to handle the RISC-2, to meet this RISC-2 obligation? As part of this process, do you anticipate you get any filing that's subject to review and subject to oversight on that issue or not?

GARY HOLAHAN: No.

The staff would not get a submittal on the treatment of RISC-2 components. What it would get is the assumptions would be in the submittal.

Then, if you remember as Tim mentioned, section E of the rule has a feedback and monitoring requirement so that, in effect, in a performance based approach, the licensee has a flexibility to meet those assumptions that are in the analysis. Then they have an obligation to have a monitoring program in place to ensure that those assumptions are really coming true in practice.

And I think what the staff has said is we are satisfied that if the feedback process is showing that the assumptions are correct, we don't need to involve ourselves in exactly how the licensee made that come true.

CHAIRMAN RICHARD MESERVE: Well, that may well be a completely satisfactory answer. But I'm a skeptical member of the public, I might ask the question, well, gee, if you found it necessary to maintain all of these specific requirements for the RISC-1 category and the RISC-2 categories are the same degree of safety significance; how can you justify the inconsistency?

GARY HOLAHAN: I think the inconsistency or the difference in treatment comes because this is option 2 and it treats the design basis with a certain level of respect. And, in fact, that is why RISC-1's get more treatment than RISC-2's. And RISC-3's get more treatment than RISC-4's. And it's really the design basis aspect, and a desire to assure people that we have not abandoned the design basis that calls for even the high level of treatment for RISC-3 components. It's the reason that they are not done on a performance based approach.

So I think it's really the design basis

concept that drives both RISC-1 and RISC-3's to have a certain level of prescription that we are willing, on RISC-2's to treat in a more performance based approach.

TIMOTHY REED: I think I would also like to add, you mentioned that they are basically the same, RISC-1's and RISC-2's, because we call them both safety significant. In fact, they really are not. When you look at the boxes, they kind of lead you to think they are the same.

If you look over in box two and you ask yourself is there anything over in box two that if I didn't have requirements on it would result in loss of adequate protection? And you find that there isn't anything over there. Because if there were, we would have imposed requirements to achieve adequate protection to 50.59.

What you will see over there is stuff like station blackout or whatever, is requirements that were imposed to safety as enhancement, cost beneficial enhancement type requirements.

So, in fact, how I look at it is, if you give me box one, you give me the principal product barriers, the engineered safety features, the protection system, I will save the world. You won't

even get close to losing adequate protection.

Now, box two stuff does certainly make it safer. It lowers your risk. And if you are crediting your box two stuff in the PRA to get that level of risk, what we are saying is, as Gary said, essentially locking that into place. You are saying now you are going to have to maintain the validity of that, and you have to treat it accordingly. You have to feed back data into the process under E-2 and maintain that over time.

So it's actually a lot. That's a pretty big requirement that's there. Maybe it's a short sentence, but it carries a lot.

CHAIRMAN RICHARD MESERVE: I have a lot of other questions. This is in light of the time, I'm not going to pursue them now. On another occasion I will.

Commissioner Dicus?

COMMISSIONER GRETA DICUS: Let's continue on the RISC-2 issue.

In light of the fact that we are bringing some new requirements in or potential new requirements in, particularly with severe accidents and mitigation of severe accidents which you have mentioned, which should provide an increase in safety, but it

also, presumably, provides some increase in burden, potential regulatory burden. Tell me what kind of feedback we are getting on this from our stakeholders, industry and public, et cetera? Or has that gone into this?

GARY HOLAHAN: I think the best feedback, the most direct feedback we have gotten is from the South Texas experience, where they have not implemented this version of the rule, but they have done something similar enough so that we can make some judgements about the relative burdens, conceptually of how much additional analysis is necessary, how much additional monitoring is necessary, versus the savings in procurements, maintenance, activities. And the net savings reported by South Texas project, even through relatively modest implementation over the first year, has been substantial.

Both reduction in cost and a reduction in dose to the -- you know, industrial dose to the workers, primarily from the reduction in the amount of valve testing that needed to be done.

You know, some of us were at a meeting a week or so ago where South Texas made a presentation that, in fact, they were able to replace some

components which they normally cost $17,000 for basically the same components for $431.

So the net savings for many components in the RISC-3 category is substantial. Okay. There are additional burdens, lots to analysis and monitoring. But the fact that there are many more RISC-3 components then there are RISC-2 components, I think, tilts the balance very much in the direction of reduced burden, dose and dollars.

COMMISSIONER GRETA DICUS: So even though we are adding something in RISC-2, we haven't done -- the savings in RISC-3 offsets it?

GARY HOLAHAN: Yes.

TIMOTHY REED: I would also like to add to what Gary said. If you look in the regulatory analysis, the Westinghouse owners group was kind enough to do a lot of work here and get into a lot of nuts and bolts on the potential cost and cost benefits of implementing this. And this is now for Option 2, and this is getting away from South Texas, which is a little unique three-train plant. So this is a little bit better, I think, from what we are talking about here today.

Certainly the set-up costs are substantial. I think you will see numbers in terms of about 2 to 3

million to set this up. And setup, it can be very expensive in terms of procedures, the PRA, the submittal, the review, as well as actually conducting this thing. It's costly.

But then you look at how much you are saving. You are getting savings roughly on the order of about a million a year. So this thing pays back pretty quickly, on the order of two to three years.

Of course, that work was done using a draft language. The people, unfortunately, didn't have the benefit of the real language in the SOC. And I hope, in fact, that they go back and look at that and adjust it and see where we come out.

But at this point and time it looks like, from all the information that's available to me, that this is actually very cost beneficial, even considering the additional burdens that pieces of this rule doesn't apply.

COMMISSIONER GRETA DICUS: So the STP experience seems to be positive. But what about the industry overall? Or are we hearing about this yet and will we hear about it when the rule goes out?

TIMOTHY REED: I'm very confident that we will hear about it.

COMMISSIONER GRETA DICUS I think we will

hear about a lot of things.

TIMOTHY REED: So far it does seem to be pretty positive.

COMMISSIONER GRETA DICUS: Let me go to RISC-3 components and one of the issues before some of the DPV authors and their concerns that they will raise with us in the next panel.

It seems that we are dealing here with two options. One option is to put the language back in that was in an earlier version or not to put the language back in.

Are there other options that could be considered? And could someone tell me something about what they are and what the merits would be?

TIMOTHY REED: You can do this a lot of different ways.

COMMISSIONER GRETA DICUS: I'm looking at two or three in particular.

TIMOTHY REED: You can adjust this thing a lot of ways. This is going to that last slide about how we think we drove this process towards robust categorization, and I think it's something like 15 pages of issues with the implementation guidance.

And we tried to remove detail in RISC-3, as you can see, really "how to" requirement detail out of the RISC-3 and

became much more performance based there. At least a little bit more performance based I should say.

That's where we are now.

Now, the previous version, I think, had more how to or detail then RISC-3. And at one point in time we didn't have those 15 pages of issues associated with implementation guidance, so we were not as robust.

Now, you could put more treatment in RISC-3 and allow more SSCs to go down into the box. And not be so robust so your safety net is, in fact, that you are not really changing too much treatment, but you are allowing a lot to go in there.

COMMISSIONER GRETA DICUS: So you are trying to do this balance between categorization and treatment?

TIMOTHY REED: Exactly. There's a lot of ways to do it. We have put together a way that we think meets the expectations. And this is why it's a good reason to put this out for public comment, this piece, because there are more than one way actually to adjust this framework.

And I think we will get some good stakeholder feedback on this.

JON JOHNSON: We have had a tremendous

amount of dialogue. And we used our new initiative to put the draft rules on the web site to get some reaction, as Tim indicated.

This is the -- I think -- correct me if I'm wrong -- I think this is the first version of the rule that we have been able to get all of our division directors' concurrence in, get concurrence from the Office of Research and get support from the ACRS. We have had several meetings with the ACRS to discuss a lot of the issues.

So I think to answer your question, there is a balance. There's a trade-off. And at this point, we think we have a very good product.

COMMISSIONER GRETA DICUS: Okay.

I want to follow up then on your statement about the ACRS because I'm not real clear based on what you said on what the ACRS has said.

You say they agree that this language and they disagree with the differing opinions?

JON JOHNSON: I will let Tim discuss that. They have recommended that we publish this for public comment.

DAVID MATTHEWS: Their focus was not associated with anything on alternative language. As you might imagine, their concern was the PRA quality

issue and its use and how it's embraced in the rule to address issues of PRA quality. And the sensitivity studies that we were expecting to be done to show the impact of alternative treatment.

But they were not focused on the rule language associated the treatment. I don't even remember getting a question in that regard.

COMMISSIONER GRETA DICUS Fine.

Thank you, Mr. Chairman.

CHAIRMAN RICHARD MESERVE: Commissioner Diaz?

COMMISSIONER NILS DIAZ: Thank you, Mr. Chairman.

I'm trying to put my thoughts in order here. Let me see, because I had some of the same concerns and I'm trying to get them. Let me see if I -- please interrupt me if I say something that is not correct.

First, this rule is a risk-informed and performance based rule. Is that -- no, I mean -- I'm saying, I'm asking is it this type of rule?

DAVID MATTHEWS: Yes.

JON JOHNSON Yes, sir. In part.

COMMISSIONER NILS DIAZ: See, that takes two hours.

GARY HOLAHAN: What I mean by that is clearly, there are some prescriptive elements in the proposed rule also.

COMMISSIONER NILS DIAZ: But if you were generous, you would call it a risk-informed and performance based rule?

GARY HOLAHAN: Yes, sir. I would join you in that generous description

COMMISSIONER NILS DIAZ: Okay. Thank you very much.

Second thing is the main constraint in how to deal with RISC-2 and RISC-3 is the preservation of the design basis with consideration of beyond design basis. Is that correct?

GARY HOLAHAN: Yes. That's correct.

COMMISSIONER NILS DIAZ: I'm trying to get myself right.

DAVID MATTHEWS: Maybe if I poll the panel each time to give you the appropriate answer.

COMMISSIONER NILS DIAZ: Could you please. I don't mind.

TIMOTHY REED: I think you described it accurately.

COMMISSIONER NILS DIAZ: So the fundamental issue between RISC-2 and RISC-3 is, we cannot make

RISC-2 part of the design basis because they are not right now. And we cannot abandon RISC-3 functionality because they are part of the design basis. So you are dealing with trying to make the best of this thing. Okay.

Now, my next question is a little more complex. And the next question is I know that, you know, we have these goals of maintaining safety. But I really believe that we are going to make a major rule and a major change that the net have to be a little better than maintain safety.

So this is the question. If we really consider and pay more attention to RISC-2, even if they are not in the design basis, and therefore there has to be an effort to systematically make RISC-2 structure systems and component fit some categorization that they have been undergoing and we take RISC-3 components, maintaining the design basis, have design control, document control, all of the things that are appendix B, but we don't do it at the appendix B level. We do it at a functional level, and this is done well -- let's assume we have a super utility and this is done well. Is the net result going to improve safety or just maintain safety?

GARY HOLAHAN: There's no question in my mind that this should make an improvement to safety.

There's also no question that we probably cannot calculate many of those intangible benefits to show what the net improvement would be.

DAVID MATTHEWS: Or challenge the licensees to articulate that improvement.

COMMISSIONER NILS DIAZ: I understand that.

But I need to see this. I mean, if we are just going to do this thing, I just don't see going through all of this, because the reason -- and I believe this, that we have undertaken risk-informed regulation and now put them together. Remember, I keep saying that and it is a very, very difficult risk informed and performance based.

We are now going a step forward and we are saying, we can have -- and by the way, I don't like the word "robust." You know, my English is very limited. I like the word, "rigorous," because robust is just a little better, more complete. But rigorous has a different meaning to it. So I call this a rigorous treatment. You call it robust, but I call it rigorous.

It has to be rigorous, because if it's not rigorous, then your categorization is not sufficient

to justify the change in the rule.

So if it's a rigorous treatment of the categorization process, that requires, of course, a PRA quality. How are you going to address the PRA quality in a manner that RISC-2 -- see, I'm more worried, like the Chairman was in RISC-2, that RISC-2 is actually going to contribute to enhancing the safety of the plan, which I think should be, you know, a consideration when we go to this rule.

GARY HOLAHAN: I think there are four aspects of this. One is that the rule language itself calls for a certain level of scope and depth of review.

Second, and probably more importantly is that we don't today have -- but we are very firmly on the path of -- having guidance documents, regulatory guides, ASME standard, not so far in the future, an ANS standard, the industry peer review process, all of these contributing to the quality of the PRA and the -- a comfort that is being used appropriately in this process.

Thirdly, there's the staff review and approval process for which I think we have been very successful over the last few years, both through training and staffing to have very high quality staff

who are very capable of doing these reviews.

And lastly, there is the process built into the rule where there is a feedback process. Where if something isn't quite done right, the update and feedback process should be able to capture those on a periodic basis.

So I feel comfortable that this is a rigorous process.

COMMISSIONER NILS DIAZ: How much time do we have, Mr. Chairman?

RISC-2. We did some sparring about performance base. The treatment of RISC-2 is essentially performance based. There's no deterministic component on that.

GARY HOLAHAN: Yes, sir.

COMMISSIONER NILS DIAZ: Okay. All right. I stand corrected. Go ahead.

GARY HOLAHAN: No. Yes, sir. You are correct.

DAVID MATTHEWS: Let's be clear. There's none imposed by this rule that are deterministic.

But those components may find themselves under the maintenance rule. So there are other -- and the certain category of appendix B requirements is applied them as part of their quality assurance

plan.

So there are deterministic requirements that are components in the plan, they are important, but they haven't been treated as safety related within that context of our regulations up to this point and time.

COMMISSIONER NILS DIAZ: I understand. I know I'm repeating something that the Chairman on a couple of things, because I have a cold I'm a little slow today.

Would you repeat how once you establish some expectations of performance for RISC-2 system, how are you going to ensure that the licensee meets those performance expectations, since there are no deterministic requirements?

GARY HOLAHAN: Well, if you just look at section E-1 of the rule and E-2 of the rule, specifically, with respect to RISC-1 and RISC-2 SSCs, it requires the licensees shall monitor the performance of RISC-1 and RISC-2 SSCs.

The licensees shall make adjustments as necessary to either the categorization or the treatment process, so that the categorization process and result are maintained valid.

That's a direct quote from the wording of

the rule.

COMMISSIONER NILS DIAZ: How do you manage the treatment with the categorization?

GARY HOLAHAN: Each time the licensee does a categorization, it makes some assumptions about reliability, availability and compatibility of the systems.

In fact, our expectation based on the quality PRA is that those are not arbitrary judgments. Those are based on plant specific or generic data that support those.

And so periodically, the licensee is going to monitor those same assumptions, the reliability and availability -- they may or may not have actually beginning experience on the capability of the system for severe accident role. But they are certainly are required to have information on the reliability and availability of those systems down to the competent level.

COMMISSIONER NILS DIAZ: And how do we monitor?

GARY HOLAHAN: The rule doesn't require the staff to look at that. It would be part of the normal reactor oversight process.

COMMISSIONER NILS DIAZ: So instead of the

reactor oversight process, that has to come in and fill in for monitoring that RISC-2 systems are being treated consistent with the categorization?

GARY HOLAHAN: I would think so. We haven't really laid out in any detail how that would work.

COMMISSIONER NILS DIAZ: You would expect that it would?

GARY HOLAHAN: I would expect to. This would be my expectation.

And because the reactor oversight process is, in fact, a risk-informed process, it seems to me that that would be quite consistent with the approach that we are already on.

COMMISSIONER NILS DIAZ: Is that something that you believe should be spelled out in the final rule to some extent?

GARY HOLAHAN: I think the staff needs to work it out as an overall plan for implementation. Perhaps not in the rule but in the guidance process.

COMMISSIONER NILS DIAZ: All right.

Thank you, Mr. Chairman.

CHAIRMAN RICHARD MESERVE: Commissioner McGaffigan?

COMMISSIONER EDWARD MCGAFFIGAN: Thank you,

Mr. Chairman. Like everyone else, we have more questions than we have time. So I will just try to get to the heart of a couple items that perhaps help the next panel as well.

One of the issues that the three Drivers raise is the July 31st draft included the following requirements: RISC-3 treatment processes must meet voluntary consensus standards which are generally accepted in industrial practice and address applicable vendor recommendations and operational experience. The implementation of these processes and the assessment of their effectiveness must be controlled and accomplished through documented procedures and guidelines.

Why was that dropped?

DAVID MATTHEWS: As one of the first management level reviewers of that rule, when I read those portions and then discussed it with the executive team, it was clear to me that that was a how as opposed to a what with regard to these rules. We were focused on developing performance based requirements.

COMMISSIONER EDWARD MCGAFFIGAN: One of the troubles with performance based rules is you can't enforce it. I mean, we have had staff testimony to

that in the past. It's very difficult to enforce vague requirements when everything is tossed into guidance.

DAVID MATTHEWS: Again, sir, my expectation wasn't that we would be attempting to enforce treatment requirements. We would be attempting to respond in the oversight process to performance problems that were generated by failure in RISC-3 components if they were to occur and result in a problem.

COMMISSIONER EDWARD MCGAFFIGAN: Well, doesn't that affect -- I mean, we are chasing -- in the oversight process, one of the dreams was once that we would somehow get ahead of those issues. That guarantees that we are always behind issues.

I mean, if there's a failure, the oversight process identifies it and we go after it.

DAVID MATTHEWS: We would have trouble justifying, I believe, enforcement resources relative to treatment for RISC-3 components by virtue of the fact that it would be inspection recourse dedicated to the lowest significant components in the plant.

So therefore, it seemed appropriate to put a performance based requirement relative to its treatment that would be responded to in the event

that you did have subsequent failures. And hopefully they would be indicated in a trend.

COMMISSIONER EDWARD MCGAFFIGAN: I'm going to get short answers, because I'm going the ask the question for each of the three.

And if you have already read the viewgraph I won't read it. But it bears on the need for ASME 2, class 2 and class 3 SSCs parts must either meet the requirements of the ASME Boiler & Pressure Vessel Code or other generally accepted voluntary standards that are in industrial practice, et cetera. Why was that all dropped?

DAVID MATTHEWS: For the same reason.

Essentially, the answer is the same for all of them.

COMMISSIONER EDWARD MCGAFFIGAN: So these are all how-to's for stuff you don't think is very important?

DAVID MATTHEWS: Yes.

COMMISSIONER EDWARD MCGAFFIGAN: And therefore, we don't need to have how-to's for things that are not important?

TIMOTHY REED: Let me just also add with regard to the use of risk-informed code cases, ASME standards, what have you. We talk about this in the

SSC. We recommend that these are -- these are, in fact, approaches that would, in fact, comply with our role requirements. So if you put yourself in a licensee's seat what do you see?

I think you see that from a licensing risk would I adopt these? Of course I would. And the NRC has told me that this is what it complies with.

Would I adopt them from an engineering perspective? Absolutely. By the ASME saying this is a good way to go, I feel a lot better from an engineering perspective.

And I think as NEI has indicated, they are going to suggest to the industry in their guidance that goes out to industry, not submitting to us, that in fact they follow these standards and cases.

So do I expect a licensee to do this? Absolutely. It's available. It's probably the most cost beneficial way to go.

But it is, in fact, a how-to. I think I fully expect them to do it. I don't think we need to get into the how-to's here. I think we can be performance based. It's kind of difficult.

JON JOHNSON: It is difficult, you are right, to inspect performance base but it's our understanding that's the Commission's policy.

COMMISSIONER EDWARD MCGAFFIGAN: The Commission's policy -- I think on risk informed, there's a policy statement. On performance based, we have been pretty --I don't think there's any definitive guidance that we are always going to seek to be flexible.

I, for one, think the deterministic requirements are just fine a lot of the time. So, it's performance based to the extent appropriate, I think are the words. You are determining that this is a place where you think it's appropriate for performance specific.

I will go back to the Chairman's question on RISC-2, you are being pretty performance based there as well on some things that are allegedly very high safety significance. You know, environmental qualification for RISC-1's we have all sorts of rules and they follow them, et cetera.

For RISC-2's, I guess when something fails in the performance monitoring thing, since it is high safety significance and if they didn't have an adequate environmental qualification thing and we determine that's a problem, what? They get a yellow or a white finding or something at that point?

What is it that they actually have to do

for environmental qualification of a RISC-2 system?

GARY HOLAHAN: Well, I think they have to continue to do corrective action to put that component or system in a condition that's consistent with the categorization process. So they may need to take corrective action.

COMMISSIONER EDWARD MCGAFFIGAN: Did you ever consider saying, if something falls into RISC-2, then all of the prescriptive requirements elsewhere in the regulations that would apply to the RISC-1 system hereby apply to the RISC-2 system?

GARY HOLAHAN: I think we did think about that. There's a fundamental problem with doing that, and that is RISC-2 components are important from a severe accident point of view. And most of the special treatment requirements are not targeted to severe accidents. And they serve better, they work better in the RISC-1 box where they were originally intended then they would serve in the RISC-2 box.

So what we thought was, you could do that and I think it would provide you perhaps some higher level of assurance. But it would be a rather heavy burden. And we thought that we could more directly target what was really important from a severe accident point of view, capability, reliability, and

availability of equipment to provide a better balance between what's required and what the safety benefit was.

COMMISSIONER EDWARD MCGAFFIGAN: Thank you, Mr. Chairman.

COMMISSIONER NILS DIAZ: Can I just for a minute -- if the rigorous categorization process were to determine that somehow one of the system that is RISC-2 should really be RISC-1, we would move it to RISC-1?

GARY HOLAHAN: I think what would happen is, if such thing were identified, certainly it is possible, the backfit rule is available. And we could certainly impose additional requirements in that case.

COMMISSIONER NILS DIAZ: So there is a difference between RISC-1 and RISC-2? And the difference is that RISC-1 have to deal with the entire set of design basis accidents, plus severe accidents. And RISC-2 really doesn't have to deal with the entire design basis, it's just beyond design basis?

GARY HOLAHAN: Yes, sir.

CHAIRMAN RICHARD MESERVE: Is that right?

TIMOTHY REED: It stems from the fact of safety related versus nonsafety related.

CHAIRMAN RICHARD MESERVE: Is it possible to conceive that when you do a PRA, that you will find that there is some nonsafety related component that, in fact, is important for a design basis accident?

GARY HOLAHAN: It would not be necessary for a design basis requirement.

CHAIRMAN RICHARD MESERVE: Would it be possible to find such a component -- SSC, excuse me?

GARY HOLAHAN: It wouldn't be impossible to find one that might provide some additional protection for design basis requirements. But it wouldn't be possible to find one that is necessary for a design basis requirement, because the complete set of those is included in RISC-1 --

CHAIRMAN RICHARD MESERVE: We need to understand these things well enough to be able to say that.

GARY HOLAHAN: And if we were to find that the design basis were deficient, I don't think that a voluntary rule of 50.69 would be the appropriate way of dealing with it.

COMMISSIONER NILS DIAZ: We will say, fix it.

That's what my question was.

GARY HOLAHAN: We want to keep RISC-1 and RISC-3 as the design basis requirements. They should be fully capable of fully addressing all of the design basis requirements. And if they are not, they need to be fixed separate from this.

COMMISSIONER EDWARD MCGAFFIGAN: I want to ask one question if I can. The cost of these RISC-2 system structures and components, you know, something finds itself in RISC-2 -- you have a lot of data, you pointed out on Westinghouse owner's group about how cheap things become if you can just get away from the current requirements for safety-related systems structures and components.

Do you have any idea what the extra cost is? I mean, is it a cost free something? Something gets into RISC-2 but it doesn't cost them anything other than having to monitor it? Or are they actually going to have to have some additional requirements in terms of the quality of that part or component? Is there any data on that?

GARY HOLAHAN: I don't know. I don't believe we have seen any data.

COMMISSIONER EDWARD MCGAFFIGAN: We always have this double-edged sword stuff. And if the sharp edge of the sword is actually cost free to these

guys, other than monitoring and paperwork -- which would cost something -- then what is it that we have done?

GARY HOLAHAN: I judge the sharpness of the safety edge of the sword by the safety improvement not by the cost that it has imposed on a licensee. So, some may, in fact, be low cost.

But if they have a net safety benefit, I would see that as supporting this as a safety rule.

COMMISSIONER EDWARD MCGAFFIGAN: But the reason the safety equipment costs so much is it presumably goes through a lot of extra testing, certification, whatever. And we are saying we don't really need to do that stuff for the RISC-2's.

GARY HOLAHAN: That's right. And from the examples that we have heard, it's not unusual for the cost to differ by a factor of four or five or so.

TIMOTHY REED: Remember, in RISC-2 what you are looking at is how they credited that SSC in beyond design basis situations. So if a licensee is crediting something to operate in beyond design basis conditions and the treatment isn't there, in other words, to support the capability of the component to do it, then that's basically, either they get that treatment up, which would be costly, or they change

the assumption in the PRA and take a risk hit.

So that goes to the requirement that Chairman Meserve was looking at. So it could be costly. So some of these costs that you are talking about would be really in the front end, looking at your PRA, and whether in fact it's valid. Those are the kinds of things we look at in the submittal, the peer review findings, the output of that, and how valid it is. So there could be substantial costs.

But having said that, if someone has a PRA that has a lot of invalid assumptions, are they going to try to pick that up Option 2? I don't think so. I think the people that are going to pick this up are people with good PRA's. They wouldn't have a substantial additional amount of cost involved for bringing them up to what we have said is a very high standard on quality really for this application.

GARY HOLAHAN: I think it's fair to say that we don't expect licensees to be spending a lot of money adding new components to the plant in their RISC-2 area in order to reduce risk.

The examples we have seen have to do with existing equipment in the plant for which they can now determine some severe accident role. But it can be worked into the accident management guidelines.

It's available.

So the costs are mostly analysis costs, monitoring, and upkeep costs. They are not so much, you know, new construction type costs.

DAVID MATTHEWS: Or dramatic changes in the way they have been treating these.

CHAIRMAN RICHARD MESERVE: Commissioner Merrifield. Sorry to take so long in getting to you.

COMMISSIONER JEFFREY MERRIFIELD: No problem. Thank you, Mr. Chairman.

Two quick comments I want to do up front. Frequently, on this side of the table I have made comments about the need to make sure that our presentations to the staff are in plain English. It would be only fair to give a credit to Tim for providing what I think was a very good plain English presentation this morning that worked through a lot of acronyms, a lot of descriptions, but did so in a way that I think stakeholders could understand through our video streaming and everyone here in the audience. So I wanted to credit that.

The other comment I wanted to make, various commissioners have made comments about RISC-2. I need not add to that. And I think part of what the staff made take from this is a need for perhaps some

additional clarity in explaining what it intended on RISC-2.

I do want to counterbalance that by the notion that brevity is -- and, comments made by the Commission, the staff feels sometimes that it has to bring us a rock. The issue of brevity is not necessarily a bad thing in and of itself.

And I use as an example President Lincoln's Gettysburg address, which was known as probably one of the more shining examples of speech in certainly our history if not world history versus the presidential address of William Henry Harrison, which had 8,000 plus words, which were known to lead to his death of pneumonia some 30 days later. So I caution the staff, lots more is not necessarily better.

A significant portion of what the staff and what we are attempting to accomplish here does require a very robust living PRA to take advantage of the categorization process.

There are, I think, a couple things associated with that. One, it's my understanding that the staff is still working on a draft reg guide to address PRA quality. And I wanted to get some sense of the status of that. Because that is certainly a key in this process.

I am also aware of a significant effort on the part of NEI and its membership to go through a peer review process of existing PRA's. So I would like to get a little better sense of how all of that works together, because this obviously is significantly interconnected with that.

JACK STROSNIDER: I can attempt that. Jack Strosnider, deputy office director in research.

With regard to the draft reg guide, 1122, our expectation is that we put that out for public comment within the next month or so and that it's on a parallel track for final issuance on the same sort of schedule as 50.69.

The current reg guide would reference ASME standards, also some NEI guidelines on how to do peer review relative to those standards.

It would also -- there would be update of this reg guide to include -- future updates to include some other areas such as fire, external events and low power and shutdown risks.

And I would just comment that in the research concurrence for putting this package out for public comment, that we also commented that we think this area should be addressed, perhaps more thoroughly, with regard to the upcoming changes and

how they are incorporated.

But as was stated earlier, we do expect those, the standards to be -- guidance to be available, consistent with the schedule for 50.69.

COMMISSIONER JEFFREY MERRIFIELD: What about our interaction with NEI and its efforts to peer review the existing PRA's?

JACK STROSNIDER: There have been a number of meetings on that and perhaps Gary can give more detail on that.

GARY HOLAHAN: I think it's an integral part of our draft reg guide 1122 that Jack mentioned. There have been a number of meetings. My recollection is the staff members did observe a number of the peer review activities. We sent staff out for a week or so to actually observe how they were being done.

I think all of these things are steps in the right direction. You know, we are not at a point where we are done and can declare victory on PRA quality. But I think they are all very fundamental steps being taken in the right direction.

And I think the Office of Research has played an absolutely pivotal role in getting where we are and where we need to go.

COMMISSIONER JEFFREY MERRIFIELD: Thank you.

On page 48 of the Federal Register notice, it talks about removing RISC-3 SSCs from the scope of requirements associated with appendix B, a topic which I have spoken to the staff about and in public on various occasions.

What standards -- is there a sense that we are going to? Is there an ISO type program? And can you clarify for us -- Commissioner McGaffigan talked about the issue of some of the cost differences in the inspection requirements, is there a significant difference in the manufacture of these products at the end, or is it more a function of meeting our quality assurance requirements that drives the cost of -- appendix B requirements that drives the cost differences that are associated with the information that has been provided to us by Westinghouse?

TIMOTHY REED: I will take a shot at the last piece first. I am probably not the best person. You probably ought to be talking to an industry person involved in procurement who can certainly give you a better answer. But I think it's a combination of two major factors, at least, that really drive up costs.

One, appendix B and the other is part 21 requirements. Those drive up those costs enormously. Of course, equipment qualifications, seismic qualifications are also other aspects that can drive up this.

So all of those would come off and that would reduce the cost substantially of procuring a replacement piece.

As far as ISO 9000 or something like that, a licensee would utilize -- I'm not sure what licensees might utilize in their commercial programs today. But I do know I put the programmatic requirements right into 50.69(d)2.

What I'm concerned about from my perspective in the 50.69 centered universe is that they meet those requirements. And if ISO 9000 meets them, fine. Whatever it takes. That's why we basically established what are called a floor of requirements in D-2.

If your commercial program is good enough to do it, great. If it is not, you are going to have to bring it up to a level that does meet it. That's the best I can do with ISO 9000.

Did anyone else have anything to add on that?

GARY HOLAHAN: Can I just add a few points?

What it looks like is when there was procurement of essentially identical components, there was a substantial cost associated with quality assurance and documentation process. And it can be a factor of two or four or more on the cost.

There is a sensitivity to components which look similar or might, in fact, be identified with the same number. And I think when you hear from the staff on the next panel, I think they can speak to this issue as well.

We do have a sensitivity to replacing, you know, metal components with plastic components, something that would, in effect, change the design, although it would be done in a subtle way and might not be noticed, which could, in fact, impair its function.

So the substitute of nonappendix B components for appendix B components needs to be done in a way that preserve the design basis. I think we all share that concern.

But a substantial difference in the cost is associated with appendix B itself, not necessarily that this is a cheaper, you know, modified version of the components.

COMMISSIONER JEFFREY MERRIFIELD: I think

part of what I was trying to get through with that question -- and we have seen any number of examples coming out of the Pentagon, the substitution of commercially available component does not necessarily result in a component that has a lesser quality.

Is that a fair assumption?

GARY HOLAHAN: I think that's a fair statement.

COMMISSIONER JEFFREY MERRIFIELD: I want to go to the STP experience.

Obviously South Texas put a significant amount of time, effort, and money into going through the effort that they did on the exceptions. And I'm wondering if I can get a couple of different observations out of this.

One, is there a -- we viewed this in the comments. We viewed South Texas as a proof of concept prototype for the rule making.

Are there any significant differences in terms of where we went with South Texas versus what we have before us today? And do you all consider that effort a success? Was that pilot a success and a model for how we might do things in the future or not?

TIMOTHY REED: I can start.

Comparing South Texas to 50.69, of course they were exempt to rule making, it goes without saying. But some other significant differences between the two efforts. South Texas' PRA was reviewed in substantial detail by the staff. Of course, we are going to rely on PRA reviews, the PRA guide and a focus review in that respect.

South Texas ultimately ended up with a detailed FSAR, there were pretty strict change controls on the FSAR and put them basically in a box. What do we have? We have a regulation instead.

South Texas never even requested, because they didn't need it, relief from appendix B, design control, that Criterion 3 and 15 and 16 which go to corrective action.

So those are some of the substantial differences between South Texas and Option 2.

Now, I'm forgetting, I think, the rest of your question.

COMMISSIONER JEFFREY MERRIFIELD: Was it worth it? Was that pilot a success?

TIMOTHY REED: Yes. I think proof of concept is the good word not pilot.

One of things that happened with South Texas is I think we were searching for what Option 2 was. They came in early. We were first.

They tended to be a little bit more toward Option 3 early on. And I think some of the things they were looking for were really bordering on design changes. And we kind of dialed them back. And you see that through the history of dealings with South Texas.

It certainly was successful in helping us to work through a lot of issues. We had a lot of excellent dialogue. And a lot of stuff that we considered in South Texas really helped us to put this package together.

You may not see it explicitly, but certainly, working through the thought process helped us enormously in putting this together.

GARY HOLAHAN: Let me say that I think it was a success. It was a valuable thing to do.

But because it was done without this level of guidance or requirements, it was some sort of thinking out loud being done. And some of the things that South Texas suggested, especially early on, as Tim mentioned, I think were inconsistent with Option 2. And to a certain extent, some of that discussion process made the staff very nervous about what is South Texas really trying to achieve and how well this all worked out.

So in part, that issue of discomfort for what South Texas was really achieving and the working through of, you know, how much treatment and what's in and what's out, I think it came out at a good point.

But going through that process, I think, made some people nervous because, they saw that, if it weren't for some of the staff's decisions, then, in fact, South Texas would have chosen something that probably would have been incompatible with Option 2. So I think that, in part, has lead to some of the staff's concerns.

COMMISSIONER JEFFREY MERRIFIELD: Well, there was a dynamic process. That was understandable.

My final question for the last couple of minutes, we are going to hear from the DPV panel in a moment. And there are two, it seems to me, significant things that they will be raising, at least in the presentational materials that we received beforehand. One is that there were significant changes made after the July 2002 version of the proposed rule.

And the other one is that there is an issue associated this proposed rule regarding common-cause

failures.

And I was wondering if the panel would like to have an opportunity to comment on those issues?

DAVID MATTHEWS: I will take the first one. I think Tim can address the common-cause failures.

We have focused on that aspect of our concern -- I mean of their concern, and now it is our concern with regard to common-cause failures of those three components.

With regard to the first issue about the significant changes between the August, I think, 2nd version of the rule which has been presented to the Commission, the August 2nd version has been misrepresented, I think, as representing some sort of uniform consensus. The consensus only existed only at the working staff level with regard to there being a risk management team who considered alternative approaches to this rule and basically came out with a universally -- by them -- accepted compromise.

And when it began management review and concurrence review, it was greeted with, good job, wrong answer. By virtue of the fact that we didn't believe that it was consistent with direction that the Commission had given us in SRM's. And so we worked with the team that was leading the concurrence

process to put into concurrence a package which hopefully balanced out for the purposes of gaining Commission and public involvement the concerns that had been expressed and tried to be alleviated by

And namely, to put out a rule that we thought was responsive to Commission direction and, at the same time, appreciated that there was a tension in the staff over this step forward, and that that tension is represented primarily, not solely, but primarily by the treatment of RISC-3 components.

So we decided to put out the alternative ruling and be very up front in the Federal Register notice with regard to the fact that it represented an alternative view for which we were seeking public comment.

That is the package that we forwarded to the division directors finally and to the other offices for concurrence, and it did gain concurrence. And the EDO forwarded us the staff's recommendation.

But, you know, there were two different versions of the rule. The August version differed primarily from the current version in front of you in that RISC-3 treatment area, although there were several other changes that were made during the

concurrence process to improve clarity and to focus the wording associated with this evaluation process that needed to be done to ensure that your categorization process remained valid in the face of changing reliability of all classes of components.

So we did make some other changes.

I think they can be summarized in four areas. But the major one was treatment of RISC-3 components.

TIMOTHY REED: As you point out, the common-cause failure is at the heart of the concern here. And if you remember back when I was talking about, from a specific SSC basis, RISC-3 SSCs are important. They can fail.

What you get concerned about is when you have a lot of them failing. And common cause is the one way to get a lot of them failing. And so, what you look at naturally you want to look at common-cause failure and making sure, in fact, that's not an issue in RISC-3, because you can get to a safety issue. So, that is the heart.

So when you look at that, what have we done in this framework? If you recall, in paragraph B, there's a submittal requirement. The submittal requirement is to look at, to tell us in part, what

are you doing as far as evaluating this delta CDF, delta LERF? And a piece of that is looking at what kind of degradation can be effective to RISC-3 SSCs, and what that means in terms of time and cost.

So right up front we are going to have to have the licensees think ahead proactively about this whole issue and their submittal.

Then after that, if you look at that actual CDF and LERF sensitivity, you will find that what we do is we change the reliabilities, making them less reliable for all of these RISC-3 SSCs simultaneously. But we also increase the probability of common-cause failures all simultaneously, each in their own system at the same time.

Now, is that cross system CCF? Of course not. But it's sort of a way of getting there. We don't actually look at cross system common-cause failures. And there's actually a good technical reason not to. That's why a lot of it is not modeled in the PRA.

To get into a situation where you have a common-cause failure, you need common cause. So when you look at SSCs across systems, what do you see? You are going to see different susceptibility to common-cause failures. And you need inputs.

I'm thinking in terms of identical

environmental conditions, identical service conditions, identical human actions in terms of procedures and maintenance. When these all add all, you can get the common cause.

Well, in a sense when you look at the equipment we are talking about in box three, what are we really reducing this thing down to? We are really looking at stuff that's not self-revealing in terms of its failure. If it's operated and it fails you are going to know it.

You are looking at the stand-by design basis equipment down in this box and whether in fact you can get cross system common-cause failures. If you look at that closely, from a purely technical perspective, is it all in the same environment, does it all see the same service conditions? Does it all get the same procedures, maintenance and what have you? And that's from a purely technical perspective.

Nonetheless, we still looked at this in terms of the CCF and -- okay, I just mentioned that delta CDF and LERT. And remember, when you get these failures, you have got to feed this data back into the process in E-3.

E-3 then would bring this data back in.

If you are getting these kinds of failures that's not going help you at all. It's going to hurt you. It is going to also potentially indicate you are out of whack with what you told you were doing in

and LERF risk sensitivity that you did. So, in fact, you are going to be in trouble with complying -- in fact, you are not maintaining the design basis either in D-2.

You are probably not complying, frankly, with about three different provisions of the rule. And you can probably in a programmatic issue here as far as programmatic breakdowns so our reactor oversight process would get involved.

All of that are very, very good reasons why licensees do not allow common-cause failure to develop. And I think we have the right provisions in place to address that.

And then I have also spoken to the technical reasons why I think it wouldn't develop. I'm not sure if that get to --

JON JOHNSON: One last thing I would like to add --

COMMISSIONER JEFFREY MERRIFIELD: You may but I do have to apologize, because I didn't expect

to get quite this answer. But it's useful to know.

CHAIRMAN RICHARD MESERVE: We do want to leave time for the DPV.

JON JOHNSON: I do want to point out that I think our management team could do a better job providing expectations at the beginning of these efforts. Our leadership team has initiated a three-year initiative to improve how we understand risk principles, how we use them, how we communicate them measures. And it doesn't just affect our rule making efforts, but it also affects our inspection efforts and so forth.

And I think we have made a lot of progress in this area. And we will continue to do so.

COMMISSIONER JEFFREY MERRIFIELD: Thank you, Mr. Chairman.

CHAIRMAN RICHARD MESERVE: I would like to thank the staff. This has obviously been for all of us a very interesting discussion. I appreciate your work.

We have a second panel this morning that consists of three staff that have filed differing professional views. And we will ask that they come to the table.

They are Mr. David Fischer, Mr. Thomas

Scarbrough, and Mr. John Fair. All of them are senior mechanical engineers with NRR.

And let me say that I have no idea how the Commission is going to proceed with regard to the

I very much appreciate the effort that you all have put into submitting your views.

It's very important that we have an open climate in which we are prepared to think outside the box and to deal with issues as they come forward. And this is the process as it should work.

So I would like to thank you all for the obviously very substantial effort and thought that you put into this activity.

PARTICIPANT: Chairman, I would like to add that these three senior engineers have extensive NRC experience. They are all members of the mechanical and civil engineering branch in our division of engineering. They are valued members of our team, and they have participated considerably in the development of this rule making. And they would like to share their views.

THOMAS SCARBROUGH: Thank you Tom.

My name is Thomas Scarbrough. And with me are David Fischer and John Fair.

We appreciate this opportunity very much to meet with you to discuss our safety concerns regarding the 50.69 rule.

Could we have the first slide up there, please.

It's a little background, Mr. Fair, Mr. Fischer and I are senior engineers in the mechanical and civil engineering branch at the NRR Division of Engineering. Each of us have served the Commission for over 20 years.

In our engineering assignments we have evaluated a wide range of licensing activities related to competence and performance, including implementation and risk-informed testing programs.

In particular, we were the principal reviewers in the division of engineering for the South Texas risk-informed exemption request. And we are currently the principal DE reviewers for the Option 2 rule making effort.

Next slide, please.

We talked quite a bit about the Option 2 and what it is. I will just add there that, as discussed in the Commission papers describing Option 2, licensees will be required to maintain functional capability of the RISC-3 SSCs.

And an effective categorization process will ensure that RISC-3 SSCs have low safety significance on an individual basis. However, small groups of RISC-3 SSCs can have a significant impact on plant safety. And because of the robust nature of nuclear power plant design, experience with risk-informed programs has suggested that up to 80 percent of the safety-related SSCs may be categorized as RISC-3.

For example, RISC-3 SSCs might include most valves used to provide containment isolation, feed water, service water, residual heat removal and air to start the diesel generators. And RISC-3 SSCs may also include the pumps and values used for containment spray and the spent fuel pool systems.

As we have discussed this morning, treatment can have a widespread affect on comparability and reliability. Sensitivity studies typically assume a general increase in the equipment failure rate to evaluate whether treatment reduction will cause a significant increase in core damage frequency. Nevertheless, sensitivity studies continue to assume a high reliability for RISC-3 SSCs.

For example, motor operative valves assume

to have a reliability of 99.9 percent in the PRA might be assumed to have a 99 to 99.6 percent reliability in the sensitivity study.

Some aspects of equipment capability cannot be evaluated based on performance monitoring alone. We talked about performance based this morning. But it all can't be monitored using sort of performance monitoring techniques.

For example, seismic and environmental capability will not be evident during the daily plant operation. Therefore, it's not possible to rely solely on feedback of performance information to validate the effectiveness limitation of the treatment process.

We believe that the 50.69 rule should contain a minimum set of treatment requirements that provides reasonable confidence that RISC-3 SSCs will be capable of performing their safety functions under design basis conditions.

Clearly understood requirements are important because the staff does not plan to repair implementation guidance for the treatment of RISC-3 SSCs nor to conduct inspections of the effectiveness of the RISC-3 treatment processes.

Next slide, please.

Our safety concern is that, as currently written, we believe that the proposed rule does not provide sufficient requirements to make a determination that its implementation will maintain adequate protection of public health and safety. Our basis for this belief is that key lessons learned from performing plant specific risk-informed reviews, including proof of concept efforts at South Texas, is the need for clear requirements for the treatment of RISC-3 SSCs.

Next slide, please.

Over a year long period, NRC's technical staff developed a draft rule, dated July 31, 2002, based on several factors. First, RISC-3 SSCs receive sufficient regulatory treatment such that they are expected to meet functional requirements, albeit with reduced assurance.

Second, there are different levels of compliance -- different interpretation of treatment requirements.

For example, the proof of concept licensee initially interpreted general requirements in a manner that would have led to ineffective treatment processes. The staff resolved these issues with the licensee through specific provisions included in the FSAR and the NRC safety evaluation.

Third, a recent generic study of commercial practices in nuclear plants and equipment vendors described in NUREG 67.52 found a wide range of practices that applied to nonsafety-related equipment, depending on its perceived importance.

For example, stand-by equipment might receive attention only if a problem is identified. And RISC-3 SSCs use for accident mitigation would likely fall into stand-by category.

Fourth, the staff placed drafts of the rule on NRC web site and conducted public meetings to allow stakeholders to have early input into the rulemaking process. The technical staff considered those comments when preparing the July 31st draft rule, provide a minimum set of treatment requirements to eliminate unnecessary burden where possible.

Finally, the technical staff applied its experience in component engineering and from its participation in generic industry activities, such as ASME code.

Following the development of the July 31st draft rule, the proposed rule deleted several significant treatment requirements. No technical reasons were provided for the deletions except a simple assertion that categorization enhancements had

reduced the importance of RISC-3 SSCs.

Based on our review, we have concerns regarding the deletion of certain treatment requirements. We are also concerned that the statement considerations do not reflect the requirements of the rule.

We would like this morning to briefly discuss the deleted requirements related to consensus standards, design control, and corrective action. And this is the bulk of our concerns.

Next slide, please.

The first area that we would like to discuss relates to consensus standards and documentation. These treatment requirements in the July 31st draft rule were, RISC-3 treatment processes must meet voluntary consensus standards which are generally accepted in industrial practice, and address applicable vendor recommendations and operational experience.

The implementation of these processes and the assessment of their effectiveness must be controlled and accomplished through documented procedures and guidelines.

Next slide, please.

The staff based these requirements on the following factors.

The industry develops voluntary consensus standards through the participation of hundreds of technical experts. The NRC staff participates in this effort and reviews numerous standards itself. The result is the establishment of well understood treatment methods for plant equipment.

With risk-informed methods, ASME has been developing standards in this area for over 10 years.

On the other side, industry -- individual licensees do not have sufficient expertise to develop appropriate treatment for RISC-3 SSCs in areas of design, construction, installation, operation, testing, repair and replacement as part of the categorization process.

With respect to operating experience and vendor recommendations, the staff has found that licensee attention is necessary in these areas to prevent common-cause problems from impacting multiple SSC functionality.

For example, the staff issued several generic letters in response to operating experience with valve performance, and similarly, the staff has

issued numerous information notices that addressed vendor information with common cause implementation.

Finally, the proposed rule includes almost no requirements for the documentation of the treatment of RISC-3 SSCs. For example, there are no requirements for documenting the design, procurement, installation, testing, repair, or replacement of RISC-3 SSCs or any related procedures or records.

The proposed rule also does not include any requirements for self-assessment of the treatment process by licensees. As a result, in our opinion, it will not be possible to rely on licensee internal programs to manage, document and audit the treatment process.

Next, John Fair will discuss some design control requirements that were deleted from the draft rule.

JOHN FAIR: Next slide, please.

This slide just shows the design control requirements that were deleted from the July 31st draft. The reason that we had a number of design provisions in that draft were that several provisions included within the scope of 50.69 also addressed the design requirements. Most of the language shown on this slide address these design requirements.

For example, the first item contains a requirement that replacements for ASME components meet a single standard in its entirety.

The second item requires replacement components meet fracture toughness requirements.

The third requires documentation. And I underline documentation that SSCs meet environmental and seismic design requirements.

And the last item just lists elements that should be controlled by the process.

The next slide provides the basis for including these requirements in the rule.

Next slide, please

These requirements were based on the following considerations.

The proposed rule allows licensees to replace ASME section 3 components with nonASME section 3 or commercial components. Since the ASME code contains design criteria, it's necessary to include requirements in the rule to provide a reasonable confidence that the replacement components are designed using acceptable criteria.

There appears to be some staff confusion regarding the actual rule requirements for these replacement components. Mr. Reed stated earlier that

licensees must maintain design basis functional requirements as part of their rule. But he did not say that the licensees must maintain design requirements.

The current rule language does not require the use of ASME code design criteria or any other design standard for these replacements components.

South Texas proposed to replace ASME section 3 components with commercial components and perform no further evaluations. This would result in a commercial -- component constructed to a commercial standard and qualify to ASME design criteria.

The staff found this proposal unacceptable because there would be no basis to establish functionality or reliability of a component designed to such a hybrid criteria. The purpose of the July 31st language was to ensure that replacement components meet a single standard in its entirety. The current rule language does not provide this assurance.

The second item requires replacements for ASME class two and three components to meet fracture toughness requirements. The staff considers fracture toughness requirements important to preclude potential brittle failure of components done to

the design basis events such as earthquakes, which would give you a very common-cause event. These fracture toughness components are part of the ASME code requirements.

The statement of considerations indicates that the fractured toughness requirements continue to apply. The statement is clearly inconsistent with the rule which does not require compliance with any of the ASME code requirements for these replacement components.

South Texas did not propose to meet ASME section 3 fracture toughness requirements for replacement components. Retention of fracture toughness requirements was required by the staff before the licensee was granted the exemption. We would not expect licensees to meet fracture toughness requirements if the rule does not contain this requirement.

The third item requires licensees to have documentations to demonstrate their SSCs can perform their safety-related functions for environmental and seismic design conditions. Documentation is necessary to show the design requirements have been met.

Our experience with the South Texas review

indicated that the licensee did not intend to perform any evaluation of the replacement SSCs to determine that environmental and seismic requirements have been met based on the assumption that commercial experience has demonstrated adequate performance.

However, staff discussions with component vendors found that some commercial components were not suitable for environmental and seismic design conditions.

Licensees cannot simply replace safety-related SSCs with commercial SSCs and just assume they will function. There needs to be some documentation to show that these SSCs meet environmental and seismic design criteria.

And the final item lists several important elements that should be included in the design control process. These elements are similar to those proposed by stakeholder comments on previous drafts of the rule language.

The July 31st language allows licensee complete flexibility on implementing these aspects of design controls.

Next, David Fischer will discuss corrective action requirements deleted from the July 31st draft rule.

DAVID FISCHER: Thank you, John.

Next slide, please.

Good morning. I would like to talk briefly about the corrective action portion of 50.69.

The proposed rule would replace the corrective action requirements of appendix B criterian 16 with this statement, conditions that could prevent a RISC-3 SSC from performing its safety-related function under a design basis condition should be identified, documented, and corrected in a timely manner.

This proposed rule language only requires the specific degraded or failed RISC-3 component be repaired or replaced. The proposed rule does not require that potentially generic common-cause problems be evaluated and corrected.

The July 31st draft rule included a requirement that, in the case of significant conditions adverse to quality, measures shall assure that the cause of the condition is determined and the corrective action is taken to preclude repetition.

This language would require licensees to address potentially generic common-cause concerns. We believe that licensee's treatment processes must

guard against common-cause failures, because experience indicates that changes to treatment, such as change to maintenance, test, and inspection practices can have a significant and widespread effect on component capability and reliability that might invalidate the safety analysis performed to justify the changes.

The proposed rule needs to more clearly require monitoring, corrective action, and feedback to address potential common-cause concerns, to re-establish treatment if treatment related performance problems are encountered and to ensure that changes to core damage frequency and to large early release frequency are maintained acceptably small.

We discuss these concerns in our DPV's in more detail.

Thank you very much.

Now Tom Scarbrough will discuss our conclusion and recommendation.

THOMAS SCARBROUGH: Thank you. Thank you, Dave.

Slide ten, please.

In conclusion, we believe that the proposed

rule as written does not contain sufficient regulatory requirements to provide reasonable confidence that licensees implementing the rule will establish effective processes for the treatment of RISC-3 SSCs.

We believe that the proposed rule should be revised to incorporate treatment requirements sufficient to make a determination that its implementation will maintain adequate protection of the public health and safety.

We recommend that the proposed rule be revised to incorporate the July 31st draft rule that addressed ASME, NEI, and other stakeholder comments. We do not believe that adjustment to this statement of consideration will be difficult, because the SOC was originally prepared for the July 31st draft rule.

Rather than simply including the draft rule language in the SOC as currently done, we consider it important that the proposed rule represent the best judgement of the technical staff.

Public comments could then be requested on the July 31st version of the proposed rule with specific requests for suggestions to further improve the rule language.

Thank you. And we will be happy to answer

any questions you might have.

CHAIRMAN RICHARD MESERVE: Thank you very much. I very much appreciate your views.

Commissioner Dicus?

COMMISSIONER GRETA DICUS: I'm going to just ask one of the questions that I put to the first panel. That has to do with, we are looking apparently, at two options here. We put the language in or we don't put the language in. And I'm wanting to think there is a third, a fourth, or a fifth option. And there are other possibilities.

Would you like to discuss what you think they are and what the merits of them would be, including the NRC looking at these on a case-by-case basis?

THOMAS SCARBROUGH: Well, one of the areas that would be possible would be to conduct some type of limited review of the submittal. There already plans to be a very detailed categorization review when it comes in.

You could do something where you had a much more simplistic rule language, but then with the idea that licensees when they did come in to ask for this 50.69 usage, we could do some limited type of review through engineering to make sure that there's an

understanding.

Because one of the things we found was that there was quite a bit of misunderstanding among the staff members, depending upon which division you are in as to component engineering, testing, and things of that nature.

I think we have seen that with the fractured toughness and the understanding of what that is, and component engineering in terms of what type of testing, where there's been a suggestion that -- attempted to be suggested that just a simple type of stroke time would be adequate... because these were low risks. Well, those components may not work properly.

So you need to have -- you can go that route and then have a very focused review through the engineering staff that would allow us to simplify the rule language quite a bit. And there might be some interest in industry to do that rather than having language that they would have to interpret because we don't plan to have any guidance in terms of how to interpret this high level language. And there might be interest in doing it that way.

JOHN FAIR: Can I add one comment to that?

In the previous Commission secy paper

discussing the 50.69 -- that's 00197 or something like that -- there was a discussion that said that staff was developing implementation guidance for the treatment. And that was subsequently dropped at a later team.

So there was an alternative that was originally proposed a while back.

COMMISSIONER GRETA DICUS: That was the second part of my one question.

A possibility that guidance could clarify this.

THOMAS SCARBROUGH: If you develop the language --

COMMISSIONER GRETA DICUS: With the language staying out that's out now but guidance clarifying the issue.

THOMAS SCARBROUGH: Well, part of our concern with that is that, as we mentioned that there's very little requirements for any documentation on things. What we were trying to do when we wrote the statement of consideration for the July 31st draft rule, was to flush out some of the language that was in the rule that was very high level.

But we felt it necessary to have rule

language that at least had a way to reference that guidance to. Because if there's not a tag to something that's in the rule, there's not a real clear indication that utilities would interpret the same way that we would.

So I think that's possible. I think we could probably cut down -- we have like eight specific requirements that were taken out that we had a concern with. I think we could probably adjust that if we had a way to have a regulatory guide of some type which flushed out the high level requirements.

So I think that's possible.

CHAIRMAN RICHARD MESERVE: Commissioner Diaz?

COMMISSIONER NILS DIAZ: Thank you, Mr. Chairman.

Let's see. I'm trying to understand the depth of your concern having read your comments.

You don't have any problems with rigorous categorization process, the way that it's stated in here?

THOMAS SCARBROUGH: No, sir. We believe that the categorization process does very clearly indicate the level of importance of various

components. It does indicate very clearly which components, on an individual basis are less important than the others. We think its does a very good job of doing that.

COMMISSIONER NILS DIAZ: So you believe that a rigorous categorization process would actually tell you which are those structure systems and components that belong on RISC-3?

THOMAS SCARBROUGH: Yes, sir. We have confidence in the PRA staff with that.

COMMISSIONER NILS DIAZ: So those components going to RISC-3 are not necessarily -- although they are classified as safety, relate a safety significant issue that is only on the treatment side? You do believe there is significant benefit in the categorization process as far as understanding the safety of the plant?

THOMAS SCARBROUGH: Absolutely.

COMMISSIONER NILS DIAZ: Fine.

I was listening to you attempt -- and I read the document, and I think the issue comes into what is a high level requirement regarding the treatment, right? Because if I read on page 23 of the proposed rule, it says at the bottom here, the proposed rule contains high level requirements for the

treatment of RISC-3 with respect to design controlled -- clearly stated -- procurement, maintenance, inspection, test and surveillance, and corrective action.

So those elements, I think, are good elements to have. But the issue is, what is a high level requirement? And the high level requirements that the staff is considering, you do not believe it meets your expectations of what a design basis structure system component should have?

THOMAS SCARBROUGH: Our concern is that these categories -- and we helped to develop these four or five categories. And we agree that that is the major categories. Our concern is that a lot of times they may just say, have design control or have maintenance and test surveillance.

There are times when it doesn't give you enough information for a licensee to interpret what is that minimum. And we found, through South Texas, that there's quite a variation and interpretation of a high level requirement. What is reasonable to one person may not be reasonable to another.

And only through a lot of discussion with South Texas were we able to come up with some level of understanding of what we meant. For example, South

Texas, at one point, was going to eliminate all of their commitments related to RISC-3 SSCs to the low risk category based on risk alone.

They weren't going to look at what were those commitments, regulatory commitments they made relative to the functionality. They thought, well, they are low risk. We can just push them away.

JOHN FAIR: There's a little more than just treatment.

If you look at design control area where we have a number of concerns, again, it was the fact that several of the rules that are included in 50.69 also cut across the design area. And what we are trying to do with the ruling, which is to make sure we maintain adequate design levels in these areas.

DAVID FISCHER: And what I wanted to add is having a high level treatment objective that simply requires that licensees ensure that their equipment remain functional under the design basis condition, that alone does not provide a technical basis that would ensure the functionality of a component. Whereas, if you had something like -- used voluntary consensus standards, that is a technical reason to believe that licensees will, in fact, ensure functionality.

But just requiring that they maintain them functional doesn't give you anything to hang your hat on really.

COMMISSIONER NILS DIAZ: So it is an issue that, you know, you think the lack of specificity, combined with the potential for misinterpretation are not following by the licensee? So it's an issue of the capabilities of the licensee to deal in the design control space that gives you the most concern?

THOMAS SCARBROUGH: I would say several areas.

One is we thought there were design requirements that were inadvertently deleted. Like fractured toughness, and we pointed that out.

Another is, we want to make sure that licensees understand what the requirements are so that there isn't any misinterpretation.

And lastly, we want to make sure that when the review is done, it's done in a way that's appropriate for component functionality. And we did not want to push this into where you had a team of people, sort of deciding, well, is this good enough for now.

We really wanted to make sure that the component engineers understood what the

assumptions for the reliability was up front in the PRA.

So they can say, if we are assuming this is going to be 99.6 reliable, we just can't go back and just stroke time this stuff or do something like that or never test it. We have to have a mechanism to be able to maintain that functionality at that sort of roughly at that sort of level.

COMMISSIONER NILS DIAZ: At the regional appendix B level or at the level that is commensurate to the RISC-3 categorization?

THOMAS SCARBROUGH: The RISC-3 category.

We went through appendix B and said, if we were trying to break this down from all the criteria of appendix B down to what we would think would just be appropriate for RISC-3, this is sort of the groups that we came up with. If we just had these, we think we would have less assurance in appendix B but we would still have this sort of this minimum floor that we could go in and say yes, we have confidence that licensee, if they follow this approach, they are going to have reasonable confidence in the capability of this equipment.

JOHN FAIR: I just want to add again, on the design control area, when we did the proof of

concept review and were trying to grant the exceptions to these rule requirements, we found that the licensee without guidance and requirements from staff were going to implement processes that the staff found technically unacceptable. And we would not accept them in the South Texas review.

And these are a number of the items that we essentially put into the rule requirements in 50.69 that were in the July 31st version.

COMMISSIONER NILS DIAZ: Well, I want to thank you for coming and briefing us. I personally appreciate your comments. I've gone through them.

Thank you, Mr. Chairman.

CHAIRMAN RICHARD MESERVE: Commissioner McGaffigan?

COMMISSIONER EDWARD MCGAFFIGAN: Thank you, Mr. Chairman.

I do also want to compliment you. I think its a very good thing that you have done, to bring these issue to light. I think you have all learned a lot of lessons from the South Texas project, that experience, and not all positive I'm sure. And you are trying to bring those into this rulemaking.

You answered earlier, Mr. Scarbrough, that you were confident in the PRA staff and this

categorization process. Speaking as one Commissioner, when it comes to PRA and its application, I don't have as deep a confidence. I see SDP's that get changed by a factor of 10, 100, 1,000, as we wonder through a process. And I don't trust any of these delta CDF's better than a factor of 10.

You also mentioned seismic. I mean, as I understood Mr. Strosnider's answer, we are going to have guidance for this ASME thing, we are going to have guidance for the ASME code or whatever for PRA quality.

But that's only internal events. Whereas you are with more external events, earthquakes, things like that, it's not all mode. And I don't know when we are going to have categorization guidance available that captures all modes, both internal and external events. Maybe it's all going to come together.

All I heard is that internal events is going to come together in time for the final rule, not the whole thing.

But is part of this that you all -- I mean, have some concerns about the categorization process? I read some of the documents. One of the issues

that came up in SDP was the shades of RISC-3, high versus low RISC-3.

How confident are you in the categorization process that it's going to give -- you know, all of these things are going to be well identified?

THOMAS SCARBROUGH: John, do you want to take that first?

JOHN FAIR: Yes.

I think Tom was saying he was confident that categorization process did a good job of doing a relative risk ranking. The reason that we have technical concerns is we don't think that the categorization process by itself can cover all aspects of treatment.

The reason we are trying to maintain some treatment requirements is to give us some assurance that the reliability of these components is not going to be significantly altered such that these assumptions that are going into the categorization process such as sensitivity studies are somewhat valid.

DAVID FISCHER: I'm pretty confident in what the staff is doing. They said, the previous panel said that they thought they did not need as much treatment requirements because they have this

very robust categorization.

But the robust categorization isn't really in the rule. The robust categorization is in the draft reg guides, and it's in these other documents

And I think it's important for the Commission to understand that that's kind of like betting on the future. And I think that you should consider keeping some minimal treatment requirements in the rule before you say the categorization process is so robust that I don't need to say anything more than the equipment needs to function.

COMMISSIONER EDWARD MCGAFFIGAN: The ACRS itself, is -- at least members of ACRS have emetic words about high quality level to all mode, internal and external event PRAs as something that you sort of need in order to do this rule, haven't they?

I'm not sure whether that's a consensus ACRS position, but I think I have heard it from at least one member.

THOMAS SCARBROUGH: Yes, sir. They raised some of those concerns.

One thing I did want to say, I wanted to say in response to Commissioner Diaz's comment was we are not anti-PRA. We are not pure deterministic

folks who won't believe in anything else.

We have been doing risk informed in service testing programs and such, motor operated valve programs, risk informed, for many years.

So we have confidence. We have watched the groups do some of that in terms of risk ranking.

But we are also aware of the weaknesses of it and respect that in terms of the common-cause aspect. There have been studies on how to deal with common cause. Some of that is have procedures, guidance, design control. That's how you get around the concern of common-cause problems.

So with that, we think marrying the two together of categorization with all of its strengths and weaknesses and a minimum level of treatment will allow us to go forward with a rule that we can say yes, we are stepping out a little bit here, but we think we have enough checks and balances that we think we will be all right.

COMMISSIONER EDWARD MCGAFFIGAN: And in the South Texas process, in the end, you got the checks and balances that you felt were appropriate through the FSAR changes; right?

THOMAS SCARBROUGH: Yes, sir.

COMMISSIONER EDWARD MCGAFFIGAN: But some

of those checks and balances that you got in South Texas are not in this rule?

THOMAS SCARBROUGH: They were taken out.

We had them in the July 31st rule with the explanation and the SSC, the two together, but they were taken out at the last minute.

DAVID FISCHER: And our management thinks that some of this level of detail, these eight minor areas, including them in the proposed rule would be inconsistent with the Commission guidance.

And my reading of the previous secy paper doesn't say that including use of consensus standard is inconsistent with the Commission's previous standards.

COMMISSIONER EDWARD MCGAFFIGAN: There's a law to the effect that we should encourage the use of consensus standards. The 1996 Technology Transfer Act.

I will tell you. There is a tendency, that I have seen here in the six years to sort of project what we say in some delphic SRM -- sometimes there's a lot of projection that goes on that they slip -- there's something in a paper buried on page 35 of appendix B that wasn't highlighted. And because we did not object to it, therefore, it's Commission policy.

I just say once again, it isn't Commission policy if our synapsis are not connected on the matter.

CHAIRMAN RICHARD MESERVE: Commissioner Merrifield?

COMMISSIONER JEFFREY MERRIFIELD: I think the flip side of Commissioner McGaffigan's comment, though, is that there are opportunities where individual members of the Commission who had an opportunity to weigh in on specific provisions of an SRM do have an opportunity in our discussions with management to refine and reflect on what we have said. Knowledge which isn't necessarily available and open to the staff. That cuts both ways.

That's why we have a management around here to do some of these things.

COMMISSIONER EDWARD MCGAFFIGAN: But that does lead to individual Commissioners interpreting what the SRM means.

COMMISSIONER JEFFREY MERRIFIELD: It's not an instruction. It certainly defines an understanding of the basis of why the elements were in there.

On slide nine, you have got the last line that talks of design control, including selection of suitable materials, methods, and standards,

verifications of design accuracy -- no, just a second.

I'm on page 7. I apologize.

On slide nine, you have in the case of significant conditions adverse to quality, measures shall assure that the cause of the condition is determined and correction action taken to preclude repetition.

Now, that language is very similar to the last lines of appendix B, criteria 16. And I'm wondering if you can elaborate a little further on your concern regarding the current proposed rule language as it relate to the corrective action requirements related to RISC-3 SSC.

DAVID FISCHER: I think that we intentionally took the language from appendix B because we felt this was an important aspect of the corrective action program.

It was an aspect that South Texas project licensee felt was so important that they decided they did not want an exemption from this particular aspect of the regulations.

And it is the piece of appendix B which broadens the licensee's responsibility for looking beyond the failure of the individual component.

Because this regulation deals with treatment, which is really -- treatment is one of the mechanisms you use to guard against common-cause failure. Because of that, we felt it was important to include this piece in the proposed rule so that licensees would be required to go look for, you know, significant problems to make sure that they did not apply to similar components of the plant.

Say, you stop greasing a motor operated valve as part of their maintenance program. They should decide whether that's equally applicable to other components of the plant. Because if your maintenance practice goes around -- and the previous panel suggested that they had to have identical service conditions, identical this. It almost painted it to be an incredible scenario to have common-cause failures across system boundaries.

When you are dealing with special treatment requirements and practices which go across systems boundaries, it's not incredible to have common-cause problems develop. In fact, it's extremely possible to have common-cause problems develop because you are mucking with things that go right across the system boundaries. And to try to say the current way of dealing with common-cause failure in a PRA where you're looing at

failures within the system, it really -- and that's a part where licensees that read the current proposed rule, they are going to see, dealing with common-cause failure, they are not going to click to say we have got to go and consider across system boundary.

JOHN FAIR: There's a history behind that.

What we are trying to get at in that language is if a licensee finds something that's failed or there's an identification of some generic problem, to go look and see if it's generic at their plant, not just fix the specific problem they found.

We tried alternative languages at various points in the development in the rule. And we got criticism back it was even more restrictive then appendix B or required you to do more than appendix B.

So we eventually said, okay, the only way to do this is to put the appendix B language in so we don't get criticized for being more stringent than appendix B and still do what we want to do.

COMMISSIONER JEFFREY MERRIFIELD: The language on slide 7, your preferred rule language for RISC-3 design control requirements as outlined, that seems to be reflected in the alternative treatment

requirements that are included in 50.69(d)2, and D-2 I.

If you can reflect for me what you perceive are the significant differences and why what is proposed here does not adequately address your concerns?

JOHN FAIR: Well, in the area of design, one of the things you are allowed to do in 50.69 is to replace an ASME component with a nonASME component. You are saying you don't have to use the ASME code for replacement.

The current treatment requirements do not have any requirement on what you do with these replacement components. You could fabricate them at the shop or you could buy them at the hardware store or do anything you wanted based on the current rule language.

The attempt here was to get some kind of criteria, alternative criteria in here for replacing these components.

The other aspects, as you go down there, there's an aspect for documentation on meeting design requirements. And we are not doing anything different, except for requiring them to have some documentation that they meet the design requirements

on seismic and EQ.

Because if you don't have any documentation, how's anybody going to ever go back and determine whether you do or do not need them? And there's been problems in the past and I will bring up an example of it.

Diablo Canyon, when we had significant design deficiency which required a licensee to go back and reverify the entire seismic design of the plant. If you have a bunch of components changed out, then you have got no design documentation whatsoever, how does anybody ever accomplish this, how does the staff go back and look and see if what they did was right?

COMMISSIONER JEFFREY MERRIFIELD: What I don't understand in that answer. You reference the notion that you could -- you know, that a licensee could fabricate something in a shop or somebody go buy something off a hardware shelf. Even with that, your alternative treatment requirements under D-2 are going to require the licensee or applicant develop and implement processes to control the design, the procurement, the inspection, maintenance, the testing, the surveillance, and the corrective action to provide reasonable confidence in that RISC-3.

Why doesn't that -- it seems to me that that captures a process, a confidence greater than you just go basically fabricating it in the shop and not worry about it.

JOHN FAIR: It captures a process, but the process won't do anything more than what you put in it. If you don't put anything in the process for the design of these components, you are not controlling anything.

The reason we put it in -- and we cited the example of South Texas in this particular area, when South Texas was applying for the exemptions, they proposed to do things within these processes which we found were technically not acceptable. And that's what the specific rule language is trying to get at, is to prevent that from happening on people implementing 50.69.

COMMISSIONER JEFFREY MERRIFIELD: I want to join the other Commissioners in thanking you for participating in this. The DPV process is an important one. It's one that we are highly supportive of. I think the staff who participate in it ought to be congratulated and certainly highly regarded for their willingness to do that. I want to translate that as well. Thank you.

Mr. Chairman.

CHAIRMAN RICHARD MESERVE: in light of the hour I'm going to keep this to just one question.

At least one of your major concerns is that there's the rule that has been presented to us, that there's not enough in the way of prescriptive requirements that give you confidence that the right things are going to be done.

Let me ask the question as to why you don't have the same concern with regard to the RISC-2 components which has a very , very broad statement?

THOMAS SCARBROUGH: There's a lot of discussion regarding RISC-2 as we started down the process of Option 2. There was significant discussion regarding that. We did have concerns in that area.

Part of our resolution or our decision that, okay, let's sort of try this approach was, one, some of the -- we thought about what were some of the areas that might fall into the RISC-2 category and what we believed was the ATWS equipment, station blackout, would be in this category.

And the rule does not apply to those. So whatever requirements that are currently under the 50.62, 63 requirements would still be applicable to

that RISC-2 equipment, whether it's RISC-2 or RISC-4, if it happened to fall down to RISC-4.

We said that's good. That's a good idea. We tried to get some similar adjustment in 50.49, but we weren't successful.

So those were two areas that we wanted to make sure had happened.

The other place was in the SOC itself, one example we had was the PRV block valves, where they might go into a feed and bleed flow. And those valves are typically designed for steam flow.

In this case, with feed and bleed, you can be putting water through them and they are not designed to handle that. Or the block valve -- MOBs are not designed to open and close many times in just a few minutes, if you get to that mode where you are operating in that way.

So in the SOC there was language put in based on some comments that we had made that they need to deal with that. If you have valves that are dealing with water flow, you need to understand what the function of that is for RISC-2 and deal with it.

So we thought, overall, you know, we had some concerns in that area. But we thought that the small amount of equipment that's going to fall into

the RISC-2, the use of the 50.62, 63, sort of nonexemption that they get, and also the language that we tried to put in the SOC, we thought, well, this is good. Let's try this approach, let's see what happens, let's see where we go from here.

That was sort of how I reconciled my own mind of why we did not raise to the level of DPV with the RISC-2 equipment.

JOHN FAIR: There's a little more to it. The RISC-2, there's nothing being reduced on RISC-2. And so, you know, if there was a concern on the level of treatment currently on RISC-2, we should raise that now rather than with 50.69.

But with RISC-3, we are planning on making major changes to the treatment of a vast quantity of components which we don't know whether we have adequate data to support some of the reliability assumptions if we don't keep a certain level of floor treatment there.

CHAIRMAN RICHARD MESERVE: Well, again, I appreciate the effort you have put into this. This has been very helpful. Thank you very much.

With that, we are adjourned.

Department of Energy
Washington, DC 20585

ENC

H

April 12, 1993

NO FURTHER REPLY FROM EITHER PARTY

Mr. Stephen Comley
Executive Director
We The People, Inc.,
of the United States
Box 277
Rowley, Massachusetts 01969

Dear Mr. Comley:

Our office has received your correspondence dated March 25, 1993, concerning possible wrongdoing by former and present officials of the Nuclear Regulatory Commission. Due to the nature of the allegations, our office has referred this matter to the Federal Bureau of Investigation. We will maintain liaison with the FBI to correct any deficiencies noted during their investigation that relate to the Department of Energy.

We appreciate you bringing these concerns to our attention. Please forward any other allegations you uncover regarding the Department of Energy to our office. If you have any questions regarding this matter please do not hesitate to contact Special Agent Mark K. McDonough on (202) 586-4143

Sincerely,

Paul M. Misso

Paul M. Misso
Assistant Inspector General
for Investigations

ENC
PART OF
I

ONE HUNDRED FIRST CONGRESS

JOHN D. DINGELL, MICHIGAN, CHAIRMAN

BARNEY FRANK, MASSACHUSETTS
JOHN BRYANT, TEXAS
DOUG WALGREN, PENNSYLVANIA
CARDISS COLLINS, ILLINOIS
RON WYDEN, OREGON
DENNIS E. ECKART, OHIO
RICK BOUCHER, VIRGINIA

THOMAS J. BLILEY, JR., VIRGINIA
NORMAN F. LENT, NEW YORK
MICHAEL G. OXLEY, OHIO
MICHAEL BILIRAKIS, FLORIDA
ALEX MCMILLAN, NORTH CAROLINA

MICHAEL F. BARRETT, JR.
CHIEF COUNSEL/STAFF DIRECTOR

(202) 225

U.S. House of Representatives
Subcommittee on Oversight and Investigations
of the
Committee on Energy and Commerce
Washington, DC 20515

August 3, 1989

The Honorable Sam Nunn
Chairman
Armed Services Committee
U.S. Senate
222 Russell Senate Office Building
Washington, D.C. 20510

Dear Chairman Nunn:

Mr. Victor Stello, Jr., was recently nominated for the sensitive and important position of Assistant Secretary for Defense Programs at the Department of Energy (DOE). Because the management failures of past Assistant Secretaries for Defense Programs have reduced our nuclear weapons program to a shambles, I cannot think of a more critical nomination.

Based on the Subcommittee's extensive experience with the DOE's Defense Programs and Mr. Stello's actions at the Nuclear Regulatory Commission (NRC), I believe Mr. Stello is not a wise choice. The only benefit of moving Mr. Stello to the Department of Energy is ridding the NRC of Mr. Stello.

The Defense Programs job brings with it awesome responsibilities which, if they are to be fulfilled, require a rare individual. The Assistant Secretary must be outstanding with respect to personal integrity and with respect to his or her ability to make sound, mature judgments. He or she must be able to weigh national security interests in light of the very serious health and environmental impacts resulting from the weapons program. This Assistant Secretary must be able to take proper account of opposing views and priorities and to recognize the DOE's history of lip service to health and safety and safeguards concerns as it pursued with zeal the development and manufacture of our nuclear weapons stockpile. In my opinion, Mr. Stello is unqualified by skill and temperament to undertake the task.

First, I question whether he has the expertise and management skills necessary for this job. His management experience to date has been acquired largely at the NRC, which is a completely different situation from that which he will have to deal at the DOE. In my mind, there is little similarity between directing a

primarily professional staff of 3,000 people with a budget of less than $500 million and managing the $10 billion weapons program with its diverse entities ranging from national laboratories and the Nevada Test Site to a complex of bomb factories and nuclear waste disposal sites. I think it is important to know the basis for inferring from Mr. Stello's NRC experience that he is equipped to run the weapons program.

In addition to questions as to his ability to manage the enterprise, there are several attitudinal matters that concern me. Among these are the lack of candor displayed by him and his staff in dealing with the Congress. The Subcommittee has conducted extensive hearings on the NRC's record in regulating the Nation's commercial nuclear enterprises. These hearings have convinced me that NRC mismanagement has undermined public confidence in the nuclear option and, thereby, has been a major cause of the fall of the commercial nuclear program.

Mr. Stello has been a high level nuclear regulatory official for more than a decade and for the past several years he has been the NRC's Executive Director. In this capacity, he bears a significant responsibility for the widespread skepticism that the NRC is willing and able to assure the high level of nuclear safety required by the Atomic Energy Act.

In my view, the Administration has made a serious mistake in nominating Mr. Stello for this critical position. While I fully recognize the President's authority to make such appointments and the difficulty of finding qualified people, I think this is one nomination that deserves special scrutiny, not only because of the importance and difficulty of the task, but because oversight of the weapons program, even by the Administration, is difficult; problems will fester for lengthy periods before they are detected and by then, as the present predicament shows, significant damage may have occurred. The Subcommittee's closed hearing with the DOE on July 20, 1989, has shown this to be absolutely true.

I hope that reason will prevail so that Mr. Stello's nomination will not be approved. I suggest that you review Mr. Stello's role in certain situations where I believe the NRC has performed badly. Among these are the failures to deal appropriately with widespread noncompliance with NRC regulations at the Zimmer plant, at Comanche Peak, and at the Tennessee Valley Authority. It would also be worth inquiring into Mr. Stello's role in toning down proposed fire regulations and in sidetracking proposed regulations intended to decrease significantly the likelihood of a major radiation release in the event of a severe accident at any of the 24 commercial Boiling Water Reactors.

MBVeR Release

We have been told by a former Department of Justice official that several years ago, Mr. Stello was a subject of a grand jury inquiry conducted by the Department of Justice. This inquiry arose from failures to enforce NRC regulations at Zimmer and Three Mile Island, for the coverup of information pertaining to the Three Mile Island accident, and for impairing and muzzling referrals to the Justice Department involving criminal violations of the Atomic Energy Act by regulated utilities. I recommend that you obtain from the Department of Justice's Criminal Division the memorandum that triggered this investigation and the termination memorandum that describes the difficulties in prosecuting this case. I have recently requested these documents from the Department of Justice.

I am also very much disturbed that Mr. Stello may have participated in a vendetta conducted by the NRC's de facto Inspector General for the purpose of ridding the NRC of an official, who by virtue of doing his job, had become an annoyance to the Commission. I fear that this unfortunate episode (which has been investigated by another Subcommittee of this Committee) is indicative of the treatment that Mr. Stello may direct toward employees who hold views that differ from his own. This matter is under current investigation by that Subcommittee. The Defense Programs problems will not be corrected by managers whose minds are closed to dissent.

In the course of considering Mr. Stello's nomination, I recommend that you have your Committee staff contact former NRC Commissioners Victor Gilinsky, Peter Bradford, and James Asselstine. I also recommend that they contact Mr. Julien Greenspun, a former prosecutor involved in the Justice Department inquiry involving Mr. Stello.

I trust my concerns will be of assistance to you in your consideration of the fitness of Mr. Stello to be Assistant Secretary for Defense Programs.

Sincerely,

John D. Dingell
Chairman
Subcommittee on
Oversight and Investigations

cc: Members, Committee on Armed Services
United States Senate

ENC
PART OF
I

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of:)
INVESTIGATIVE INTERVIEW:)
ROGER ANTHONY FORTUNA)
(CLOSED))

Pages: 1 through 211

Place: Bethesda, Maryland

Date: March 22, 1989

HERITAGE REPORTING CORPORATION
Official Reporters
1220 L Street, N.W., Suite 600
Washington, D.C. 20005
(202) 628-4888

9002020135 890322
PDR ADOCK 05000220
T PDC

UNITED STATES NUCLEAR REGULATORY COMMISSION
INVESTIGATIVE INTERVIEW OF ROGER A. FORTUNA
MARCH 22, 1989

BACKGROUND ON ROGER FORTUNA

Roger Fortuna worked as Assistant U.S. Attorney in Syracuse. He then went to the Justice Department as chief prosecutor in the criminal division for a number of years. Some people in the Justice Department were concerned that there was wrongdoing within the NRC and that some of their employees were not doing their job to protect the safety of the American people.

Roger Fortuna's first job was to investigate possible wrongdoing pertaining to the 1979 Three Mile Island accident. Mr. Fortuna charged that Victor Stello committed possible wrongdoing, but unfortunately, Mr. Stello was never prosecuted for this charge.

REGARDING THIS TRANSCRIPT:

This transcript concerns a tape recording which was purchased by the NRC under secret contract. The paid informant, whom I knew prior to this incident was soft touched away because he was free-wheeling on how the situation should be handled.

ON THE ENCLOSED, YOU WILL FIND HIGHLIGHTED POINTS WE HAVE MARKED AND COMMENTED ON WHICH ARE OF PARTICULAR INTEREST.

PAGE NO.	REMARK
REGARDING ROGER FORTUNA:	
12	The NRC allowed and encouraged the utilities to conduct wrongdoing. This certainly gives them every opportunity to cover up. This is also a policy Fortuna never agreed to in most cases.
13-15	Taylor is now taking over Stello's place as Chief of Staff at the NRC. Fortuna asks for this office to investigate wrongdoing at the plants-Taylor and Thomson wouldn't let him do it.
76	Questions Roger Fortuna about Comley.
77	Regarding the nursing home.
78	More about our relationship.
79	Roger Fortuna alleges I was trying to set up a little Government Accountability Project (GAP) organization in Washington who represents wrongdoing.
80	First mention of counterfeit, substandard parts. Fortuna is really covering himself. Understand the way Fortuna operates-he's been around a long time and obviously tries to protect himself in every way possible as I would do (See page 90).
90	It alleges on this page that might have given information regarding counterfeit, substandard parts, but because of the lapse of time, Fortuna could not be absolutely positive in his mind. Also mentions We The People's attorney, Ernest Hadley, who represented We The People in their harassment case, which they won 9/18/90. This case was a result of Victor Stello, then executive director for the NRC, then commission chairman Lando Zech and the NRC's Atomic Safety Licensing Board Judge Ivan Smith singling Comley out because they did not like the message he was conveying to the American public regarding the presence of counterfeit, substandard parts in U.S. nuclear plants.

91	Keith Christopher was the man who did the investigation of Padavano, the case We The People tried to get reopened 1/14/87 when we met with Justice. This is the first time a welding inspector was tried and jailed for falsifying welds in nuclear plants.
92	Roger's recollection of this case.
93	Rosenthal asked Fortuna why he instructed me to go to Justice-because the NRC doesn't do a good job, and you go to Justice when you feel that way. Roger is echoing other people's comments, by saying the NRC is a lapdog.
96 **	Rosenthal asks Roger how he feels about me taping him on the telephone.
97 **	Rosenthal asks Hayes (Roger's boss) if Comley persuaded him to testify in front of Glenn.
98 **	More of the same. Testifying in front of Congress.
99	Fortuna alleges that the tape of 1/14/87 which Ellison sold to Stello was altered.
102	More discussion of the 1/14/87 tape.
105-108	Discussion with Roger Fortuna about Matakis at the Office of Investigation. Matakis is the investigative officer who handled Padavano. Alleged that Fortuna should not have spoken to me about his own man because Matakis was going to be at Justice.
109 **	Discussions why Comley went to Justice-because he didn't trust the NRC.
111	I asked whether Matakis was true (meaning can we trust him).
114	Discussions about me flying a plane over NRC Headquarters and the closest I can get to the White House; Why I was discussing it with Fortuna and whether or not he was approving.

123		Rosenthal implying Fortuna tried to discredit Ellison here-trying to say it was improper-trying to get him on anything.
125		Rosenthal criticizing Fortuna because he was advising me on how to handle myself in front of Justice.
126	**	Fortuna laying our how deep I think the Padavano case went. Padavano taking the fall for a bunch of people who were also falsifying, I suspect.
127		Rosenthal criticizing Roger about advise to Justice
128-129		Mr. Greenspun, Fortuna's attorney, take exception to Rosenthal's attitude toward Fortuna.
132		Fortuna's explanation of why he took the position he had on me going to Justice, pertaining to Padavano.
134		Rosenthal asks why he suggests We The People's attorney, Ernest Hadley go with me
135		Steve Burns, legal counsel for commissioners. Refer to Mr. Burns when personnel can advise people how to file a 210 or Department of Labor case. His referring to incident where Burn's and commissioner could advise people what to do. He was basing his view on this instance.
136		More of the same-the NRC's response to Fortuna's explanation.
137		Fortuna's attorney, Greenspun, criticizing the way Rosenthal is addressing Fortuna. Loaded questions.
138		First enters the Wampler case. Haven't got the name right. Level III inspector at Seabrook Station who found 20% reject rate with welds after they were inspected by PSNH and Pullman-Higgins. Wampler found x-rays could not be read or welds were bad. Wampler's name mentioned on the January 14, 1987 tape.
139		Still trying to figure out how to spell Wampler's name.

140	This was later investigated by Kennedy and Kostmayer after We The People gave them information. We will provide the transcript if you want to review the case.
140-142	Trying to find out what the Wampler case was.
143	Fortuna mentions that he is not pleased I taped him
144	Expresses that he still likes me though, under the circumstances.
150-151	Still talking about the Padavano case.
152	Still talking about the Padavano case. Fortuna expressing I thought there was more to that case.
155	Alleging Fortuna holding back information.
156	Mentioning Bille Guarde and Hadley were involved in it.
157-158	Roger scared. Asking whether he is being loyal to GAP and me instead of to the NRC.
163	Bringing up in the tape why he told me he wouldn't mention the Wampler case to anyone. Question his loyalty to the commission.
165	Alleges Fortuna gave me the impression things were going on in the NRC. Roger didn't discourage me one way or another.
166	Again, it doesn't discourage me from perception that the NRC is corrupt.
168-169	Fortuna's explanation of why he didn't discourage me from thinking the NRC is corrupt.
170	Roger gets mad. States that he will never say the NRC is true and not corrupt.
171	This is TMI incident in which Fortuna speaks regarding coverup at TMI. His way to get information out to you.
172 **	Especially this page.

173	Rosenthal mad because he even brought it up.
174-175	Roger covering himself.
180	Asking Fortuna about my relationship with Ellison.
184	Felt that I would come through eventually because I was so persistent.
189	Asking Fortuna whether he ever gave me information-stated he is pretty sure he never gave me any non-public information.
190	He states he may have given me information.
191	Asking Fortuna whether he knows if I spoke with other people within the NRC.
192	Ellison alleges Fortuna gave information to Christic Institute. He is now answering that he never did.
195	NRC is asking Fortuna about Ellison case. When was it closed out.
197	Pavone acquaintance of Fortuna's in New York who might be interested in Ellison case.
208	Legality of taping. Good.
210	Fortuna's attorney, Greenspun, talks about the cost, especially to his parents, for Fortuna to defend himself.
211	Rosenthal-As a taxpayer it does not appeal to me to have people drawing salaries doing no work.

UNITED STATES NUCLEAR REGULATORY COMMISSION

In the Matter of:)
)
INVESTIGATIVE INTERVIEW:)
)
ROGER ANTHONY FORTUNA)
)
(CLOSED))

Wednesday,
March 22, 1989

Nuclear Regulatory Commission
Room 536
4350 East-West Highway
Bethesda, Maryland

The above-entitled matter came on for hearing, pursuant to notice, at 10.00 a.m.

APPEARANCES:

On behalf of the Nuclear Regulatory Commission:

ALAN ROSENTHAL
KAREN D. CYR, ESQ.
SUSAN S. CHIDAKEL, ESQ.

On behalf of the Witness:

JULIAN S. GREENSPUN, ESQ.
1150 17th Street., N.W.
Washington, D.C. 20036-4652

1 with leads?

2 A Sometimes, he'd just shoot the breeze with me.
3 He's a very pleasant fellow, a very personable fellow. He's
4 fun to talk with. You know, talked about kids, family,
5 dogs, baseball, football, what have you. And you know,
6 data. He got over a period of months and years very
7 interested in the nuclear power thing. He set up an
8 organization called "We the People." He's written letters
9 to all different places. I think he's trying to solicit
10 money -- he told me he's trying to solicit money to, you
11 know, to fund an organization.

12 You know, he was thinking if maybe he could work
13 with whistle blowers who were afraid to come to NRC, they
14 could come to him and maybe he could, you know, bring them
15 into the NRC to our organization because, you know, he
16 trusted us. Or maybe he could get people to trust us. That
17 type of thing. That's why I started off with he sounded --
18 you know, over the months and years he developed himself I
19 think where he wants to be little GAP, a little Governmental
20 Accountability type of situation.

21 Q You had these contacts with him, were they all on
22 the telephone apart from that first visit to your office or
23 did he come to see again.

24 A I think I've seen him physically two times. Over
25 here when we used to be in the South Tower and I met him on

1 the street with Ben Hayes when --

2 Q You mean he was with Ben Hayes and you met him on

3 the street?

4 A No. I'm sorry. I was with Ben Hayes, excuse me.

5 Q I see, when you met him on the street.

6 A And said hello to him briefly.

7 BY MS. CYR:

8 Q Has he ever in fact provided any information he

9 wished to become the basis for an OI investigation or

10 inquiry?

11 A Well, he's talked to us about substandard parts,

12 you know, bogus parts and things like that. And I guess in

13 the grand scheme of things he has tried to be very helpful.

14 He's given us stuff, but I would say for the most part, we

15 probably already knew about it, but he was very sincere

16 about it. And to be honest with you, I thought someday he

17 may come through. He may come through.

18 BY MR. ROSENTHAL:

19 Q When he gave you information, did you put any kind

20 of memorandum in the files reflecting the fact that on

21 such-and-such a date he called you and provided you with

22 information?

23 A No.

24 Q Was there anything at all to your knowledge in OI

25 records memorializing contacts of one kind or another that

1 to engage in a dialogue with him.

2 BY MS. CHIDAKEL:

3 Q Basically, you would consider him perhaps as a

4 source that you were cultivating. Is that a fair

5 characterization?

6 A Yes, ma'am. Hindsight, maybe he was doing the

7 same to me, I don't know. But that happens.

8 BY MR. ROSENTHAL:

9 Q Well, the question that I asked was not addressed

10 to whether you had warrant for being in contact with

11 Mr. Comley and cultivating him. The question was whether

12 contrary to my own practice at Justice, even though it is

13 not that necessarily of everybody, you maintained or put

14 memoranda in the files with respect to these contacts, at

15 least when Mr. Comley provided you with some information

16 that might conceivably be of use. I think your answer to

17 that question was no.

18 A No. And I was trying to give you the background

19 because I didn't want you to take away a negative

20 connotation from that. That's all.

21 Q Well, you background didn't go, at least in my

22 mind, to why it is that you didn't maintain the files. But,

23 anyway --

24 MR. GREENSPUN: Oh, excuse me. I think it does.

25 And my only point, Judge, I know that there are people that

1 Q Who is he?

2 A He's an attorney in New England, in Massachusetts.

3 Q How did you become acquainted with him?

4 A He, at one point in time, and I still think does,

5 does some legal work for Comley.

6 Q Do you have any direct contact with him?

7 A Oh, sure. I've talked to him.

8 Q Did he call you?

9 A I can't -- my guess would be he called me.

10 Q You don't recall for what purpose?

11 A Oh, that I've talked to him? Oh, sure. He

12 represents Comley. He told me he works with Comley.

13 Comley's got a lawsuit suing the Commonwealth of

14 Massachusetts for back fees that are owed to Comley and I

15 think some other nursing home operators.

16 He also is assisting Comley in setting up his, you

17 know, little nuclear group there, the "We the People" thing.

18 I'm trying to think if he ever, quote, gave me any data

19 regarding potential wrongdoing matters, things of that sort.

20 You know, my guess that he might have.

21 Q So, when Mr. Hadley contacted you this would have

22 been on behalf of Mr. Comley.

23 A Well, I think -- again, I'm guessing, but my

24 initial reaction would be this guy, you know, calls me. He

25 has to identify himself. He's going to have to explain who

1 it. That in fact his management was aware of it, encouraged
2 it, and condoned it. And that the matter should, you know,
3 if you had really looked at long and hard, you'd find there
4 was a lot more people than Patavano involved in the
5 situation.
6 Q Are you aware of the fact that Mr. Comley went to
7 Department of Justice complaining about the way the Patavano
8 case was disposed of?
9 A Uh-huh.
10 MR. GREENSPUN: Was that a yes or a no.
11 THE WITNESS: Yes. Excuse me. Yes, sir.
12 BY MR. ROSENTHAL:
13 Q And what is your recollection of that?
14 A He went down to the General Legal Advice Section.
15 In fact, I remember him talking to me about doing that.
16 You know, "God bless. Do what you got to do." That's
17 putting it very generally speaking.
18 And then he went down there and he told his story
19 to the Department of Justice. And if I'm not mistaken, and
20 again, please, all this is a guess. It's the best that I
21 can put it together. It was an ever recurring concern with
22 he, Ellison and a lot of other people that come to OI, a lot
23 of other people that lodge allegations with the NRC. And
24 that is: Look, this agency really isn't going to give me a
25 fair shake. I come to this agency. I give them my

1 allegations and before I know it, I'm in trouble with my own
2 utility. The NRC doesn't don't do a good job. I think the
3 NRC really isn't designed to do the right thing so far as
4 punishing and/or fining or whatever of utilities.
5 It is that whole big ball of wax that we run into
6 over and over and over, again. And one of the ways to
7 resolve that is: If you don't like the NRC, and you think
8 there is a matter of criminal wrongdoing, you can always go
9 to Mother Justice. And if they are crooked, I don't know
10 what more I can do for you.
11 So, I think that's the context he went to Mother
12 Justice.
13 Q That's Comley. Now, Comley, of course, was not an
14 employee of utility.
15 A No, but I'm saying this is not an uncommon theme
16 that's been played to OI and I'm sure even technical
17 inspectors or what have you in the agency, you know: The
18 watch dog is really not a watch dog. It's a lap dog.
19 So, who do you turn to? "I'm not going to go to
20 the utility. I don't want to go to you. I'm very
21 suspicious. That's why there's GAPs." I guess that's why
22 Comley is trying to put himself in a situation where he can
23 be a GAP type organization. And they feel they serve a role
24 or a function. You be the judge or other people be the
25 judge of that.

1 Q All right. Are you aware of the fact that both
2 Mr. Ellison and Mr. Comley taped telephone conversations?
3 A I was suspected it of Mr. Ellison toward, I would
4 guess, toward the end. And Comley? No. I figured that out
5 in the last few weeks, but I sure didn't know it before.
6 Q Well --
7 A How much he did or how often, I don't know.
8 Q Mr. Ellison, you suspected it?
9 A Toward the end.
10 Q Toward the end.
11 A Toward the end.
12 Q Because?
13 A Well, because I think Chet White told me -- well,
14 first off, he said about, you know, the VP knew he taped the
15 guy and it didn't dawn on me. At some point in time, Chet
16 White let me -- you know, he had been talking with Ellison,
17 too, as best I recall.
18 And he said, "This guy, I understand," now who he
19 understood from, I don't remember, "tapes."
20 "Oh, terrific."
21 At some point in time, during one conversation I
22 think I said to him, "Are you taping me? Or aren't you
23 taping me?" Or something like that. I don't remember what
24 his answer was. But I just had the feeling that that's what
25 he was doing. Whether he acknowledged that to me or not, I

1 don't remember anymore. I really don't. But I think that's
2 a fair statement now that he was. Yes. And the same for
3 Comley, I guess.
4 Q Do you have any recollection of Mr. Comley
5 persuading Mr. Hayes to give testimony to the Glenn
6 Committee?
7 A Comley?
8 Q Comley.
9 A Persuading Hayes?
10 Q Yes.
11 A To give some testimony? No, sir. I don't
12 remember anything like that.
13 Q So that if Mr. Comley had made certain statements
14 to that effect in a telephone conversation with Mr. Ellison,
15 you would say that that was just puffery?
16 A Oh, yes. Yes, sir.
17 Q That would be your best estimate.
18 A Yes, sir. Oh, yes.
19 Q And as far as you're aware, Mr. Comley had no role
20 whatsoever in endeavoring to get Mr. Hayes to give testimony
21 or any other OI official to give testimony to a
22 congressional committee?
23 MR. GREENSPUN: You mean from Mr. Comley's
24 perspective or from Mr. Fortuna's perspective? Mr. Comley
25 may think he had a role.

1 MR. ROSENTHAL: I understand that.

2 What I am asking is whether -- I am asking whether

3 Mr. Fortuna, himself, is aware --

4 THE WITNESS: No.

5 MR. ROSENTHAL: -- of any endeavors by Mr. Comley

6 to get --

7 THE WITNESS: I'm not aware of any.

8 MR. ROSENTHAL: -- to get Mr. Hayes or some other

9 official of the Office of Investigations to testify before a

10 congressional committee?

11 THE WITNESS: No, I'm not aware of any effort on

12 that -- you know, that he did anything like that.

13 MR. GREENSPUN: You don't know one way or the

14 other.

15 THE WITNESS: No, I don't know one way or the

16 other.

17 MR. ROSENTHAL: I just asked him whether he knew.

18 THE WITNESS: It doesn't make sense, but no, I

19 don't.

20 MR. ROSENTHAL: I'm not asking him, obviously, the

21 warrant that that didn't happen. I'm just asking whether to

22 his knowledge.

23 BY MR. ROSENTHAL:

24 Q All right. Now, we have a tape of a telephone

25 conversation, actually two telephone conversations that too

1 place between you and Mr. Comley on apparently the evening
2 of January 14, 1987.
3 Now, that tape was transcribed.
4 A Uh-huh.
5 Q If you want to, for the purpose of assuring the
6 accuracy of the transcription, we will be happy to play the
7 tape for you. We have played the tape and we followed it
8 word for word on the transcription. And we are satisfied
9 that the transcription is an accurate representation of
10 what's on the tape.
11 Now, you can either accept our representation or
12 we will play it for you. In any event, we do have copies --
13 MR. GREENSPUN: Are you sure the tape is accurate
14 and authentic?
15 MR. ROSENTHAL: Well, the tape -- this is what
16 Mr. Fortuna can tell us. If Mr. Fortuna believes that this
17 tape has been altered in some fashion or that it's an entire
18 work of fiction, he can tell us that. But what we have, we
19 have two additional -- we have two copies of the
20 transcription, one for each of you. And we have certain
21 questions on them. Now, if you want, we can take a recess
22 and let you go over that and then we can come back.
23 MR. GREENSPUN: That's a good idea, Judge.
24 MR. ROSENTHAL: I want to be totally fair to you.
25 I might just say, Mr. Greenspun, for the record, that while

1 so on.

2 Q But there is nothing that you can recall from that

3 telephone conversation that might possibly have been omitted

4 from this tape.

5 A I couldn't tell you that.

6 Q All right. Let's turn to page 123 which is the

7 second page of this transcript.

8 For the record, once again, this was a transcript

9 of a tape which we understand represented telephone

10 conversations on the night of January 15

11 MS. CHIDAKEL: 14.

12 BY MR. ROSENTHAL:

13 Q 14, excuse me. January 14, 1987 between

14 Mr. Comley and Mr. Fortuna. The tape was transcribed by a

15 recording service at the behest of the NRC. It is our

16 understanding that the telephone conversations were taped by

17 Mr. Comley. And I gather, Mr. Fortuna, you didn't tape

18 them.

19 A No, sir.

20 Q Very good.

21 A Because I think, based on the particular

22 jurisdiction, it's illegal.

23 Q Well, I don't know about its legality. That is

24 something we haven't inquired into.

25 MR. GREENSPUN: We don't waive any objection as to

1 the legality.

2 MR. ROSENTHAL: I understand.

3 MR. GREENSPUN: Just as long as we know that.

4 MR. ROSENTHAL: I understand that and that is

5 something, as I say, that we haven't inquired into.

6 BY MR. ROSENTHAL:

7 Q All right. Would you turn to the page 123? That's

8 the second page of the material. And there is a colloquy

9 between Mr. Comley and yourself, Mr. Fortuna, in which

10 Mr. Comley inquires as to whether you know who was coming to

11 this meeting at Justice. You have referred to the meeting

12 or the interview or whatever it was on the prior page. And

13 you acknowledge that you do it was coming and Mr. Comley

14 asks you if it was coming from OI. You responde that it

15 will be Matakis and Hutchinson.

16 And Comley says, "Matakis?"

17 And you respond, "Yes, that's all right. You can

18 ask him to step out. That's why I asked if they'd send

19 another guy."

20 Now, I would like your explanation, if I might

21 have it as to those statements as to why you requested that

22 another person be sent and why you were telling Mr. Comley

23 that he was free to ask your investigator to step out if he

24 wished to do so.

25 A "That's all right. You can ask him to step out."

1 before the house was the way the Department of Justice
2 disposed of the Patavano case, wasn't it?
3 A I don't know that for a fact. I don't know if
4 Mr. Comley, if it was clear in his mind. Again, I'm working
5 off this transcript, not totally independent recollection.
6 Q All right.
7 A Mr. Comley was suspicious of the agency. Anything
8 that was handled, he had a concern about, as are many other
9 allegers that we deal with. They have a hard time
10 distinguishing in their mind that although this part of NRC,
11 in their mind, is not doing the right thing, that OI is
12 doing the right thing. Or if OI talks to the Justice
13 Department, maybe they are not doing the right. They don't
14 have the clear lines of demarcation. They don't have that
15 kind of experience and sometimes they suspect everybody.
16 So, I am not real 100 percent clear whether he was
17 just worried about Matakis, if he was worried about the
18 Justice Department field not doing a good job, whether he
19 was worried about main Justice not doing a good job, but I
20 don't know where you go from after you go to the Justice
21 Department.
22 Q All right, let's go down if we might further down
23 in that page where you are asked as to who else will be
24 going from -- you're asked about Mr. Hutchinson. And you
25 point out that he works for you and Mr. Comley asks if he is

1 reaches that level -- would come in, and when you're one of
2 the more recent hirers, you'd run complaints. When people
3 walk in off the street and relay situations out to you and
4 they're absolutely convinced it was a crime, you just,
5 "Thank you, very much." You didn't make a record or it.
6 You just made a judgement in your own mind, and disposed of
7 it in your own mind.
8 Q Let's go on to 136. In the conversation in which
9 Mr. Comley refers to somebody, "He's just a Joe citizen."
10 And your response, "He's a good guy." Mr. Comley says, "All
11 right." And you say, "Joe six-pack trying to do the right
12 thing." What is that referring to?
13 A It sounds to me like Comley saying, "Would you be
14 sure to tell your people that I'm a good guy." He's --
15 himself, just a regular Joe. Fine, okay is the answer. I
16 think that's what the situation is.
17 Q You were satisfied that that was the case.
18 A Yes. Comley, I think he's a pretty regular guy.
19 I'm really not too pleased that he tape-recorded me. He
20 convinced me; I must have been wrong.
21 Q At the time you characterized him as a Joe six-
22 pack, you weren't really faith in you.
23 A I still think he's a Joe six-pack. I think he's a
24 very nice person. I think he's incredibly sincere. I think
25 he believes a lot of this stuff. And sometimes, someplace,

1 somewhere, now I think with all this notoriety and stuff,
2 Mr. Comley may have had people confide in him that wouldn't
3 be willing to come directly to the NRC. I mean that
4 sincerely.
5 BY MS. CYR:
6 Q Are you still having on-going discussion
7 periodically with Mr. Comley?
8 MR. GREENSPUN: Only if he tapes them.
9 THE WITNESS: The last time I talked to him was
10 three, four days ago. He called me up and said, "I want to
11 wish you a lot of luck." I said, "For God sake, please, I
12 don't think I want to talk to you." And he was sincere.
13 He mailed me an inspirational book a couple of
14 weeks ago. I haven't had a chance to read it yet. You know
15 when things get tough -- one of those kind of books. I
16 think he's very sincere. Maybe I'm full of beans.
17 MR. ROSEN: All I can say is, it's neither here
18 nor there. But you show an unusual level of tolerance. If
19 I found someone who was taping my conversations without my
20 knowledge, there would be no sympathy for that individual at
21 all. He would not longer be a Joe six-pack; he would be Joe
22 arsenic.
23 THE WITNESS: I like the guy a lot. I think he's
24 a regular guy. I really do.
25

1 with or at least thinking about doing that, if you're
2 dealing with those people you've got to be candid with them
3 and up front with them. Because these two people are
4 attorneys.
5 Q What is this office?
6 A Meaning GAP. This organization. Wait, let me
7 interrupt again sir. I'm on the telephone in my kitchen
8 trying to cook dinner, trying to watch TV, and you're trying
9 to put me in a situation where I'm carefully and
10 thoughtfully thinking out each and every word I say and
11 pardon my french, I'm all shitting and golly gee whizzing
12 and JC and stuff like that. That is the tone of this
13 conversation. It's a very loose, disorganized, rambling
14 type of situation.
15 Q I understand that, but would anybody be suggesting
16 that your first loyalty might be the GAP? You, the Director
17 of the Office of Investigations?
18 A Your means Comley's loyalty.
19 MR. GREENSPUN: The line we're referring to, 12
20 through 15, that's why I get scared because you know if they
21 ever find out they will say you should have been telling us
22 your first loyalties to this office. In quotes, who is the
23 "they" that you're referring to there?
24 THE WITNESS: The GAP types that he was apparently
25 working with, or thinking about working with. The Hadley's

1 and the Guards of the world that they, and you ought to keep
2 them informed. Because they'll tell you look, if you're not
3 -- if we're working with you and you're not telling us
4 what's going on that's not fair, that's not being loyal to
5 us. If they're trying to help him.
6 MR. GREENSPUN: Your refers to Comley not to you?
7 THE WITNESS: Yes.
8 MS. CHIDAKEL: Well why should you get scared of
9 something like that? Why do you care?
10 THE WITNESS: Because I care about this person,
11 because if he saw sincerity and he is deeply troubled, and
12 if at a later date in time he's going to come up with some
13 super information or bring allegations or people to me, I am
14 concerned that he should play straight up with the people
15 he's working with.
16 MS. CHIDAKEL: How does that fit in with where you
17 say Chester thinks I shouldn't know about anything?
18 THE WITNESS: Where is that?
19 MS. CHIDAKEL: In between the mums the word and
20 then Chester thinks I shouldn't know about anything.
21 MR. ROSENTHAL: That's written in hand.
22 THE WITNESS: Yes, I think it corresponds to the
23 tape.
24 MS. CHIDAKEL: And then it says that's why I get
25 scared because you know if they ever find out, etcetera.

1 THE WITNESS: I think you're reading so much into
2 three or four words. I'm sorry, I don't mean to be
3 argumentative with you. You know, I've got to just stop for
4 a second. We've been going through this for some time and
5 it's clear to me based on the questions you've asked, the
6 tone in your voice and the demeanor which doesn't come clear
7 through on this tape recording once this is transcribed,
8 that you think that when you're in the investigative game
9 when someone talks to you, or you're working with them
10 you've got to say the NRC is great, wonderful and good.
11 MS. CHIDAKEL: No, that's not true. I disagree
12 with you and I want to make that clear.
13 THE WITNESS: Yes, okay.
14 MS. CHIDAKEL: I just want to give you an
15 opportunity because reading a transcript flat, it has
16 implications in it. And I just want to make sure that you
17 have an opportunity to explain any point where there is this
18 question about where you see these words in this context
19 that you have plenty of opportunity to explain that.
20 MR. GREENSPUN: The question is do I have secret
21 information I'm holding back on wrongdoing being conducted
22 in the NRC. I guess the answer there is no I don't. If I
23 did prints of the city where all the cops were corrupt and
24 if somebody came to the police department and said can I
25 trust you, everybody's corrupt, and everybody knew that the

1 New York City cops were corrupt and you said no the New York
2 City cops are the most honest people, do you think that
3 informant would trust you?
4 MS. CHIDAKEL: That's not the point. I think
5 Roger, I'm trying to give interpretations in terms of
6 raising questions where people reading this, just reading it
7 flat out, and who may not be professional investigators to
8 make sure that you have an opportunity to explain to those
9 areas where when you read it there's a question raised in
10 your mind that you have an opportunity to explain. And I'm
11 asking questions to clarify why it's appropriate to do that.
12 I'm not trying to say yes I agree or disagree with
13 that.
14 THE WITNESS: When TMI was -- 10 years ago, so
15 we're talking 1979, in 1979, talking about information that
16 I was -- the Harold Hartman issue came up. Harold Hartman
17 was a control room operator of Three Mile Island. When all
18 those teams were put together, one of the people that went
19 up there was Johnson.
20 MS. CHIDAKEL: I can't hear you.
21 THE WITNESS: One of the people that went up there
22 was John Sinclair. He was investigator at OIA at the time,
23 he later came over to the Office of Investigations when it
24 was formed up. Now as a supervisor in an IG shop I think
25 he's in Commerce. When John went up there we had heard

1 other control room operators to admit that this was
2 happening. He said Roger, Cummings is up here and he's
3 trying to talk these people, Hartman in particular, out of
4 the confession he's giving me.
5 He says Roger, you've got to do something, this is
6 serious, what do we do? I picked up the telephone. I
7 called up Mark Richard who has been the Deputy Assistant
8 Attorney General of the criminal division and my first level
9 supervisor in the criminal fraud division, who I have worked
10 cases with on in the past and I told Mr. Richard --
11 MR. ROSENTHAL: We've got to get on with it, this
12 is going on --
13 THE WITNESS: The point I'm getting to is if I
14 thought there was something that was horribly wrong I would
15 try to get it to the right person. Because I say to you
16 now, okay well maybe some or something to somebody, if I
17 thought there was something wrong I would get to who I
18 thought was the right person. And my only point is I just
19 wasn't trying to discourage the guy, to shut him down.
20 MR. ROSENTHAL: Mr. Greenspun, I've been trying to
21 indulge your client, I certainly don't want to cut him off,
22 but this was an example of three or four minutes of, in my
23 judgement, a pointless anecdote that could have been
24 summarized in 10 or 15 seconds. Now I am prepared to be
25 here all night, but I think some of the others are not and

1 about a fellow named Harold Hartman who supposedly was
2 bumping hydrogen to make the leak rates come out in such a
3 way so that they would mask unidentified leakage. Because
4 if unidentified leakage was unable to be determined as to
5 how and where it came from, then the plant might have to be
6 shut down.
7 Mr. Sinclair went up there, conducted some
8 interviews and in his judgement, based on a phone
9 conversation he had with me, he said " you know what? I
10 think that Harold Hartman is confessing, I think he's
11 telling the truth." He says, "you also know that region 1
12 before we went up there says that Harold Hartman is probably
13 a bit of a nut, in fact I think some of the technical people
14 said he needed psychiatric help and/or had had psychological
15 or psychiatric help." That's number one.
16 Number two they said that, what else was there on
17 Harold Hartman? That he was technically incompetent, or
18 what have you. He said "Roger I believe him, this guy
19 bumped the hydrogen and he is convinced that by bumping the
20 hydrogen he masked unidentified leakage," and on and on and
21 on. I told that to my supervisor, Mr. Cummings, who has
22 been the Director of OIA. Mr. Cummings went up there. When
23 he went up there, I think he went up the next day. Sinclair
24 called me back and he said Roger, Hartman was leading me to
25 a point where I was going to start cracking some of the

1 it seems to me that it's not unreasonable to ask Roger to
2 stick to the point.
3 (simultaneous conversation)
4 MR. ROSENTHAL: I want to be fair to him, I
5 understand your point, he has a lot at stake here, and I
6 certainly want to give him full opportunity to present his
7 views in response to the questions he's asked.
8 MR. GREENSPUN: Well, he was just trying to
9 demonstrate the point that if he knew of really bad things
10 he would take appropriate steps. But he wanted to use an
11 example to demonstrate that.
12 This is also, he's got to be afforded some
13 latitude because you know, it's an interview. If you're an
14 agent sitting here taking notes you would be asking
15 questions. The only difference is you've got a court
16 reporter. This is not a trial. So what is the harm in him
17 explaining, really? What is the harm?
18 MS. CHIDAKEL: I would like to put the question
19 once and for all. Have you ever obtained any crucial
20 information provided to you by Comley which pertained to
21 official NRC matters? Have you ever obtained any crucial
22 information from Comley about anything within the NRC
23 jurisdiction? Anything that you would consider important
24 information?
25 THE WITNESS: Like a violation about a plant?

1 any organizations with sensitive information or maybe some
2 documents about an ongoing OI investigation or some other
3 non-public sensitive NRC matter.
4 THE WITNESS: Again, I don't know what you mean by
5 sensitive. I really don't. That has -- that's a term of
6 art, I guess, sometime in the agency. And the reason I say
7 that is --
8 MS. CHIDAKEL: All right, well let me narrow it
9 down then. Have you ever provided anybody information about
10 an ongoing OI matter or non-public information, non-public
11 documents or non-public information.
12 THE WITNESS: Let's go to the non-public
13 investigation. Yes, I have provided to people outside the
14 NRC information regarding ongoing OI investigations.
15 MS. CHIDAKEL: What about non-public documents or
16 non-public information.
17 THE WITNESS: All right, well let me just explain.
18 I get phone calls from utilities. They say what is the
19 status of your investigation? We try to give them the best
20 that we can if it won't jeopardize the case. What I am
21 suggesting is after a certain amount of time has elapsed in
22 an investigation you get a very good feel that people are
23 aware of what's going on. And they'll sit there and answer
24 an attorney for a utility or a utility for anything and say
25 I'm not going to discuss this with you. I think it's about

1 half done, we've got some more witnesses to talk to, we'll
2 try to get you a witness list as soon as we can.
3 Look, nobody is ever sure of where this case is
4 going to lead, but based on what I know I hope we can wrap
5 it up in a few weeks and things like that. Sure, I'll do
6 stuff like that. I think we all do.
7 MS. CHIDAKEL: Have you ever provided Mr. Comley,
8 on any occasion other than whatever was said during this
9 phone call, have you ever provided him with information
10 about an OI investigation or any type of documents?
11 THE WITNESS: Documents, no, not that. I could be
12 wrong but I don't think so. As far as data on other
13 investigations, to the extent that it's public information,
14 I'm not saying I did because I don't know, but I had too
15 many conversations with the guy to be able to hold myself
16 totally responsible. I don't know.
17 The answer would be, if the stuff was public
18 information and he makes reference to it, I would tell him.
19 MS. CHIDAKEL: I'm not talking about public
20 information, I'm talking about non-public information.
21 THE WITNESS: I don't think so.
22 MR. GREENSPUN: What investigation, one that
23 Comley's already familiar with, that he knows, that he's
24 done research about?
25 MS. CHIDAKEL: Just asking a general question.

1 all concerned because I understand the stress that it is
2 producing for you, Mr. Fortuna, I'm also a taxpayer and as a
3 taxpayer, quite frankly, it does not appeal to me to have
4 people drawing salaries doing no work. And so I would like
5 to see this matter come to a head and be resolved as quickly
6 as possible.
7 I can't give you any kind of finite time. We
8 still have some interviews to conduct and we're going to
9 have to sit through still a reasonable amount of material.
10 If there's nothing further on that score we can now close
11 the record with my thanks to you, Mr. Fortuna, and your
12 counsel for forbearance and endurance both. We're off the
13 record.
14 (Whereupon, at 4:40 p.m., the interview was
15 adjourned.)
16
17
18
19
20
21
22
23
24
25

ENC

I

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
OFFICE OF NEW REACTORS
OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS
WASHINGTON, DC 20555-0001

February 15, 2011

NRC INFORMATION NOTICE 2011-01: COMMERCIAL-GRADE DEDICATION ISSUES IDENTIFIED DURING NRC INSPECTIONS

THIS SO CALLED "IN NOTICE" SURE SOUNDS LIKE THE OLD SAYING, DON'T ASK DON'T TELL

CERTAINLY APPEARS THE NRC'S HAS MADE UP THEIR OWN VERSION, NRC WON'T ASK IF U.S. NUCLEAR PLANT OWNERS DON'T TELL US IF THEY HAVE RECEIVED ANY COUNTERFEIT SUBSTANDARD PARTS.

ADDRESSEES

All holders of an operating license or construction permit for a nuclear power reactor issued under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities," except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

All holders of or applicants for an early site permit, standard design certification, standard design approval, manufacturing license, or combined license issued under 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants."

All holders of or applicants for a license for a fuel cycle facility issued pursuant to 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material," or 10 CFR Part 40, "Domestic Licensing of Source Material."

All vendors that supply basic components to NRC-licensed facilities.

PURPOSE

The U.S. Nuclear Regulatory Commission (NRC) is issuing this information notice (IN) to summarize the NRC staff's observations and findings in the area of commercial-grade dedication (CGD), as it applies to operating reactors, over the previous 2 years. The NRC expects recipients to review the information and to consider actions, as appropriate, to review lessons learned and avoid similar problems. Suggestions contained in this IN are not NRC requirements; therefore, no specific action or written response is required.

DESCRIPTION OF CIRCUMSTANCES

This IN summarizes NRC staff findings from vendor inspections related to CGD performed over the last 2 years. The NRC Office of Nuclear Reactor Regulation and Office of New Reactors perform vendor inspections; one of the areas covered in these inspections is CGD. CGD is the acceptance process undertaken to provide reasonable assurance that a commercial-grade item to be used as a basic component will perform its intended safety function and, in this respect, is deemed equivalent to an item designed and manufactured under a quality assurance (QA) program under Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," to 10 CFR Part 50, "Domestic Licensing of Production and Utilization

"S. Comley"

ML103220180

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
OFFICE OF NEW REACTORS
WASHINGTON, DC 20555-0001

April 7, 2008

NRC INFORMATION NOTICE 2008-04: COUNTERFEIT PARTS SUPPLIED TO NUCLEAR POWER PLANTS

ADDRESSEES

All holders of operating licenses for nuclear power reactors and applicants for combined license to construct nuclear power plants under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants."

PURPOSE

The U.S. Nuclear Regulatory Commission (NRC) is issuing this information notice (IN) to inform addressees of the potential for counterfeit parts to enter their supply chains. Addressees should review this information and consider actions, as appropriate, to avoid similar problems. The suggestions contained within this IN are not NRC requirements; therefore, no specific action or written response is required.

DESCRIPTION OF CIRCUMSTANCES

Counterfeit Valves

In November 2007, NRC became aware that Hatch Unit 2 had discovered a counterfeit valve (5" 150# Ladish stop check valves) on the stator cooling water skid. The licensee at Hatch later determined that it had two counterfeit valves in its facility: one in the warehouse and another one installed in Unit 2, as the "B" stator cooling water pump discharge stop check valve. The valve installed on Unit 2 had been in service for 8 months as of the time of discovery. Upon discovering the counterfeit valve, the licensee began to closely monitor the performance of the valve and plans to replace it during the next refueling outage in the spring of 2009. The valve installed at Hatch Unit 2 is being used in a non-safety related system.

Counterfeit Circuit Breakers

NRC is aware that on December 27 and October 30, 2007, and November 16, 2006, the U.S. Consumer Product Safety Commission (CPSC) had announced a recall of counterfeit circuit breakers labeled as "Square D" distributed by North American Breaker Co., Inc., Connecticut Electric and Switch Co, and Scott Electric Co. Inc. The recalled circuit breakers labeled "Square D" were manufactured in China and distributed from March 2003 through April 2006, February 2005 through August 2006, and May 2005 through May 2006, respectively. The counterfeit circuit breakers can fail to trip when overloaded, posing a fire hazard to consumers.

ML080790266

A licensee database search indicated that Catawba, McGuire, and Oconee nuclear power plants had purchased Square D circuit breakers during the suspected time frame. After inspecting their Square D circuit breakers, Oconee and McGuire Plants confirmed that the Square D breakers that they had purchased during the suspected time frame were genuine. Catawba Nuclear Plant, however, could not confirm the authenticity of four of its Square D circuit breakers that it had purchased during the suspected time frame. Subsequently, Catawba removed these circuit breakers from stock. The NRC is not aware that the counterfeit circuit breakers have been installed in safety-related applications. The CPSC reports are available at http://www.cpsc.gov/cpscpub/prerel/prhtml08/08151.html, http://www.cpsc.gov/cpscpub/prerel/prhtml08/08054.html, and http://www.cpsc.gov/cpscpub/prerel/prhtml07/07036.html.

BACKGROUND

Over the past two decades, the NRC has issued several generic communications to inform licensees of counterfeit or misrepresented vendor products. In March 1989, the NRC staff issued Generic Letter (GL) 89-02, "Actions to Improve the Detection of Counterfeit and Fraudulently Marketed Products" (Agencywide Documents Access and Management System (ADAMS) Accession No. ML031140060). The GL informed licensees of program elements that are effective in detecting counterfeit or fraudulently marketed products and in assuring the quality of vendor supplied products. Additionally, in October 1989, the staff issued IN 89-70, and a supplement in April 1990, "Possible Indications of Misrepresented Vendor Products," to inform licensees of misrepresented vendor products and to provide information related to the detection of such products (ADAMS Accession No. ML031180470).

DISCUSSION

Although none of the counterfeit items described above were installed in safety-related applications, these examples demonstrate the need for licensees to remain vigilant and maintain effective quality assurance programs to reduce the potential for introduction of counterfeit parts into their supply chains.

In recent years many vendors, including foreign companies, with little to no experience in the nuclear industry have entered the market to supply parts and components for both safety and non-safety applications to nuclear power plants. It remains the licensees' responsibility to ensure that all suppliers use standards and processes that conform to US standards. Effective oversight of suppliers becomes increasingly more important as the nuclear industry begins construction of new nuclear power plants in the US.

As discussed in GL 89-02, three characteristics of effective procurement and dedication programs are (1) the involvement of engineering staff in the procurement and product acceptance process; (2) effective source inspection, receipt inspection, and testing programs; and (3) thorough, engineering-based programs for review, testing, and dedication of commercial-grade products for suitability for use in safety-related applications. Licensees may want to consider the applicability of these characteristics to their programs to reduce the likelihood of the introduction of counterfeit or fraudulent products into their plants and to assure the quality of procured vendor products.

CONTACT

This information notice requires no specific action or written response. Please direct any questions about this matter to the technical contacts listed below.

/RA by TQuay for/

Michael Case, Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

/RA/

Glenn Tracy, Director
Division of Construction Inspection and
Operational Programs
Office of New Reactors

Technical Contacts: Omid Tabatabai
NRO/DCIP/CCIB
(301) 415-6616
omid.tabatabai@nrc.gov

Robert Pettis
NRR/DE/EQVB
(301) 415-3214
robert.pettis@nrc.gov

Richard McIntyre
NRO/DCIP/CQVB
(301) 415-3215
richard.mcintyre@nrc.gov

Note: NRC generic communications may be found on the NRC public Web site, http://www.nrc.gov, under Electronic Reading Room/Document Collections

CONTACT

This information notice requires no specific action or written response. Please direct any questions about this matter to the technical contacts listed below.

/RA by TQuay for/

Michael Case, Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

/RA/

Glenn Tracy, Director
Division of Construction Inspection and Operational Programs
Office of New Reactors

Technical Contacts: Omid Tabatabai
NRO/DCIP/CCIB
(301) 415-6616
omid.tabatabai@nrc.gov

Robert Pettis
NRR/DE/EQVB
(301) 415-3214
robert.pettis@nrc.gov

Richard McIntyre
NRO/DCIP/CQVB
(301) 415-3215
richard.mcintyre@nrc.gov

Note: NRC generic communications may be found on the NRC public Web site, http://www.nrc.gov, under Electronic Reading Room/Document Collections

DISTRIBUTION:
IN File

ADAMS ACCESSION: ML080790266

OFFICE	CCIB:DCIP:NRO	Tech Ed.	TL:CCIB:DCIP:NRO	BC:CCIB:DCIP:NRO	BC:CQVP:DCIP:NRO
NAME	OTabatabai	HChang	RLaura	RRasmussen	JPeralta
DATE	03/18/08	03/10/08	03/19/08	03/20/08	03/24/08
OFFICE	BC:CQVB:DCIP:NRO	BC:EQVB:DE:NRR	D:DE:NRR	OGC (NLO)	LA:PGCB:NRR
NAME	JNakoski	DThatcher	PHiland	SBrock	CHawes
DATE	03/20/08	03/24/08	03/24/08	03/26/08	03/ /08
OFFICE	PM:PGCB:NRR	BC:PGCB:NRR	D:DCIP:NRO	D:DPR:NRR	
NAME	DBeaulieu	MMurphy	GTracy	TQuay for MCase	
DATE	03/ /08	04/03/08	04/07/08	04/03/08	

OFFICIAL RECORD COPY

ENC
BOTH I's

U.S.NRC
United States Nuclear Regulatory Commission
Protecting People and the Environment

Information Notice No. 93-73: Criminal Prosecution of Nuclear Suppliers for Wrongdoing

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, D.C. 20555

September 15, 1993

NRC INFORMATION NOTICE 93-73: CRIMINAL PROSECUTION OF NUCLEAR SUPPLIERS FOR WRONGDOING

Addressees

All NRC licensees.

Purpose

The U.S. Nuclear Regulatory Commission (NRC) is issuing this information notice to inform addressees of the results of the criminal prosecutions of two cases of wrongdoing that the NRC staff referred to the U.S. Department of Justice (DOJ). Licensees and their suppliers are also reminded of the penalties that could result from the intentional violation of Federal regulatory requirements and criminal statutes. In particular, suppliers, licensees, and individual employees could be subject to criminal prosecution by the DOJ if they intentionally violate Federal regulatory requirements. It is expected that recipients will review the information notice and consider actions, as appropriate, to avoid similar problems. However, suggestions contained in this information notice are not NRC requirements; therefore, no specific action or written response is required.

Description of Circumstances

Case 1: In May of 1993, the president and vice president/manager of Satin American Corporation were sentenced in United States District Court (District of Connecticut) on criminal charges; specifically, Section 371 of Title 18 of the United States Code (18 U.S.C. 371), "Conspiracy to Traffic in Goods Bearing Counterfeit Marks." They had pled guilty to participating in a conspiracy from 1985 to 1987 in which circuit breakers and related equipment were refurbished at their Shelton, Connecticut, facility. This equipment was sold to various NRC licensees and others bearing counterfeit nameplates made to look like those from the original manufacturers. The Satin American president was sentenced to 4 years of imprisonment, which was suspended, and 3 years probation. The conditions of probation were restitution, a $250,000 fine, 400 hours of community service each year of probation, and barring of

the president, Satin American Corporation, and any related or successor companies controlled by him from engaging in nuclear safety-related business for 5 years. The Satin American vice president/manager was sentenced to 3 years of imprisonment, also suspended with 3 years probation, 200 hours of community service each year of probation, a $5,000 fine, and he was barred from nuclear safety-related business for 3 years. Information on the associated equipment problems can be found in IN 89-45 "Low-Voltage Metalclad

9309100054.

Power Circuit Breakers Refurbished with Substandard Parts," and its Supplements 1 and 2.

Case 2: On November 6, 1992, the president of J and S Machine and Valve and former partner in Coffeyville Valve, Incorporated, was indicted by a grand jury in Tulsa, Oklahoma, for 11 counts citing violations of 18 U.S.C. 371, 2320, 1341, and 1343. These counts included conspiracy, copyright infringement, mail fraud, and wire fraud. The defendant was alleged to have refurbished used valves and affixed counterfeit Crane Company labels in an effort to mislead customers, including NRC licensees, to believe they were receiving unused valves manufactured by Crane. On March 16, 1993, the defendant pled guilty to charges of conspiracy to traffic in counterfeit goods in violation of 18 U.S.C. 371. On May 18, 1993, in United States District Court (Northern District of Oklahoma), the defendant was found guilty. Imposition of sentence was suspended, but the defendant was placed on probation for 3 years and fined $15,000. Information can be found in IN 92-56, "Counterfeit Valves in the Commercial Grade Supply System."

Discussion

All personnel involved in NRC-regulated activities, including licensees, suppliers, and their employees, have a responsibility to comply with applicable NRC regulatory requirements and other Federal laws. The NRC demands compliance and will seek criminal prosecution of wrongdoing in cases of willful violations of these requirements. As evidenced by the cases cited herein, criminal sanctions may include imprisonment, fines, restitution of monies, and rendering of community services.

In addition, the "Deliberate Misconduct" provisions, in Title 10 of the Code of Federal Regulations [10 CFR 30.10, 40.10, 50.5, 61.9(b), 70.10, and 72.12] allow the NRC to take direct enforcement action against suppliers and/or their responsible officers and/or their employees for deliberately causing a licensee to be in violation of Commission regulations or for providing false information to licensees or the Commission concerning licensed activities.

Furthermore, as indicated in numerous NRC generic communications, in addition to bearing counterfeit markings, much of the equipment in cases such as the ones cited above has been found to have been sold in unsatisfactory condition, or to contain substandard parts, manufacturing processes or workmanship. Some of this equipment has failed in service or testing. Inasmuch as some of this equipment is sold as basic components as defined in 10 CFR Part 21, "Reporting of Defects and Noncompliance," and some of it is represented as new and deviations in the equipment are deliberately not disclosed to the purchasers, directors or responsible officers of suppliers of such equipment could also be

subject to civil penalties as described in 10 CFR 21.61. In addition, as provided in Section 21.62 of the revision of 10 CFR Part 21, published November 24, 1992, criminal sanctions could be imposed in accordance with Section 223 of the Atomic Energy Act of 1954, as amended. Although not.

required by this notice, addressees may wish to distribute copies of this information notice to their employees and suppliers.

This information notice requires no specific action or written response. If you have any questions about the information in this notice, please contact one of the technical contacts listed below, the appropriate Office of Nuclear Reactor Regulation project manager, or the appropriate regional office.

/S/'D BY BKGRIMES

Brian K. Grimes, Director
Division of Operating Reactor Support
Office of Nuclear Reactor Regulation

Technical contacts: Stephen D. Alexander, NRR
(301) 504-2995

Ronald K. Frahm, Jr., NRR
(301) 504-2986

Joseph J. Petrosino, NRR
(301) 504-2979

Kevin M. Ramsey, NMSS
(301) 504-2534

Attachments:
1. List of Recently Issued NMSS Information Notices
2. List of Recently Issued NRC Information Notices

Page Last Reviewed/Updated Tuesday, November 12, 2013

Subject: Steve - Nice Hearing from You - This Must be the CT Company to which You were Referring

From: Barkley, Richard (Richard.Barkley@nrc.gov)

To: scomleysr@yahoo.com;

Date: Thursday, May 8, 2014 4:21 PM

Information Notice No. 89-45, Supplement 2: Metalclad, Low-Voltage Power Circuit Breakers Refurbished with Substandard Parts

UNITED STATES

NUCLEAR REGULATORY COMMISSION

OFFICE OF NUCLEAR REACTOR REGULATION

WASHINGTON, D.C. 20555

December 15, 1989

Information Notice No. 89-45, SUPPLEMENT 2: METALCLAD, LOW-VOLTAGE POWER CIRCUIT BREAKERS REFURBISHED WITH SUBSTANDARD PARTS

Addressees:

All holders of operating licenses or construction permits for nuclear power reactors.

Purpose:

This information notice supplement is being provided to alert addressees to the problem of potentially defective General Electric (GE) and Westinghouse (W) metalclad, low-voltage power circuit breakers and associated equipment supplied to nuclear power plants by the Satin American Corporation (SA) and its affiliate, Circuit Breaker Systems, Incorporated, both of Shelton, Connecticut, or by any of SA's representatives. Of particular concern are GE EC-type, electromechanical, overcurrent trip devices, in safety-related applications, or available for use in such applications, supplied by these organizations.

It is expected that recipients will review this information for applicability to their facilities and consider actions, if appropriate, to avoid similar problems. However, suggestions contained in this notice do not constitute NRC requirements; therefore, no specific action or written response is required.

Description of Circumstances:

NRC Information Notice (IN) No. 89-45 discussed a General Electric (GE) type AKF-2-25 metalclad, low-voltage power circuit breaker (field discharge configuration) supplied to the Quad Cities nuclear power plant by SA that was found to have been built or refurbished with nonstandard and substandard parts.

Supplement 1 to IN 89-45 discussed the NRC's findings on GE EC-type trip devices from follow-up inspections at utilities that had procured circuit

breakers and related electrical equipment such as trip devices from SA. As discussed in detail in the supplement, the NRC found EC-type trip devices supplied by SA that were refurbished with nonstandard and possibly substandard parts, or old, used parts, in nonstandard combinations using questionable fabrication methods. Some of these devices had failed in service or testing.

Additional tests were conducted by utility personnel and were observed by representatives of the original manufacturer and the NRC. In these tests, the devices

8912110177

exhibited inconsistent performance including some test failures. Subsequently, the NRC obtained more of these SA-supplied trip units and had them tested and examined at the GE Apparatus Service Facility in Atlanta, Georgia. This facility is currently the sole original equipment manufacturer of EC-type trip devices. The results of this testing were also unsatisfactory, with virtually all the devices tested exhibiting out-of-specification operation of one or more of their functions in some portion of their design operating ranges. The devices were not adjustable such that they would operate within tolerance at all points within their

nameplate-identified characteristic curves, and some of them failed to perform one or more of their trip functions entirely. Post-testing examination of these devices confirmed that they were rebuilt with used parts, in incorrect combinations. Some of the parts were so degraded with age that they were no longer suitable for use, and some of the unsatisfactory test results were directly attributable to the discrepancies in the conditions found. Some of the fabrication methods used could contribute to erratic operation and failure. Such latent defects would not be readily detectable during routine inspection and testing and could render the affected circuit breakers unreliable during normal operation due to spurious tripping and lack of overcurrent protection.

The SA facility in Shelton, Connecticut, suffered major damage in a fire in July 1989. The resultant destruction of records may make it difficult or impossible for SA's customers to audit the company and obtain the information necessary to assure that previously purchased equipment was in full compliance with the applicable specifications and purchase order requirements.

In order to assess the scope of the problem with regard to GE EC-type trip devices, all nuclear utilities were contacted by the Nuclear Management and Resources Council (NUMARC) at the request of the NRC to determine which utilities had purchased low-voltage electrical switchgear or related equipment from SA that was used or available for use in safety-related applications. Information thus obtained indicated that about 40 utilities had purchased equipment of the types in question in the last 5 or 6 years, much of which was purchased as commercial grade equipment and was used in or

available for use in nonsafety-related applications only. Of the NUMARC respondents, several utilities initially reported that they had GE AK-type circuit breakers containing EC-type over-current trip devices supplied by SA which were possibly used in safety-related applications. These utilities subsequently contacted the NRC.

All licensees thus far identified that have GE EC-type trip devices installed in safety-related circuit breakers have committed to acceptable courses of action to replace the suspect trip devices or to consult with GE in reviewing and determining the suitability of the trip devices for continued use.

As a result of the NRC's continuing inspections of the types of equipment in question at licensed facilities, the NRC has identified additional SA-supplied equipment that may be defective. NRC inspections of SA-supplied Westinghouse low-voltage switchgear at several plants, including type DB-25 and DS-416 circuit breakers at the Cooper Nuclear Station and the Zion Nuclear Power Station respectively, have identified apparent irregularities when compared to the original equipment. Specifically, apparent differences in pole shaft and spring-pin configuration, wiring type, frame finish, and nameplates were observed..

It is possible, therefore, that this and other equipment supplied by SA may not be suitable for service without additional operability reviews in consultation with the original equipment manufacturer.

The NRC is interested in obtaining information on circuit breakers and related pieces of equipment that have been found with deficiencies such as those described in IN 89-45, Supplement 1 thereto, and this supplement. Documentation, in as much detail as practicable, of any such deficiencies noted, especially in recent procurements and in cases of possible improper servicing or refurbishment, is important. Licensees may communicate information of this type by telephone to the technical contacts listed below.

This information notice requires no specific action or written response. If you have any questions about the information in this notice, please contact one of the technical contacts listed below or the appropriate NRR project manager.

Charles E. Rossi, Director
Division of Operational Events Assessment
Office of Nuclear Reactor Regulation

Technical Contacts: S. D. Alexander, NRR

(301) 492-0995

U. Potapovs, NRR

(301) 492-0984

Attachment: List of Recently Issued NRC Information Notices

Page Last Reviewed/Updated Tuesday, November 12, 2013

ENC PART I'S

Ownership matrix

Click for copy of Word (native) file

TABLE OF CONTENTS

1.0 PURPOSE AND SCOPE 2
2.0 IMPLEMENTATION 2
3.0 RESPONSIBILITIES 2
- 3.1 Procurement Personnel 2
- 3.2 Inspection Personnel 2
- 3.3 Quality Assurance Engineer 2
- 3.4 S/CI Coordinator 3
- 3.5 Assigned Engineering Personnel 3
- 3.6 Responsible Managers and Supervisors 3

4.0 PROCEDURE 3
- 4.1 Introduction 3
- 4.2 Procurement 3
- 4.3 Inspection for Potential S/CI 4
- 4.4 Control of Material Identified as S/CI 4
- 4.5 Reporting of S/CI 5
- 4.6 Acceptance, Removal, and Disposition of S/CI 5
- 4.7 Surplus/Excess Material 7
- 4.8 Assessments 7
- 4.9 Training 7
- 4.10 Trend Analysis 9

5.0 DEFINITIONS 9
6.0 RECORDS 10
7.0 SOURCES 10
- 7.1 Requirements 10
- 7.2 References 10

TABLE OF ATTACHMENTS

See p 26

ATTACHMENT A - SUSPECT COMPONENTS LIST 12
ATTACHMENT B - CLASSIFICATION OF POTENTIALLY SUSPECT/COUNTERFEIT ITEMS 30
ATTACHMENT C - SUSPECT/COUNTERFEIT ITEMS INFORMATION SOURCE LIST 33
ATTACHMENT D - CHARACTERISTICS THAT MAY MAKE PRODUCTS VULNERABLE TO MISREPRESENTATION, FRAUDULENT PRACTICES, AND COUNTERFEITING 35
ATTACHMENT E - WHERE TO LOOK FOR SUSPECT/COUNTERFEIT ITEMS 36
ATTACHMENT F - SUSPECT/COUNTERFEIT PARTS DETECTION 37
ATTACHMENT G - FASTENERS 42
ATTACHMENT H - DOE HEADMARK LIST 46
ATTACHMENT I - REFURBISHED MOLDED CASE CIRCUIT BREAKERS 48

1.0 PURPOSE AND SCOPE
(7.1.1)

This procedure describes the process for the identification, prevention, evaluation, notification, and disposition of suspect/counterfeit items (S/CIs) at WRPS. This procedure applies to items that are:

- In the procurement cycle
- In receiving inspection
- In inventory at warehouses and staging areas
- Installed
- In operation.

This procedure applies to:

- Company ordered material
- Material supplied by subcontractors
- Material and test equipment supplied by test sponsors
- Construction
- Fabrication shops
- Laboratory work and experiments
- Surplus/excess property
- Government property
- Material obtained from U.S. Department of Energy (DOE) sources.

2.0 IMPLEMENTATION

This procedure is effective on the date shown in the header.

3.0 RESPONSIBILITIES

3.1 Procurement Personnel

Maintain awareness of S/CI and support S/CI program implementation.

3.2 Inspection Personnel

Perform inspections for conformance or acceptance of material including verifications that the item(s) being inspected do not exhibit indications attributed to potential suspect/counterfeit items.

3.3 Quality Assurance Engineer

1. Ensures appropriate procurement controls are implemented to preclude entry of S/CI to the site through review of procurement documents.

2. Notifies the S/CI coordinator of nonconformance reports (NCRs) associated with S/CI.

3. Controls potential S/CI in a secure location.

3.4 S/CI Coordinator

1. Apprises company, and DOE S/CI Point of Contact (POC) of S/CI status and final NCR disposition.

2. Reviews potential sources of S/CI information for applicability and distribution.

3.5 Assigned Engineering Personnel

1. Evaluate S/CI information for applicability to design and procurement specifications, system configuration, and operating conditions.

2. Provide technical specifications, critical characteristics, and acceptance methods in support of procurement and inspection activities to prevent introduction of S/CI.

3.6 Responsible Managers and Supervisors

1. Maintain awareness of S/CI.

2. Determine personnel S/CI training needs.

4.0 PROCEDURE

4.1 Introduction

The two most common S/CIs found at DOE facilities have been threaded fasteners fraudulently marked as high-strength bolts, and refurbished electrical circuit breakers sold and distributed under false certifications. Purchasers have also been misled into accepting S/CIs that do not conform to specified requirements by falsified documentation.

Questions pertaining to S/CI should be referred to the S/CI coordinator. Attachment A provides a historical listing of suspect components. Equipment/material types or classes have been established to identify those specific items which are classified as potentially misrepresented or S/CI. Attachment B provides a listing of those classifications and items subject to S/CI control at tank farm facilities.

4.2 Procurement

WRPS Personnel

1. Ensure material requirements are specified in subcontracts to preclude the purchase or introduction of S/CI. Use the information in Attachments A, B, C, D, E, F, G, H, and I to identify specific components, characteristics, precautions, and other considerations that are to be addressed during the procurement process to prevent introduction of S/CI.

2. Ensure material requests for quality level 1, 2, and 3 items and services include appropriate technical specifications, procurement quality clauses, documentation, and inspection requirements to prevent introduction of S/CI.

	3.	In maintenance and construction/fabrication subcontracts, specify appropriate requirements to preclude the purchase or introduction of S/CI.
Quality Assurance Engineer	4.	Review procurement documents to ensure they contain the appropriate procurement controls to preclude entry of S/CI to the site.
Procurement Personnel	5.	Ensure vendor selection complies with qualification requirements for the quality level of the items and services and is based on the vendor's ability to demonstrate the capability of delivering acceptable items.

4.3 Inspection for Potential S/CI

Bill of Material Preparers	1.	For quality level 0 and P-Card items listed in Attachment B, designate an S/CI inspection in the special instruction of the Bill of Material in accordance with the requirements of TFC-BSM-CP_CPR-C-06.
	2.	Ensure quality level 0 and P-Card items are inspected prior to material issuance.
First Line Manager	3.	Obtain on-site S/CI inspection for quality level 0 and P-Card items prior to material issue and use.
Engineering Personnel	4.	Provide technical specifications, critical characteristics, and acceptance methods to facilitate inspection planning for S/CI prevention and detection.
Quality Assurance Engineer	5.	Ensure S/CI detection criteria are incorporated into QA inspection planning activities.
Assigned Inspection Personnel	6.	Use Attachments G, H, and I as resources for detecting S/CIs during walk downs and inspections. Specific items are subject to inspection.
	7.	Verify and document that the items being inspected do not exhibit indications attributed to potential S/CIs as described in Attachments G through I.
	8.	If an S/CI is detected during inspection activities, document and control the S/CI in accordance with TFC-ESHQ-Q_ADM-C-02.
	9.	Contact the Shift Office to determine notification requirements in accordance with TFC-OPS-OPER-C-24.

4.4 Control of Material Identified as S/CI

Responsible Manager or Delegate	1.	Ensure items identified as potential S/CI are documented as nonconforming and controlled in accordance with TFC-ESHQ-Q_ADM-C-02.
	2.	Transfer tagged S/CIs to 2101-HV for storage.

Cognizant Quality Engineer

3. Notify the S/CI coordinator of all NCRs associated with the S/CI.

4.5 Reporting of S/CI

S/CI Coordinator

1. Report S/CIs regardless of safety class, location (receiving inspection, inventory/storage areas, fabrication and maintenance areas, installed, etc.), or their operating status. Ensure the Shift Office has been contacted for notification determinations.

2. Ensure items identified as potential S/CI are documented as nonconforming and controlled in accordance with TFC-ESHQ-Q_ADM-C-02. For S/CIs discovered during a formal "receipt inspection," (and still considered within the supply chain process) the S/CI NCR shall be written, reviewed and processed within four working days to determine whether or not the items are S/CI.

3. On receipt of an S/CI NCR from MSA/AVS, process in accordance with TFC-ESHQ-Q_ADM-C-02 and notify the Shift Office (373-2689) if the possibility exists for similar items identified in operating systems.

4. Upon determination that an item is counterfeit, notify the DOE S/CI POC .

5. When notifying the DOE S/CI POC include a copy of the occurrence report (if applicable). Also transmit a copy of the NCR and other applicable documentation/information, i.e.:

   - NCR number
   - Date NCR was written
   - Purchase order/job control number (if known)
   - End use of product
   - Name of manufacturer, distributor, supplier
   - Safety class (if known)
   - Occurrence report number, if available
   - Value of item(s), if known
   - Point(s) of contact
   - Description of item(s)
   - Quantity
   - Description of nonconformance.
   - Any other pertinent information that would help the DOE S/CI POC and the local Office of the Inspector General (OIG).

4.6 Acceptance, Removal, and Disposition of S/CI

S/CI Coordinator

1. Notify responsible company personnel that S/CI may not be destroyed or disposed of without written release from the DOE local OIG.

2 Prior to destroying or disposing of S/CIs, consult the Inspector General to determine if there is a need to retain the items as evidence for potential litigation. Based on the OIG's decision, either:

a. Retain S/CI material as evidence for potential litigation, or

b. Release S/CI material for final disposition and/or disposal as directed by the S/CI coordinator, or

c. Release material for training use.

3. Provide a copy of the correspondence with DOE/OIG to the WRPS Internal Audit (IA) Department.

Engineering Personnel

4. Evaluate S/CI to determine if its use could create a safety hazard in its current/proposed application.

Assigned Company Personnel

5. If the engineering evaluation of the S/CI has determined that its use could not create a safety hazard in its current/proposed application:

a. Disposition the S/CI to remain in place. The disposition criteria are acceptance, removal, or replacement after an engineering evaluation. This should be based on the deficient characteristic of the particular item.

b. Identify the accepted S/CI by marking with orange paint (i.e., torque paint) or other appropriate methods and note its location in the Work Management System (i.e., Computerized History and Maintenance Planning Software [CHAMPS]).

c. In areas where operating temperatures are 500°F and above or are subject to cyclic loading where fatigue failure is likely to occur, replace all grades 8 and 8.2 S/CI fasteners prior to further use of the equipment.

d. Engineering must also identify a way to prevent its reuse in an application it may not be suitable for.

e. If removed, prepare the S/CI for disposal.

6. If the engineering evaluation of the S/CI has determined that its use could create a safety hazard in its current/proposed application:

   a. Contact Base Operations Shift Operations to secure the equipment.

   b. Remove the S/CI as soon as practical.

   c. Tag, segregate, or otherwise control the S/CI to prevent inadvertent use.

   d. Prepare the S/CI for disposal.

S/CI Coordinator

7. Upon receipt of notification from the DOE/OIG authorizing disposal, ensure that all S/CI material dispositioned for disposal is properly controlled and arranged for the material to be permanently and irrevocably altered so that it cannot be used. Examples of alterations include:

   - Melting
   - Shredding
   - Destroying the threads on fasteners.

8. Provide a copy of the correspondence with DOE/OIG to the WRPS IA department.

9. Burying S/CIs may be acceptable if they do not contain hazardous material or material prohibited by federal, state, or local regulations.

4.7 Surplus/Excess Material

Responsible Personnel

1. Remove S/CI from surplus/excess material before they are released for sale or transfer of accountability.

2. Ensure surplus items received from DOE or other facilities are inspected for S/CI prior to installation.

4.8 Assessments

Quality Assurance Manager

1. Ensure that assessment on the effectiveness of the S/CI program is periodically conducted and reported. The assessment should be performance based and designed to determine if company activities are conducted in accordance with applicable requirements.

4.9 Training

Responsible Manager or Supervisor

1. Ensure that applicable personnel, within your area (see below for list), are assigned S/CI training Course 350720, *Suspect/Counterfeit Items*, or approved equivalent so as to understand the basic concepts for awareness, prevention, detection, and reporting of S/CI items (e.g., Course 170720 is a preapproved equivalent).

Personnel within the following functional groups shall attend S/CI training:

- Operations Person-in-Charge/Field Work Supervisor (PIC/FWS)
- Maintenance (Craft and PIC/FWS)
- Engineer (System & Project)
- QA Engineer
- Procurement Specialist
- Material Coordinator
- Truck Driver (Standard & Light Duty)

(Coordinate with your respective Training Coordinator to ensure S/CI training is on the employees training plan.)

2. For S/CI training classes taken outside of Hanford, ensure that requests for equivalency are approved by the Training Manager in accordance with TFC-BSM-TQ_MGT-C-01 prior to taking the class.

S/CI Coordinator

3. Monitor S/CI training to ensure it provides:

- Actions and responsibility for notification and reporting of S/CIs are identified
- Responsibility to control S/CIs when identified

Responsible Personnel

4. Attend training class when scheduled and complete additional assignments when requested.

S/CI Coordinator

5. Collect, maintain, disseminate, and use the most accurate, up-to-date information on S/CIs and suppliers using all available sources, including:

- Government-Industry Data Exchange Program (www.gidep.org)
- Institute of Nuclear Operators (www.inpo.info)
- DOE Occurrence Reporting and Processing System
- DOE Suspect/Counterfeit web site (https://powerpedia.energy.gov/wiki/Suspect/Counterfeit_Items_and_Defective_Items_(SCI/DI)).

6. Annually provide any applicable information on suspect/counterfeit items to the appropriate personnel using one of the following methods: lessons learned, required reading, briefings, or training.

4.10 Trend Analysis

Contractor Assurance	1. Perform trend analysis quarterly in accordance with TFC-ESHQ-Q_C-C-06.
	2. Notify the S/CI Coordinator when a negative trend of S/CI issues is identified.
S/CI Coordinator	3. Review and process adverse trends through the PER process in accordance with TFC-ESHQ-Q_C-C-01.

5.0 DEFINITIONS

Counterfeit part. A part made or altered so as to imitate or resemble an "approved part" without authority or right, and with the intent to mislead or defraud by passing the imitation as original or genuine.

Fastener (regardless of the safety classification).

- A screw, nut, bolt, or stud with internal or external threads or a load-indicating washer with a nominal diameter of 5 millimeters or greater in the case of such items described in metric terms; or 1/4 inch or greater in the case of such items in terms of the English system of measurement which contains any quantity of metal and held out as meeting a standard or specification which requires through-hardening; or

- A screw, nut, bolt, or stud having internal or external threads which bears a grade identification marking required by a standard or specification; or

- A washer to the extent that it is subject to a standard or specification applicable to a screw, nut, bolt, or studs described above, except that such term does not include any screw, nut, bolt, or stud that is produced and marked as American Society for Testing and Materials (ASTM) A 307 Grade A or produced in accordance with ASTM F432.

Grade identification. Any symbol appearing on a fastener purporting to indicate that the fastener's base material, strength properties, or performance capabilities conform to a specific standard of a consensus standards organization or government agency.

Graded classifications. System used to determine minimum requirements for structures, systems and components (e.g., design, operation, procurement, and maintenance requirements). The graded classifications in order of precedence are safety class, safety significant, and enhanced quality general services.

High strength graded fastener. Fasteners having a minimum tensile strength of 75 ksi, including those produced and procured in accordance with the Society of Automotive Engineers Standard J429, Grades 5, 5.2, 8, and 8.2; ASTM Standard A325, Types 1 and 3; ASTM A490, ASTM A354, ASTM A449 (Types 1 and 3), and some ASTM F468.

Item. An all-inclusive term used in place of any of the following: appurtenance, assembly, component, equipment, material, module, part, structure, subassembly, subsystem, system, or unit.

Substantial safety hazard. A loss of safety function to the extent that there is a major reduction in the degree of protection to the public or employee health and safety.

Suspect/counterfeit items. A suspect item is one in which there is an indication by visual inspection, testing, or other information that it may not conform to established Government or industry-accepted specifications or national consensus standards. A counterfeit item is a suspect item that is a copy or substitute without legal right or authority to do so or one whose material, performance, or characteristics are knowingly misrepresented by the vendor, supplier, distributor, or manufacturer. An item that does not conform to established requirements is not normally considered S/CI if the nonconformity results from one or more of the following conditions, which should be controlled by site procedures as nonconforming items:

- Defects resulting from inadequate design or production quality control
- Damage during shipping, handling, or storage
- Improper installation
- Deterioration during service
- Degradation during removal
- Failure resulting from aging or misapplication, or
- Other controllable causes.

6.0 RECORDS

The following records are generated during the performance of this procedure:

- Training Records
- Correspondence with DOE.

7.0 SOURCES

7.1 Requirements

1. TFC-PLN-02, "Quality Assurance Program Description."

7.2 References

1. DOE G 414.1-3, "Suspect/Counterfeit Items Guide for Use with 10 CFR 830 Subpart A, Quality Assurance Requirements, and DOE O 414.1B, Quality Assurance."

2. NRC Information Notice 89-70: "Possible Indications of Misrepresented Vendor Products."

3. NRC Information Notice 89-70, Supplement 1: "Possible Indications of Misrepresented Vendor Products."

4. TFC-BSM-CP_CPR-C-01, "Purchasing Card (P-Card)."

5. TFC-BSM-CP_CPR-C-05, "Procurement of Services."

6. TFC-BSM-CP_CPR-C-06, "Procurement of Items (Materials)."

7. TFC-BSM-CP_CPR-C-09, "Supply Chain Process."

8. TFC-BSM-CP_CPR-C-18, "Material Receipt, Storage, Issuance, Return, and Excess Control."

9. TFC-BSM-TQ_MGT-C-01, "Training Equivalencies and Extensions and Educational and Experience Equivalencies."

10. TFC-ESHQ-Q_ADM-C-02, "Nonconforming Item Reporting and Control."

11. TFC-ESHQ-Q_C-C-01, "Problem Evaluation Request."

12. TFC-ESHQ-Q_C-C-06, "Trending Analysis Process."

13. TFC-OPS-OPER-C-24, "Occurrence Reporting and Processing of Operations Information."

14. TFC-PLN-03, "Engineering Program Management Plan."

15. TFC-PLN-100, "Tank Operations Contractor Requirements Basis Document."

ATTACHMENT A - SUSPECT COMPONENTS LIST

This list was extracted from the U.S. Department of Energy Quarterly Reports on the "Analysis and Trending of Suspect/Counterfeit Items at Department of Energy Facilities," July 1997.

NOTE: It is not necessarily a negative reflection on a supplier or manufacturer if S/CIs are reported regarding its particular product. Reputable manufacturers and suppliers have a vital interest in preventing the manufacture or distribution of S/CI associated with themselves. It may be that the supplier or manufacturer was victimized and is pursuing S/CI associated with its products in an aggressive, prudent, and professional manner in order to get such items off the market. Therefore, each particular case regarding the manufacture or supply of S/CI must be examined on its own merit without making premature conclusions regarding fault or culpability of the manufacturer or supplier whose name is associated with the S/CI. In short, what follows is a "suspect components list" and not a "suspect manufacturer or supplier list." The manufacturer or supplier identified in the following table should not be considered to have engaged in any wrongdoing without additional information.

ATTACHMENT A - SUSPECT COMPONENTS LIST (cont.)

Component	Manufacturer/Type	Description	Supplier	References
Circuit Breakers	General Electric (Component Examples) • AKF-2-25 • EC Trip Types, E-C-1, E-C-2A • AK All Types	Metal clad, low voltage, DC	Satin America & Circuit Breaker Systems Inc.	NRC I.N. 89-45, Supplements and Attachments SENS Report ID #6 5/23/89
Circuit Breakers	General Electric (Component Examples) • AK-3A-25 • KHL-36 125 • THEF 136050 • AK-2-75-3 • AK-2 • AK-1-50 • AK-1-75 • B • TDQ • TCVVFS • TFJ • TEB122015-WL • TEB132090-WL • TE111015 • TED134060-WL • TEB124050-WL • THED136100 WL • TED126050 • THED136060 WL • THGB2120 • TEF134015 • THEF136M1100 • TED 134030-WL • AK2A25 • THED-136100-WL • THED-136050-WL • THED-136045-WL • THFK-236070-WL • TE-122070 • THED-136150-WL • THED-13600-WL • TED-113020 • TEC-360S0 • THED-124015-WL	1, 2, & 3 pole, various amperages	Bud Ferguson's Industrial Control & Supply, Inc., General Circuit Breaker & Electrical Supply HLC Electric Supply NSSS, Inc. California Breakers, Inc. Rosen Electric Equipment PENCON International (DBA) General Magnetics/ Electric Wholesale Lakeland Engineering Equipment Co. ANTI THEFT Systems, Inc. (DBA) ATS Circuit Breakers and AC Circuit Breaker Electrical Supply California Breakers Voyter Electric Co.	NRC I.N. 88-46 Supplements and Attachments NRC I.N. 90-46 Office of Nuclear Safety 93-5 (#11)

ATTACHMENT A - SUSPECT COMPONENTS LIST (cont.)

Component	Manufacturer/Type	Description	Supplier	References
Circuit Breakers	Westinghouse (Component Examples) • TF136090 • TF361050WL • TED1130020			
	• Not Provided	Commercial Grade	Westinghouse Electric Supply Co. (WESCO)	NRC I.N. 91-48
	• DB-25 & DS-416	Low Voltage	Satin America & Circuit Breaker Systems, Inc.	NRC I.N. 89-45 & Supplement #2
	• FSN-5925-628-0641 • DB-25 • DB-50 • HKB3150T • FB3020 • FB3070 • FB3050 • EHB3025 • LBB3125 • HKA31250 • JA3200 • EHB2100 • 225N	Trip units; Navy Trip units; 1, 2, & 3 pole various amp. ratings	General Circuit Breaker & Electrical Supply HLC Electrical Supply California Breakers, Inc. PENCON International (DBA) General Magnetics/Electric Wholesale	NRC I.N. 88-46, Supplements and Attachments Office Of Nuclear Safety 93-9
	• EB 1020 • HDEA 2030 • MCP331100R • MCP431550CR • BAB3060H • 656D14 8G03 • FA-2100 • EH-2050 • HFB-3050 • HFD(B)-3020 • MA3600 • F2020 • EH2100 • EB3050 • HMC3800F • EA2090 • FA3125 • HMCP 150		ANTI THEFT Systems, Inc. (DBA) ATS Circuit Breakers and AC Circuit Breaker - Electrical Supply Molded Case Circuit Breakers NSSS, Inc. Spectrum, Tech. Rosen Electric Luckow Circuit Breaker	

ATTACHMENT A - SUSPECT COMPONENTS LIST (cont.)

Component	Manufacturer/Type	Description	Supplier	References
Circuit Breakers	Westinghouse (cont.) (Component Examples) • HFD • EH2070 • FA2050 • JA2225 • JL3B125 • JL3B070 • JL3B150 • JL3B200 • JL3B090 • JL3B100 • HLM3800T • F3100N • MA3500 • EH2015 • FA3035 • FA2100 • HLA2125OTM • EH2070 • JB3100 • EB2030 • 8MC800 • CAH3200 • EHB3040 • JL3-BI50 • JL3-B200 • JL3-B090 • JL3-B1000 • HFA, HFB, FA • JL3-(B)8070 • JL3-B125 • EH-2020 • FA-3035 • EH-2050 • FA-2100 • FA-2050 • HFB-3050 • JA-2225 • HLM3800T • F3100N • MA3500 • EH2015 • LA3200WL • HLA3200T • 2602D58U9	Shunt Trips Aux. Contacts 2 & 3 pole circuit breakers of various amperages	General Circuit Breaker & Electrical Supply HLC Electrical Supply PENCON International (DBA) General Magnetics/ Electric Wholesale ANTI THEFT Systems, Inc. (DBA) ATS Circuit Breakers and AC Circuit Breaker - Electrical Supply Molded Case Circuit Breakers Co. (MCCB)	NRC I.N. 88-46 Supplements and Attachments

ATTACHMENT A - SUSPECT COMPONENTS LIST (cont.)

Component	Manufacturer/Type	Description	Supplier	References
Circuit Breakers	Westinghouse (cont.) (Component Examples)			
	• HLB3200T • 262156G19 • 1A & 1B • HL300T • HLA2400TM • HMA3600T • HMA3700T • HKA3225T • HNB2700T	225 amp, 3 pole 3 pole, 20 amp 3 pole, 30 amp 1 pole, 20 & 30 amp 2 pole, 20 & 30 amp 3 pole, 60 amp	Not Provided	NRC I.N. 88-46 Supp. & Attach.
	• MDL#KAF • QNB3020 • QNB3030 • BA			SENS ID #10 3-17-89 SENS ID #11 3-3-89
	• BA • BA • E3060 • F3020	3 pole, 20 amp	Not Provided	SENS Report ID #12 10-19-88 NRC I.N. 88-46
Circuit Breakers	1TE (Component Examples)			
	• Model - E43B015	3-phase 480 volt	Cal. Breakers/Elect. Wholesale Supply Co.	SENS Report ID #8, 5-5-89
	• EQ-B	1 pole, 20 amp 3 pole, 30 amp	Not Provided	SENS ID #10 3-17-89
	• EE-3B030			SENS ID #11 3-3-89
	• EF3B070 • EF3H050 • EF3B125 • EF3B040 • E42B020 • QJ2B200 • JL3B400	2 & 3 pole various amperages	General Circuit Breaker & Electrical Supply HLC Electrical Supply	NRC I.N. 88-46, Supplements and Attachments

ATTACHMENT A - SUSPECT COMPONENTS LIST (cont.)

Component	Manufacturer/Type	Description	Supplier	References
Circuit Breakers	ITE (cont.) (Component Examples) • HE9B040 • EE3B050 • BQ2B030 • EE3B070 • EE2B100 • EE2B050 • EE2B030 • FJ3B225 • ET • KA • EH-313015 • JL-3B070 • JL-3B150 • E43B015 • EF2-B030 • EH3B100 • QP1B020 • QJ3B200 • EF3BI00 • 1193		California Breakers, Inc. PENCON International (DBA) General Magnetics/ Electric Wholesale ATS Circuit Breakers, Inc. Panel Board Specialties Rosen Electric Equipment	
Circuit Breakers	ITE, Gould & ITE Imperial Brown Boveri Elect. (BBE) ASEA Brown Boveri (Component Examples) • Type HK • 5 HK • 7.5 HK • 15 HK • 38 HK • ITE 62-6	Not Provided ID-4KV Not Provided Not Provided Not Provided	Brown Boveri ASEA Brown Boveri	NRC I.N. 89-86 NRC I.N. 87-41 Office of Nuclear Safety, 92-25
Circuit Breakers	Square "D" Co. Component Examples • KHL 36125 (Any Type)	Molded Case	General Circuit Breaker & Electrical Supply HLC Electric Supply California Breakers, Inc. PENCON International (DBA) General Magnetics/Electric Wholesale	NRC I.N. 88-46 Supp. & Attach. NRCB 88-10 NRC I.N. 90-46

ATTACHMENT A - SUSPECT COMPONENTS LIST (cont.)

Component	Manufacturer/Type	Description	Supplier	References
Circuit Breakers	Square "D" Co. Component Examples (cont.)		ANTI THEFT Systems Inc. (DBA) ATS Circuit Breakers and AC Circuit Breaker - Electrical Supply	
	• QOB220	1 pole, 15 amp	Not Provided	SENS ID #10 3-17-89
	• QO220 • LO-3	2 & 3 pole 20 & 50 amp breakers	General Circuit Breaker & Electrical Supply	NRC I.N. 89-45 & Supplement #2
	• SBW-12 • 989316 • FAL3650-16M or • FAL36050-16M • KA36200	3 pole - 200 amp breaker 30A/600V	HLC Electric Supply California Breakers, Inc.	
	• 999330	Not Provided	PENCON International (DBA) General Magnetics/Electric Wholesale	
	Manufacturer not Provided • EHB3025	Not Provided	Stokely Enterprises Molded Case Circuit Breakers	DOE Letter 8-26-91 Reprinted NuVEP: Bulletin 7-26-91
Circuit Breakers	Fed. Pacific (Component Examples)		General Circuit Breaker & Electrical Supply	
	• NEF431020R • NE111020 • NE	3 pole, 20 amp 1 pole, 20 amp 1 pole, 15 amp	HLC Electric Supply California Breakers, Inc.	
			PENCON International (DBA) General Magnetics/Electric Wholesale	SENS ID. #10 3-17-89

ATTACHMENT A - SUSPECT COMPONENTS LIST (cont.)

Component	Manufacturer/Type	Description	Supplier	References
Circuit Breakers	Fed. Pacific (Component Examples) (cont.) • NF63-1100 • NE22-4060 • NE22-4100 • NEF-433030 • 2P125	1, & 3 pole - 30, 60 & 100 amp breakers	ANTI THEFT Systems, Inc. (DBA) ATS Circuit Breakers and AC Circuit Breaker - Electrical Supply General Circuit Breaker & Electrical Supply HLC Electric Supply California Breakers, Inc.	SENS ID. #11 3-3-89 NRC I.N. 88-46, Supp. & Attach.
	Jefferson (Component Examples)	Not Provided	PENCON International (DBA) General Magnetics/electric Wholesale ANTI THEFT Systems, Inc. (DBA) ATS Circuit Breakers and AC Circuit Breaker - Electrical Supply Mid West Co.	NRC I.N. 88-46, Supp. & Attach.
Circuit Breakers	Superior (Component Examples) • 246U-3	Not Provided	General Circuit Breaker & Electrical Supply Rosen Electric HLC Electric Supply California Breakers, Inc. PENCON International (DBA) General Magnetics/Electric Wholesale ANTI THEFT Systems, Inc. (DBA) ATS Circuit Breakers and AC Circuit Breaker - Electrical Supply	NRC I.N. 88-46 Supp.& Attach.

ATTACHMENT A - SUSPECT COMPONENTS LIST (cont.)

Component	Manufacturer/Type	Description	Supplier	References
Circuit Breakers	Manufacturer Not Provided (Component Examples) 50DHP250	 2 pole - 50 amp	General Circuit Breaker & Electrical Supply HLC Electric Supply California Breakers, Inc. PENCON International (DBA) ATS Circuit Breakers and AC Circuit Breaker - Electrical Supply	NRC I.N. 88-46, Supp. & Attach.
Circuit Breakers Heaters	Cutler Hammer (Component Examples) • 10177H13 • 10177H21 • 10177H32 • 10177H036 • 10177H1049	 Not Provided	 AAKER General Circuit Breaker & Electrical Supply HLC Electrical Supply California Breakers, Inc. PENCON International (DBA) General Magnetics/Electric Wholesale ANTI THEFT Systems, Inc. (DBA) ATS Circuit Breakers and AC Circuit Breaker - Electrical Supply	 NRC I.N. 88-46, Supp. & Attach.

ATTACHMENT A - SUSPECT COMPONENTS LIST (cont.)

Component	Manufacturer/Type	Description	Supplier	References
Switches	(Component Examples) Crouse Hinds #EDSC2129 Sq. D Type G. Class 9012, 9025, 9016	Tumbler, ft. op	Platt Electric Supply Co. Gen. Motors, Electro-Motive Design	SENS ID #16 1-27-92 Office of Nuclear Safety 93-24 & 93-27
Transmitters	Rosemount	(Component Examples) • Model 1151 GP • Model 1151 DP	Venetech	E.L. Wilmot letter dated 8-1-91 H. Richardson letter HR-81-91 dated 8-15-91
Motors	Siemen & Allis (Component Examples) INP 143 T 215 T	10 H.P.	General Circuit Breaker & Electrical Supply HLC Electric Supply California Breakers, Inc. PENCON International (DBA) General Magnetics/Electric Wholesale ANTI THEFT Systems, Inc. (DBA) ATS Circuit Breakers and AC Circuit Breaker - Electrical Supply Rosen Electric Equipment	NRC I.N. 88-46, Supplements and Attachments

ATTACHMENT A - SUSPECT COMPONENTS LIST (cont.)

Component	Manufacturer/Type	Description	Supplier	References
Relays	Potter & Brumfield (Component Examples) MDR-138, 173-1 134-1, 142-1	Not-latching rotary	Stokely Enterprises Spectronics, Inc. Nutherm International The Martin Co.	NRC I.N. 90-57 & Attach.
	Teledyne	All qualified to MIL-R-28776 and MIL-R-39016	Not Provided	DOE-ID Wilmot letter, 7-16-91
	G.E. & Exide (Component Examples) • 12HGA-11S52 • NX 400	Overload & Aux.	General Circuit Breaker & Electrical Supply HLC Electric Supply California Breakers, Inc. PENCON International (DBA) General Magnetics/Electric Wholesale ANTI THEFT Systems, Inc. (DBA) ATS Circuit Breakers and AC Circuit Breaker - Electrical Supply	NRC I.N. 88-46, Supp. & Attach.
	Manufacturer not provided • FSC-5945	Not Provided	Stokely Enterprises	DOE Letter 8-26-91 Reprinted NuVEP: Bulletin 7-26-91
	Amerace (or Agastat) (Component Examples) Models: E7024 E7022 A through L Series Model 7032	Electro Pneumatic Timing Relays PRB	Amerace Control Components Supply	SENS ID #1 11-1-91 NRC I.N. 92-24

ATTACHMENT A - SUSPECT COMPONENTS LIST (cont.)

Component	Manufacturer/Type	Description	Supplier	References
Fuses	Bussman Co. (Component Examples) REN 15 & NOS-30	15A-250V & 30A-600V	General Circuit Breaker & Electrical Supply HLC Electric Supply California Breakers, Inc. PENCON International (DBA) General Magnetics/Electric Wholesale ANTI THEFT Systems, Inc. (DBA) ATS Circuit Breakers and AC Circuit Breaker - Electrical Supply	NRC I.N. 88-46, Supp. & Attach.
	Class 1E	All Supplied by PMS	Preventive Maintenance Systems (PMS)	NRC I.N. 88-19
Controllers	Manufacturer Not Listed (Component Examples)	Motor Controllers	Stokely Distributors & Stokely Enterprises, Inc.	DOE letter 8-26-91 & NUVEP Bulletin 7-26-91
Starters	Westinghouse (Component Examples) 626B187G17 626B187G13	Not Provided	General Circuit Breaker & Electrical Supply HLC Electric Supply California Breakers, Inc. PENCON International (DBA) General Magnetics/Electric Wholesale ANTI THEFT Systems, Inc. (DBA) ATS Circuit Breakers and AC Circuit Breaker - Electrical Supply	NRC I.N. 88-45 Supp. & Attach.
Resistors	Unknown	All	Impala Electronics	NRC I.N. 91-01

ATTACHMENT A - SUSPECT COMPONENTS LIST (cont.)

Component	Manufacturer/Type	Description	Supplier	References
Semiconductors	Solid State Devices Inc. (SSDI) SFF 9140 SPD 1511-1-11 2A14/18 or 2A14/52 SSR4045CTTXV SFF9140TWX SPMF106ANH SPD 5818 or IN5858JTXV 2N797 Unknown	P-Channel MOSFET Pin Diode (SA3059) Ion Implanted Diode SCHOTTKY Diodes Power Transistors Special Pack MOSFET Switch Axial Leaded SCHOTTKY Diode Transistor Diode (SA 3436)	SSDI	DOE Albuquerque Letter, 06-25-96 to DOD Inspector General
Starter Controls	Westinghouse (Component Examples) • A200MICAC • A201KICA • A201L2CA • AN13A	Not Provided	General Circuit Breaker & Electrical Supply HLC Electric Supply California Breakers, Inc. PENCON International (DBA) General Magnetics/Electric Wholesale ANTI THEFT Systems, Inc. (DBA) ATS Circuit Breakers and AC Circuit Breaker - Electrical Supply	NRC I.N. 88-48

ATTACHMENT A - SUSPECT COMPONENTS LIST (cont.)

Component	Manufacturer/Type	Description	Supplier	References
Gauge Glasses	Siemen & Allis (Component Examples) #00-737-637-118 215 T	Not Provided	Rosen Electric Co.	NRC I.N. 88-46 Supp. & Attach.
Mercury Lamps	Spectro Inc. (Component Examples) V00014	Not Provided	General Circuit Breaker & Electrical Supply HLC Electric Supply California Breakers, Inc. PENCON International (DBA) General Magnetics/Electric Wholesale ANTI THEFT Systems, Inc. (DBA) ATS Circuit Breakers and AC Circuit Breaker - Electrical Supply	NRC I.N. 88-46
Electrical Frames	Westinghouse (Component Examples) LA2600F LA3600F MA2800F	Not Provided	General Circuit Breaker & Electrical Supply HLC Electric Supply California Breakers, Inc. PENCON International (DBA) General Magnetics/Electric Wholesale ANTI THEFT Systems, Inc. (DBA) ATS Circuit Breakers and AC Circuit Breaker - Electrical Supply	NRC I.N. 88-46
Push button station	Crouse Hinds (Component Examples) #00-737-637-118	Single gang, pushbutton	Platt Electric Supply Co.	SENS Report ID #16 1-27-92

ATTACHMENT A - SUSPECT COMPONENTS LIST (cont.)

Component	Manufacturer/Type	Description	Supplier	References
Overload Relay Thermal Unit	Square D (Component Examples) B19.5, B22	Not Provided	Not Provided	NRC I.N. 88-46
Piping, Fittings Flanges, and Components	Tube-line Corp. Ray Miller, Inc.	Subassemblies, fittings, flanges, & other components (Carbon and Stainless Steel components)	Tube-line Ray Miller, Inc.	NRC IEB 83-06 NRC I.N. 89-18 NRC IEB 83-07 NRC I.N. 83-01
Piping, Fittings, Flanges, and Components	Piping Supplies, Inc. & West Jersey Mfg. & Chews Landing Metal Mfg.	Carbon and Stainless Steel Fittings and Flanges	Piping Supplies, Inc. & West Jersey Mfg. & Chews Landing Metal Mfg.	NRC Bulletin 88-05 & Supplements
Valves	VOGT	Full port design 2-inch Model SW-13111 & 1023	CMA International IMA Valve Refurbisher	NRC I.N. 88-48 & Supplements
	Crane	4"-1500psi, pressure sealed	Southern Cal. Valve Maintenance co., Amesse Welding Service & CMA Int.	NRC I.N. 91-09
	ITT Grinnell Valve Co., Inc	Diaphragm valves	ITT Grinnell Valve Co. Inc. Div. of Diaflo & ITT Engineered Valves	NRC Comp. Bulletin 87-02
	Crane, Pacific, Powell, Walworth & Lunkenheimer	Gate Valves	Coffeyville Valve Inc.	NRC I.N. 92-56
	Pacific	8" & 3" Globe Valve	CMA & IMA Valve Refurbisher	NRC I.N. 88-48, Supp. & Attach.
	Crane Chapman	24" Check Valve	CMA & IMA Valve Refurbisher	NRC I.N. 88-48, Supp. & Attach.
	Pacific	Check Valve	CMA & IMA Valve Refurbisher	NRC I.N. 88-48, Supp. & Attach.

ATTACHMENT A - SUSPECT COMPONENTS LIST (cont.)

Component	Manufacturer/Type	Description	Supplier	References
Valves	Kerotest	8" Valve	CMA & IMA Valve Refurbisher	NRC I.N. 88-48 Supp. & Attach.
	Pacific	4" Gate Valve	CMA & IMA Valve Refurbisher	NRC I.N. 88-48 Supp. & Attach.
	Lukenheimer	6" Model 1542 20" Model 3013	CMA & IMA Valve Refurbisher	NRC I.N. 88-48 Supp. & Attach.
	Crane	All	CMA & IMA Valve Refurbisher	NRC I.N. 88-48 Supp. & Attach.
Flanges	China Ding Zinang Nan Xi Li Flange Co. Shou Gang Mach. Eng. Co.	Flanges, ASTM A105, ASME SA105	Billiongold Co. LTD. Tain Gong Co. Sanxi Province Overseas Trading Corp	NRC I.N. 92-68 and Attachments Office of Nuclear Safety 92-25, 93-23, and 92-35 National Board of Boiler and Pressure Vessel Inspectors (NBBI) Bulletin: Special Report, 1992, Volume 48, Number 2, The Chinese Flange Investigation
Valve Replacement Parts	Masoneilian-Dresser Industries	Plug stem, stem to plug anti-rotation pin, seat ring, valve plugs, bushings, cages & packing box components	Cor-Val, Control Valve Specialists, H.H. Barnum & M.D. Norwood, Sample Webtrol Controls, Inc.	NRC I.N. 88-97 Supp. & Attach.
Pumps & Replacement Parts	Hayward Tyler Pump Co.	HTPC ASME Nuclear Code	Hayward Tyler Pump Co.	IEB 83-05 & Attachments
Channel Members	Unistrut Corporation	Continuously slotted channels, structural framing members, fasteners, nuts, fittings, pipe clamps	Unistrut Corporation	NRC I.N. 91-25
Fire Barriers	Thermal Science Inc.	Thermo-Log 330	None Listed	ES&Q Update #8 NRC I.N. 92-55
Valve Actuator	Limitorque	Eyebolts on housing cover	None Listed	Office of Nuclear Safety 93-25 NRC I.N. 93-37

ATTACHMENT A - SUSPECT COMPONENTS LIST (cont.)

Component	Manufacturer/Type	Description	Supplier	References
Steel	Alloy & Carbon Steel Co. Inc., Atlantic Steel Co., Levingston Steel Co., & Copperweld Steel co.	Plate Angle Flat Bar Bar	Meredith Corporation Pressure Vessel Nuclear Alloy & Carbon Steel Co., Inc.	NRC I.N. 89-56, Attachments and Supplements
Fasteners (Bolts, Screws, Nuts, and Washers)	(parentheses designated headmark) Asahi (A) Daiichi (D) Daiei (E) Fastener Co. of Japan (FM) Hinomoto Metal (H) Jin Her (J) Kyowa (K) Kosaka Kogyo (KS) Kyoei Minamida Seiybo (M) Mnato Kogyo (MS) Nippon (NF) Takai (RT) Tsukimori (S) Unytte (UNY) Yamadai (Y) Ivaco, Infasco (hollow triangled)	• Those with suppliers or manufacturers • Those that are improperly marked • Those of foreign manufacture that do not meet Public Law 101-592. Fastener Quality Act	Note: Listed suppliers may also be manufacturers Lawrence Engineering & Supply Co. Metal Building Bolts Nichimin Corporation UNICO Ace Corporation E. K. Fasteners, Inc. H. Y. Port Fasteners Co. Kobayashi Metals, LTD. Takai Screw Mfg. Co. LTD. Yamaguchi Sesakusho Co. LTD. Highland Bolt & Nut Porteous Fastener Co. Northwest Fasteners Ziegler Bolts & Parts Co. Edgewater Fasteners, Inc. Reynolds Fasteners A & G Engineering	Commercial Carrier Journal Articles for: 6/88, 1/90, 2/90, 3/90, 4/90, 6/90, 7/90, 12/90 INEL Suspect Headmark List SENS Report #5 2/6/91 SENS Report #13 2/6/91 HR 3000, U.S. House of Representatives, July 1988 J. A. Jones, Ltr, 9/23/92 Memo from L. Kubicek, 3/28/91 Memo from D. Sanow, 3/8/91 "Fastener Technology International," Feb., April, and June 1993 Rep. J. Dingell Ltr to Comm. Dept. & NRC June 18, 1993 Office of Nuclear Safety 93-26, 93-22, 93-11 DOE Quality Alert, Bulletin, Issue No. 92-4, August 1992 FDH Hanford Suspect Headmark List

ATTACHMENT A - SUSPECT COMPONENTS LIST (cont.)

Component	Manufacturer/Type	Description	Supplier	References
Fasteners (Bolts, Screws, Nuts, and Washers)	NUCOR	1-1/4" x 2" Zinc Chromate plated surface Hexhead cap screws	Cordova Bolt, Inc.	SENS ID #13 11-6/91
	Any	Any	Aircom Barnett Bolt Works Bolts & Nuts, Inc. Glasser & Assoc. Knoxville Bolt & Screw Metal Fastener Supply Phoell Mfg. Co. Service Supply Co. Southeastern Bolt & Screw Sure Loc Victory Bolt	NRC Compliance Bulletin 87-02 NRC I.N. 89-59

ATTACHMENT B - CLASSIFICATION OF POTENTIALLY SUSPECT/COUNTERFEIT ITEMS

Consider information on square D breakers from Square D Website and DOE Bulletins.

A. ELECTRICAL ITEMS

- Molded Case Circuit Breakers
- Motor Control Centers
  - Complete Units
  - Components
  - Starters
  - Starting coils
  - Contactors
  - Overload relays
  - Starter control relays
  - Overload heaters
- Protective/control relays
- DC power supplies/chargers
- AC inverters
- Current/potential transformers
- Exciters/regulators
- Bus transfers/auto bus transfers
- Motor generator sets
- Generators
- Rewindable motors
- Printed circuit boards
- Bulk commodity items
  - Fuses
  - Splices
  - Electrical connectors
- Indicators/controllers
- Panel lights/switches
- Transmitters/instrument switches
- Isolation devices.

The following items are excluded unless required by the applicable program/project: 600V or less: motors; outlets, switches, and plugs; boxes, conduit (i.e., bodies and covers, nipples, fittings, EMT, flex, liquid tight, rigid); wire; miscellaneous wire connections #10 and below; fixtures; lights.

ATTACHMENT B - CLASSIFICATION OF POTENTIALLY SUSPECT/COUNTERFEIT ITEMS (cont.)

B. MECHANICAL ITEMS

- Welding materials
  - Rod
  - Wire
  - Flux
- Structural members (pipe supports)
- Channel members (UNISTRUT or B-Line)
  - Slotted Channels
  - Structural framing members
  - Fasteners
  - Fittings
  - Pipe clamps
  - Spring nuts
- Sheet
- Plate
- Bars
- Round stock
- Other raw material which requires an ASTM or national standard
- All lifting/rigging gear (wire rope shall be made in the United States by a member of the Wire Rope Technical Board (WRTB) or the Associated Wire Rope Fabricators (AWRF) (except stainless steel, and unless recommended otherwise by a crane or hoist manufacturer); stainless steel wire rope shall be made in the United States and shall be 302 or 304 grade stainless steel unless otherwise recommended by a crane or hoist manufacturer)
- Ratchet tie-downs/strapping devices and come-a-longs, with fasteners.

The following materials are excluded unless required by the applicable program/project: ASTM-A36, brass, copper, sheet metal 7 GA or less, and aluminum.

C. PIPING - which requires an ASTM or ASME standard

- Fittings
- Flanges
- Valves
- Pipe
- Components.

The following materials are excluded unless required by the applicable program/project: ASTM-A-53, Swagelock; cast iron, galvanized, copper, bronze, and brass; PVC; and gaskets.

ATTACHMENT B - CLASSIFICATION OF POTENTIALLY SUSPECT/COUNTERFEIT ITEMS (cont.)

D. FASTENERS - All fasteners 1/4" and above in diameter

- Bolts
- Studs
- Cap screws
- High-strength washers
- Nuts
- Anchors.

Attachment H identifies headmarkings for stainless steel and carbon steel high strength fasteners that are considered counterfeit. Fasteners exhibiting these headmarks are counterfeit and no further testing is required.

The following items are excluded, unless required by the applicable program/project: sheetmetal screws, wood screws, stove bolts, pan heads, machine screws, lag bolts, threaded rod, rivets, and carriage bolts.

ATTACHMENT C - SUSPECT/COUNTERFEIT ITEMS INFORMATION SOURCE LIST

A wide variety of industry and Government sources publish information relative to suspect/counterfeit products. The following sources provide information which is available on a continuing basis:

Industrial Fasteners Institute (IFI)

The following information is available from IFI via subscription:

- "Fastener Application Advisory" (Published Monthly)
- "North American Manufacturers Identification Markings for Fasteners"
- Fastener-related video cassettes.

The National Board of Pressure Vessel Inspectors (NBBI)

The NBBI publishes "National Board Bulletins" to alert manufacturers and users of misrepresented products as they are discovered.

National Highway Traffic Safety Administration (NHTSA)

The NHTSA's Office of Defects Investigation issued a "Suspect Bolt List" in late 1990 identifying numerous fasteners, which they determined to be misrepresented.

Trade Journals and Magazines

There are numerous trade-oriented magazines which have carried articles identifying incidents of failure of substandard parts in industry applications which have caused personal injury and death, as well as serious property damage.

Newspaper and Television Reports

Another good source of information is news reports, which provide current accounts of problems encountered as a result of misrepresented products.

U.S. Nuclear Regulatory Commission (NRC)

The NRC issues bulletins, notices, and regulatory guidance on a continuing basis to alert nuclear power utilities of potential intrusion of misrepresented products into the operations environment of operating nuclear power plants.

U.S. Department of Defense (DOD) and U.S. Department of Commerce publications are also monitored by the DOE to assure that the deficiencies identified do not contaminate DOE facilities.

ATTACHMENT C - SUSPECT/COUNTERFEIT ITEMS INFORMATION SOURCE LIST (cont.)

Government Industry Data Exchange Program (GIDEP)

The mission of this program, established by the Office of Management and Budget, is to support government systems readiness, logistics effectiveness, productivity, and cost reduction through timely retrieval, storage, and distribution of data among government and industry organizations.

U.S. Department of Energy

The following documents are issued by the DOE to provide information and guidance relative to the suspect/counterfeit parts issue:

- DOE Orders
- Letters of Direction
- Bulletins and Quality Alerts

(In addition, the DOE periodically sponsors seminars/workshops relative to the detection and control of suspect/counterfeit parts).

U.S. Customs Service

The U.S. Customs Service has published the Suspect Headmark List (Attachment H) identifying graded fasteners determined to be of indeterminate quality, which has been adopted by DOE and, ultimately, Project Hanford, as a formal guide for use when evaluating currently installed and newly procured graded fasteners to assure their fitness for use on the Hanford Site.

ATTACHMENT D - CHARACTERISTICS THAT MAY MAKE PRODUCTS VULNERABLE TO MISREPRESENTATION, FRAUDULENT PRACTICES, AND COUNTERFEITING

The following information has been extracted from the NRC Information Notice 89-70, Supplement 1, Attachment 3:

- High-turnover usage rate.
- No easy or practical way to uniquely mark the component itself.
- Critical characteristics, including environmental qualification not easily discernible in external visual inspection, or characteristics that are difficult to verify through receipt testing.
- May be widely used in non-critical and critical applications.
- Use may not result in used appearance.
- Often marketed through a supplier and dropped shipped from locations other than that of the original supplier.
- Special processes for ASME materials may be subcontracted (heat treating, testing, and inspections).
- Easily copied by secondary market suppliers.
- Viable salvage market.
- Reduced number of original equipment manufacturers.
- Obsolete or hard-to-get components.
- Components manufactured by a company that is no longer in business.
- Items with documentation from a plant where construction has been suspended, canceled, or deferred.
- Moderate or low cost.
- High potential for profit (rejected heats of material are purchased and decertified).

ATTACHMENT E - WHERE TO LOOK FOR SUSPECT/COUNTERFEIT ITEMS

The following areas should receive increased scrutiny to assure that suspect/counterfeit items are not evident:

Items in Supply

- Company supply stock
- Wagon stock
- Other sources of supply contamination.

Items in Use

- Plant facilities, components, and systems
- Equipment
- Operations and maintenance.

Items Being Procured

- "Known" critical items
- Critical equipment and assemblies
- Non-critical "known" purchases.

Operations Decisions

- Major disaster risks
- Personnel safety risks
- Program/mission risks (cost and schedule).

Cost of Implementation

- Potential consequential costs
- Management risk assessment
- Cost of focusing established controls
- Impact on schedule and program mission.

Cost of Focus on Known Suspect/Counterfeit Parts

- Uses existing procurement program
- Focuses on "known parts first"
- Reduction in major disaster potential
- Program costs low/benefits high.

ATTACHMENT F - SUSPECT/COUNTERFEIT PARTS DETECTION

It is very important to remember that just because an item is identified as being "suspect/counterfeit" it may not be appropriate to simply reject it. A review should be performed prior to formal disposition of the item to assure that it is indeed unfit for the intended application.

DETECTION METHODS

Visual Inspection

Items may be substandard or fraudulent when:

- Nameplates, labels, or tags have been altered, photocopied, painted over, are not secured well, show incomplete data, or are missing (e.g., preprinted labels normally show typed entries).
- Obvious attempts at beautification have been made, e.g., excess painting or wire brushing, evidence of hand painting (touch-up), or stainless steel is painted.
- Handmade parts are evident, gaskets are rough cut, shims and thin metal part edges show evidence of cutting or dressing by hand tools (filing, hacksaw marking, use of tin snips or nippers).
- Hand tool marks on fasteners or other assembly parts (upset metal exists on screw or bolt heads) or dissimilar parts are evident (e.g., seven or eight bolts are of the same material and one is a different material).
- Poor fit between assembled items.
- Configuration is not consistent with other items from the same supplier or varies from that indicated in supplier literature or drawings.
- Unusual box or packing of component or item.
- The supplier is not a factory-authorized distributor.
- Dimensions of the item are inconsistent with the specifications requested on the purchase order and/or those provided by the supplier at the time of shipment.
- The item or component matches the description of one that is on a suspect items list (e.g., U.S. Customs Service "Suspect Headmark List," National Board of Boiler and Pressure Vessel Inspectors (NBBI) "Special Bulletin," etc.).

ATTACHMENT F - SUSPECT/COUNTERFEIT PARTS DETECTION (cont.)

Documentation

Documents may be suspect/counterfeit when:

- The use of correction fluid or correction tape is evident. Type or pitch change is evident.
- The document is not signed or initialed when required, is excessively faded or unclear (indicating multiple, sequential copying), or data are missing.
- The name or title of the document approved cannot be determined.
- Technical data is inconsistent (e.g., chemical analysis indicates one material and physical tests indicate another).
- Certification or test results are identical between items when normal variations should be expected.
- Document traceability is not clear. The document should be traceable to the item(s).
- Technical data are not consistent with code or standard requirements (e.g., no impact test results provided when impact testing is required or CMTRS physical test data indicate no heat treatment and heat treatment is required).
- Documentation is not delivered as required on the purchase order or is in an unusual format.
- Lines on forms are bent, broken, or interrupted indicating data has been deleted or exchanged (cut and paste).
- Handwritten entries of data are on the same document where typed or preprinted data exists.
- Data on a single line located at different heights indicate the possibility of retyping.

ATTACHMENT F - SUSPECT/COUNTERFEIT PARTS DETECTION (cont.)

Fasteners

- Headmarkings are marred, missing, or appear to have been altered.
- Threads show evidence of dressing or wear (threads should be of uniform color and finish).
- Headmarkings are inconsistent with a heat lot.
- Headmarkings matching one of those identified on the U.S. Customs Service, "Suspect Headmark List" (Attachment H).
    - Headmarkings which depict both raised and hand-stamped markings, such as those described in WHC Quality Assurance Bulletin # 94-01, "Discrepant Dual Head Stamped Stainless Steel Bolts." This bulletin documents the results of internal inspections and independent testing of stainless steel bolts purchased to ASTM A193, Grade B8, which were found to be substandard.
    - Only manufacturers listed on the "Suspect Fastener Headmark List" (Attachment H) are known to produce substandard graded fasteners. If graded fasteners are discovered which exhibit headmarks matching those on the Suspect/Fastener Headmark List, they shall be considered to be defective without further testing, unless traceable manufacturer's certifications are received which provide documented evidence that the fasteners were not produced by the manufacturer listed on the Suspect Fastener Headmark List.
    - Interpretation of headmark/manufacturers listed on the "Suspect Fastener Headmark List," including newly discovered variations thereto, shall only be provided by the designated S/CI coordinator based on guidance received from the DOE.

Electrical Devices

- Connections show evidence of previous attachment (metal upset or marring).
- Connections show arcing or discoloration.
- Fasteners are loose, missing, or show metal upset.
- Molded case circuit breakers are consistent with manufacturer-provided checklists for detecting substandard/fraudulent breakers.
- Missing or photocopied Underwriters Laboratories (UL) labels on products requiring such.

ATTACHMENT F - SUSPECT/COUNTERFEIT PARTS DETECTION (cont.)

Rotating Machinery and Valve Internal Parts

- Shows marring, tool impressions, wear marks, traces of Prussian blue or lapping compound, or other evidence of previous attempts at fit up or assembly.
- Heat discoloration is evident.
- Evidence of erosion, corrosion, wire-drawing or "dimples" (inverted cone-shaped impressions) on valve discs, seats, or pump impellers.

Valves

- Paint
  - Valve appears to be freshly painted and valve stem has paint on it
  - Wear marks on any painted surface
  - Valve stem is protected, but protection has paint on it
  - Paint does not match standard Original Equipment Manufacturer (OEM) color.
- Valve Tags
  - Tags attached with screws instead of rivets
  - Tags attached in a different location than normal
  - Tags appear to be worn or old
  - Tags with paint on them
  - Tags that look newer than the valve
  - Tags with no part numbers
  - Tags with irregular stamping.
- Hand Wheels
  - Old looking hand wheels on new looking valves
  - Hand wheels that look sand blasted or newer than the valve
  - Different types of hand wheels on valves of the same manufacturer.
- Bolts and Nuts
  - Bolts and nuts have a used appearance (excessive wrench marks on flats)
  - Improper bolt/nut material (e.g., a bronze nut on a stainless stem).

ATTACHMENT F - SUSPECT/COUNTERFEIT PARTS DETECTION (cont.)

- Valve Body
  - Ground off casting marks with other markings stamped in the area (OEM markings are nearly always raised, not stamped)
  - Signs of weld repairs
  - Incorrect dimensions
  - Freshly sand-blasted appearance, including eye bolts, grease fittings, stem, etc.
  - Evidence of previous bolt head scoring on backsides of flanges, or evidence that this area has been ground to remove such marks
  - On a stainless valve, a finish that is unusually shiny indicates bead-blasting. A finish that is unusually dull indicates sand-blasting. The finish on a new valve is in-between.

Manufacturer's Logo

- Missing.
- Logo plate looks newer than the valve.
- Logo plate shows signs of discoloration from previous use.

Other

- Foreign material inside the valve (e.g., metal shavings).
- Valve stem packing that shows all the adjustments have been run out.
- In gate valves, a gate that is off-center when checked through the open end of the valve.
- Obvious differences between valves in the same shipment.

Price

- Price is significantly less than that of the competition.

ATTACHMENT G - FASTENERS

1.0 Counterfeit/Substandard High-Strength Bolts

1.1 General Background

Counterfeit bolts have been found in military and commercial aircraft, surface ships, submarines, nuclear weapon production facilities, bridges, buildings, and the space shuttle. These bolts often do not possess the capabilities of the genuine bolts they counterfeit and can threaten the reliability of industrial and consumer products, National Security, or lives. At Congressional hearings in 1987, the Army testified that they had purchased bolts that bore the headmarks of Grade 8 high-strength bolts, but that were actually inferior Grade 8.2 bolts.

The International Fasteners Institute (IFI) reported finding substandard, mis-marked, and/or counterfeit high-strength Grade 8 bolts in the United States commercial marketplace. In 1988, IFI reported that counterfeit medium- strength Grade 5 bolts had also been found.

Foreign bolts dominate the American marketplace due to their price advantage, and the majority of suspect/counterfeit bolts are imported. Identifying, testing, and replacing these bolts has proven expensive and difficult, both mechanically and technically. Not finding and replacing these bolts, however, has proven fatal in some instances.

1.2 Headmarks

Attachment I may be removed and photocopied, as needed, for use as a poster and reference to known suspect fastener headmarks. Bolts with the headmarkings shown have a significant likelihood of being found to be inferior to standards. Generally, the cost of replacement of these bolts is less than the cost of chemical, hardness, and tensile strength testing. Note also that counterfeit bolts can be delivered with counterfeit certificates. Documentation alone is insufficient to demonstrate compliance with standards.

1.3 Consensus Standards

There are several consensus organizations that have published standards for the properties of fasteners. One of these is the Society of Automotive Engineers (SAE). The SAE grade (or alleged grade on a suspect item) of a bolt is indicated by raised or indented radial lines on the bolt's head, as shown in Attachment I. These markings are called headmarks. DOE is currently concerned with two different grades of fasteners: one has three equally spaced radial lines on the head of a bolt which indicate that it should meet the specifications for a Grade 5 bolt; the other has six equally spaced radial lines which indicate a Grade 8 bolt. Letters or symbols on the head of a bolt indicate the manufacturer.

ATTACHMENT G - FASTENERS (cont.)

Attachment I is a Suspect/Counterfeit Headmark List that was prepared by the United States Customs Service after extensive testing of many samples of bolts from around the nation. Any bolts anywhere in the DOE community that are currently in stock, in bins, or installed that are on the Customs Headmark List should be considered suspect/ counterfeit. The headmarks on this list are those of manufacturers that have often been found to have sold bolts that did not meet the indicated consensus standards. Sufficient testing has been done on the bolts on this list to presume them defective without further testing.

1.4 Precautions: Selective Testing

Some facilities (manufacturers, distributors, etc.) perform selective testing of sample bolts rather than have an independent testing laboratory run all the tests required by consensus standards. In many cases, a new counterfeit bolt has roughly the same physical strength as the graded bolt it mimics, but does not have either the chemical composition or the heat treatment specified by the consensus standards. As a result, it will stretch, exhibit metal fatigue, or corrode under less harsh service than the genuine bolt. Simple tensile strength tests cannot be used to identify substandard high-strength fasteners and should not be solely relied upon in performing acceptance test.

1.5 Using Suspect/Counterfeit Grade 5 Bolts in Grade 2 Applications

Some sites use suspect/counterfeit Grade 5 bolts in applications that only call for Grade 2 bolts. Eventually, the suspect/counterfeit Grade 5 bolts may find its way into an application that requires a genuine Grade 5 bolt and that application may fail. In some cases, cheap imported graded bolts have been purchased in place of upgraded bolts because the small price differential made the extra quality seem to be a bargain. Given the expense of removing suspect bolts from DOE facilities, the practice of using suspect bolts for any application should be discontinued.

1.6 Keep Bolts in Original Packages

All bolts purchased should be kept in the original packages, not emptied into bins. The packages should have labels or other markings that would permit them to be associated with a particular procurement action and a specific vendor. Approved supplier lists should be checked to assure that fastener suppliers on that list have been recently qualified/audited for adequacy of their quality programs.

ATTACHMENT G - FASTENERS (cont.)

2.0 Stainless Steel fasteners

2.1 Purpose

To provide follow-up information to the previous notification sent to the DOE field and contractor organizations in late 1996.

2.2 Background

In November 1993, the Industrial Fastener Institute (IFI) issued a Fastener Advisory regarding 18-8 stainless steel bolts. The advisory warned about a "bait and switch" tactic in which a distributor takes an 18-8 bolt (indicated by two radial lines 90 degrees apart), but no manufacturer's marking, and sells them as ASTM A320 Grade B8 bolts after hand-stamping B8 on to the heads.

As a result of this IFI Advisory, DOE sites conducted a search of facility stores for stainless steel fasteners with hand-stamped B8 grade marks. Hundreds of stainless steel bolts with hand-stamped B8 grade markings, along with a variety of other raised and depressed head and manufacturer's markings were identified in facility stores throughout the DOE complex.

For example, an inspection of shop stock at a Hanford Site facility revealed bolts with three different raised grade markings, 18-8, 304, and F593C, along with raised manufacturer's identifications of CK, H, HP, C, SO, CS, PMC, TH, THE, and a STAR. The majority of the remaining samples found at Hanford exhibited raised grade markings of 18-8 and 304, with a B8 grade marking and manufacturer's identification hand-stamped into the head of the bolt.

Finally, a few samples did not display any manufacturer's markings. Most of the bolts discovered were purchased with the specification to meet a national consensus standard, American Society for Testing and Materials (ASTM) A193, B8 Class 1 rather than the ASTM A320 standard discussed in the IFI warning.

The Savannah River Site also conducted a site-wide search of facility stores with similar results. A total of 159 stainless steel fasteners with hand-stamped B8 grade marks and raised or hand-stamped manufacturer's symbols were found. Fifteen stainless steel fasteners that had no manufacturer's symbol were also found.

ATTACHMENT G - FASTENERS (cont.)

2.3 Issue

The requirements of the ASTM A193 standard regarding fastener marking and certification are very similar to those required by the ASTM A320 standard discussed in the IFI advisory. The ASTM A193 standard requires that grade and manufacturer's identification symbols be applied to the heads of bolts that are larger than 1/4" in diameter. The standard, however, does not specifically differentiate between raised and depressed headmarkings, but by reference to ASTM A962 states only that "for the purposes of identification marking, the manufacturer is considered the organization that certifies the fastener was manufactured, sampled, tested, and inspected in accordance with this specification." In other words, the standard allows for some of the required markings to be formed into the head of the bolt (either raised or lowered) during manufacturing, and the rest to be applied later on via hand-stamping.

Since ASTM A193 does not differentiate between raised and depressed markings, these fasteners can be counterfeited in the same way as the ASTM A320 fasteners discussed in the November 1993 IFI warning. For example, distributors can procure 18-8 stainless steel bolts that were manufactured by an anonymous party, and without conducting the necessary upgrading process or certification testing, a second party could hand-stamp B8 and a manufacturer's marking into the heads to indicate that the fasteners exhibit the mechanical and chemical properties required of ASTM A193Grade B8 Class 1.

Unless the certification documentation is specifically requested, and in most cases it is not, there is no way to determine by visual inspection whether these fasteners were properly certified and tested to meet the requirements of the ASTM standard.

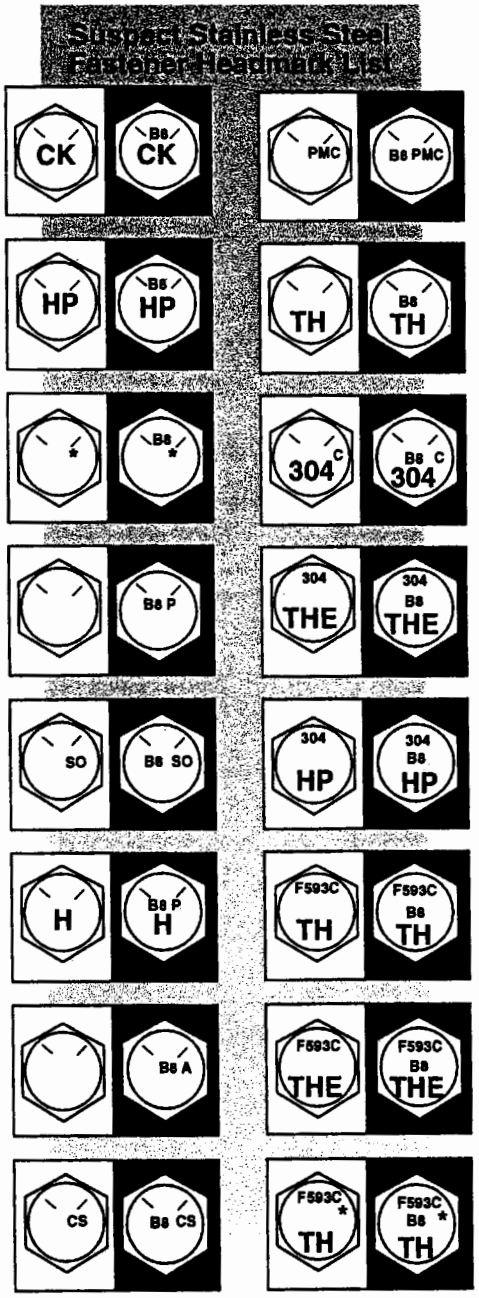
ATTACHMENT H - DOE HEADMARK LIST

Help Stamp Out Suspects/Counterfeits

Examples of stainless steel fasteners that have been upgraded from 18-8 to ASTM A320 or ASTM A193 Grade B8 after hand stamping. The last three examples show samples of fasteners to indicate conformance to two non-compatible standards, ASTM A193 and ASTM F 593C.

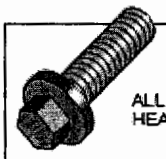
Any bolt on this list should be treated as defective without further testing and process in accordance with HNF-PRO-301. Note: This list was originally Published by DOE /EH-0196, Issue No. 97-6

If any of these fasteners are located, contact your facility S/CI Point of Contact (POC) for instructions. The POC list is on the Hanford Intranet at: http://docs.ri.gov/han.info/hiansci/hiansci.doc. Scroll to the end of the document for the list.



ATTACHMENT H - DOE HEADMARK LIST (cont.)

SUSPECT/COUNTERFEIT PART HEADMARK LIST:
A Resource Aid for Identifying Legacy Fasteners



ALL GRADE 5 AND GRADE 8 FASTENERS WHICH DO NOT BEAR ANY MANUFACTURERS' HEADMARKS

Grade 5

Grade 8

GRADE 5 FASTENERS WITH THE FOLLOWING MANUFACTURERS' HEADMARKS:

	MARK
J	J
KS	KS

GRADE 8 FASTENERS WITH THE FOLLOWING MANUFACTURERS' HEADMARKS:

	MARK		MARK
A	A	KS	KS
NF	NF	RT	RT
H	H	FM	FM
M	M	KY	KY
MS	MS	J	J
	Hollow Triangle (CA TW JP YU) (Greater than 1/2 inch dia)		
E	E	UNY	UNY

GRADE 8.2 FASTENERS WITH THE FOLLOWING HEADMARKS:

	MARK
KS	KS

GRADE A325 FASTENERS WITH THE FOLLOWING HEADMARKS:

		MARK
Type 1	A325 KS	A325 KS
Type 2	A325 KS	
Type 3	A325 KS	

Headmarkings are usually raised – sometimes indented.

KEY: CA-Canada, JP-Japan, TW-Taiwan, YU-Yugoslavia

Reference: This tool was derived from the U.S. Customs Service.

Dated: 1992

ATTACHMENT I - REFURBISHED MOLDED CASE CIRCUIT BREAKERS

Investigations thus far of electrical components at DOE facilities uncovered over 700 suspect/ counterfeit molded-case circuit breakers that were previously used, refurbished and sold to DOE contractors.

1. Recognition Factors

The following factors should be recognized regarding suspect or refurbished circuit breakers:

A. The quality and safety of refurbished molded-case circuit breakers is questionable since they are not designed to be taken apart and serviced or refurbished. There are no electrical standards established by Underwriters Laboratory (UL) for the refurbishing of molded-case electrical circuit breakers, nor are there any "authorized" refurbishes of molded case circuit breakers. Therefore, "refurbished" molded-case circuit breakers should not be accepted for use in any DOE facility.

B. One source of refurbished molded-case circuit breakers is from the demolition of old buildings. Some refurbishes are junk dealers who may change the amperage labels on the circuit breakers to conform to the amperage ordered and then merely clean and shine the breakers.

This situation was brought to DOE's attention by the Nuclear Regulatory Commission (NRC), which, in turn, had been informed of the practice by the company that manufactures circuit breakers. In early 1988, a sales representative identified "refurbished" circuit breakers at Diablo Canyon Nuclear Power Plant. A subsequent investigation confirmed that circuit breakers sold to the power plant as new equipment were actually refurbished. The managers of the two firms that refurbished and sold these breakers have been convicted of fraud and have paid a substantial fine.

C. NRC published information Notice No. 88-46 dated July 8, 1988, on the investigation findings and circulated it to all applicable government agencies, including DOE. On July 20, 1988, DOE notified all field offices that refurbished circuit breakers may have been installed in critical systems. Shortly thereafter, DOE established the Suspect Equipment Notification System (SENS), a sub-module of ES&H Events and News on the Safety Performance Measurement System (SPMS). SENS has since been replaced by the Supplier Evaluation and Suspect Equipment (SESE) sub-module which includes Suspect Equipment Reports.

D. Some of DOE's older sites have circuit breakers in use that are no longer manufactured. According to the Nuclear Management and Resources Council (NUMARC), examples of such breakers are Westinghouse breakers with frames E, EA, F, and FA. If a DOE contractor has an electrical box that requires a breaker with one of these frame sizes, that contractor would not have been able to purchase it from Westinghouse for several years. If the contractor were to order a replacement breaker from an authorized Westinghouse dealer, the dealer could not get a new replacement breaker from the manufacturer. To fill the order, the dealer had to turn to the secondary or refurbished market.

ATTACHMENT I - REFURBISHED MOLDED CASE CIRCUIT BREAKERS (cont.)

Dealing with an authorized distributor does not preclude ending up with refurbished circuit breakers. Westinghouse has announced that it is considering satisfying this market by manufacturing circuit breakers that will fit in these applications.

The solution, as recommended by NUMARC, is not to focus on the credentials of the distributor but on the traceability of the circuit breaker itself. A purchaser can be assured of having a new circuit breaker only if the breaker can be traced back to the original manufacturer.

2. Indicators of Refurbished Breakers

Typically, refurbished circuit breakers sold as new equipment have one or more of the following characteristics:

The style of breaker is no longer manufactured.

The breakers may have come in cheap, generic-type packaging instead of in the manufacturer's original boxes.

Refurbished circuit breakers are often bulk-packaged in plastic bags, brown paper bags, or cardboard boxes with handwritten labels. New circuit breakers are packed individually in boxes that are labeled with the manufacturer's name, which is usually in two or more colors, and are often date stamped.

The original manufacturer's labels and/or the Underwriter's Laboratory (UL) or Factory Mutual (FM) labels may have been counterfeited or removed from the breaker. Refurbishing operations have been known to use copying machines to produce poor quality copies of the original manufacturer's and the certifying body's labels.

Breakers may be labeled with the refurbisher's name rather than the label of a known manufacturer.

The manufacturer's seal (often multicolored) across the two halves of the case of the breaker is broken or missing.

Wire lugs (connectors) show evidence of tampering.

The surface of the circuit breaker may be nicked or scratched yet have a high gloss. Refurbishers often coat breakers with clear plastic to produce a high gloss that gives the casual observer the impression that the breaker is new. The plastic cases of new circuit breakers often have a dull appearance.

Some rivets may have been removed and the case may be held together by wood screws, metal screws, or nuts and bolts.

ATTACHMENT I - REFURBISHED MOLDED CASE CIRCUIT BREAKERS (cont.)

Contradictory amperage ratings may appear on different parts of the same refurbished breaker. On a new breaker, the amperage rating is stamped into, raised from, or machine-painted on the handle of the circuit breaker. In order to supply a breaker with a hard-to-find rating, refurbishers have been known to file down the surface of the handle to remove the original rating and hand-paint the desired amperage rating.

3. Testing

In a news release dated February 6, 1989, the National Electrical Manufacturers Association (NEMA) announced the cancellation of its Publication AB-2-1984 entitled, "Procedures for Field Inspection and Performance Verification of Molded-Case Circuit Breakers used in Commercial and Industrial Applications," and stated the following:

"These procedures were intended for use with breakers that had been originally tested and calibrated in accordance with NEMA Standards Publication AB 1 or Underwriters Laboratories Standard UL 489, and not subsequently opened, cleaned or modified...Therefore, the Standards Publication contained none of the destructive test procedures...necessary to verify the product's ability to withstand such conditions as full voltage overload or short circuit. Without such tests, even if a rebuilt breaker had passed the tests specified in AB-2, there would be no assurance that it would not fail under overload or short circuit conditions. It is NEMA's position that regardless of the results of electrical testing, refurbished electrical circuit breakers are not reliable and should not be used."

4. Precautions

Follow these precautions regarding suspect or refurbished circuit breakers.

A. Require that molded-case breakers be new and unaltered. Proof that they are new and unaltered requires the vendor to show traceability back to the original manufacturer.

B. Do not rely completely on dealing with authorized dealers for protection from purchasing refurbished molded-case circuit breakers.

C. Approve formal procedures for inspecting circuit breakers that are received and installed according to the indicators of refurbished breakers listed above.

D. Contact the original manufacturer if any indication of misrepresentation is encountered. There are many original manufacturers of molded-case circuit breakers whose products are being refurbished and sold as new. These manufacturers have the most specific information about how to ensure that their products have not been refurbished.

ATTACHMENT I - REFURBISHED MOLDED CASE CIRCUIT BREAKERS (cont.)

5. Disposition

A. Segregate and retain all circuit breakers found with indications that they may be refurbished. These will be retained as potential evidence until specifically released by the Office of Inspector General and the Office of Nuclear Safety for Price Anderson Enforcement. Circuit breakers that may be refurbished may only be disposed of when the above organizations no longer need them as evidence.

B. Report suspect electrical components to Occurrence Reporting and Processing System (ORPS). The ORPS categorization group should be identified as "Cross-Category items, Potential Concerns or issues." The description of cause section in the ORPS report should include the text "suspect counterfeit parts."

C. Witness and document the destruction of all suspect/counterfeit circuit breakers when approval is given for disposal.

EHC

Petition to President Obama, Vice President Biden, Speaker Boehner and Members of Congress to Create an Independent Commission to Investigate the U.S. Nuclear Regulatory Commission (NRC)

WHEREAS we the people of the United States and beyond have an obligation to ourselves and to future generations to uphold the democratic process and to challenge federal policies when they endanger us and our fellow citizens; and

WHEREAS current NRC plans call for the construction of at least fifty more nuclear plants in order to reduce our nation's dependency on foreign oil; and

WHEREAS the NRC and the Government Accounting Office have found that more than 70 existing US nuclear plants contain counterfeit and substandard defective parts; and

WHEREAS recent NRC rules streamline the nuclear plant licensing and re-licensing process by limiting public participation, lowering safety inspection and quality assurance standards applicable to nuclear components in existing and new facilities to reduce construction costs; and

WHEREAS nuclear power plants and their surrounding communities do not have adequate emergency evacuation plans to protect people who would be at risk when a nuclear accident occurs.

WHEREAS recent experience has shown our governments' inability to respond to short and long term needs of our citizens whose lives are disrupted by unforeseen disasters; and

WHEREAS current emergency plans propose that senior citizens and other special needs persons who cannot immediately evacuate be left behind in the event of a nuclear accident be given potassium iodide which only protects the thyroid against radioactive iodine, leaving them susceptible to contamination by other dangerous radioactive products released during an accident or act of sabotage; and such plans assume these valuable members of our communities are expendable, a discriminatory policy which violates their civil rights: and

WHEREAS building more nuclear power plants will result in increased amounts of hazardous radioactive nuclear wastes for which there is no SAFE storage available for the foreseeable future and if not properly transported, stored or disposed of will be potentially dangerous to many future generations; and

WHEREAS the NRC is the federal agency primarily responsible for regulating the nuclear power industry consistent with public safety, health and welfare; and

WHEREAS the NRC Office of the Inspector General has released a report titled "NRC Failure to Adequately Regulate" confirming the agency falls short in its efforts to regulate the nuclear industry in a manner that assures public safety ; and

WHEREAS the NRC has previously interfered with efforts of its employees and other concerned persons who have disclosed serious problems with the nuclear power industry.

THEREFORE we the people of: YOUR GROUP OR TOWN NAME HERE

hereby petition to establish an independent and bi-partisan Commission (similar to the 911 Commission) comprised of elected officials and other qualified experts to fully investigate the Nuclear Regulatory Commission's regulation of the nuclear power industry including the manner in which it has acted and adequacy of current safeguards to assure that it continues to protect the American public from dangers posed from the design, construction and operation of existing and future nuclear power plants.

The commission shall have at least fifteen (15) members, be staffed and funded by Congress and shall hold extensive public hearings. No later than two (2) years after its first meeting, the commission shall issue a report that contains specific findings and recommendations regarding the manner in which the NRC has acted to protect the public from dangers associated with the nuclear power industry including, but limited to, the following topics:

1. Plant location, design and construction;
2. Evacuation plans and other proposed public responses to short and long-term effects of nuclear accidents;
3. Safety Inspections and Quality Assurance including, but not limited to, the use of substandard and counterfeit parts existing and future nuclear power facilities and effectiveness of recent NRC rules relaxing standards for safety inspections of plant components and inspection documentation requirements.
4. Integrity and independence of NRC staff and management including whether NRC decisions are improperly influenced by the nuclear industry or other interest groups, opportunities for employees to express concerns about public safety issues and effectiveness of the NRC Office of Inspector General's Office.

By signing below, I assert and affirm my belief that it is in the best interests of the United States to conduct an investigation to assure that our government is doing everything possible to protect America against the dangerous perils caused by nuclear accidents on the devastating scale of Chernobyl and Japan Castastrophes.

PRINT YOUR NAME, ADDRESS, PHONE AND E-MAIL ADDRESS AND THEN SIGN YOUR NAME BELOW

1. _____
2. _____
3. _____
4. _____
5. _____

(additional signatures add to back)

Sponsored by We The People
Please return all petitions to:

904-206-3114

STEPHEN B. COMLEY SR.
WE THE PEOPLE
45 MANSION DRIVE
BOX # 7
ROWLEY MA 01969

DATE _____ **BEARER** _____ **PETITION NO.** _____

OVER

Petition to President Obama, Vice President Biden, Speaker Boehner and Members of Congress to Create an Independent Commission to Investigate the U.S. Nuclear Regulatory Commission (NRC)

WHEREAS we the people of the United States and beyond have an obligation to ourselves and to future generations to uphold the democratic process and to challenge federal policies when they endanger us and our fellow citizens; and

THEREFORE we the undersigned people of:

_____

hereby petition to establish an independent and bi-partisan Commission (similar to the 911 Commission) comprised of elected officials and other qualified experts to fully investigate the Nuclear Regulatory Commission's regulation of the nuclear power industry including the manner in which it has acted and adequacy of current safeguards to assure that it continues to protect the American public from dangers posed from the design, construction and operation of existing and future nuclear power plants.

By signing below, I assert and affirm my belief that it is in the best interests of the United States to conduct an investigation to assure that our government is doing everything possible to protect America against the dangerous perils caused by nuclear accidents on the devastating scale of Chernobyl and Japan Castastrophes.

PRINT YOUR NAME, ADDRESS, PHONE AND E-MAIL ADDRESS AND THEN SIGN YOUR NAME BELOW
(Signatures continued from front)

6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____
21. _____
22. _____
23. _____
24. _____
25. _____
26. _____
27. _____
28. _____
29. _____
30. _____
31. _____
32. _____

Sponsored by We The People
Please return all petitions to:

904-206-3114

STEPHEN B. COMLEY SR.
WE THE PEOPLE
45 MANSION DRIVE
BOX # 7
ROWLEY MA 01969

DATE_____**BEARER** _____**PETITION NO.**_____

OVER

CAREMARK

CVS/pharmacy

Alison Mollica, Rph
Pharmacy Manager

628 Lafayette Rd.
Seabrook, NH 03874
T: 603.474.1863

4/17/13

ENC
L

We do not carry potassium iodide for the past year or so.
We can not get in stock.

Alison Mollica Rph Manager
CVS Seabrook
628 Lafayette Rd
Seabrook NH 03874
6034749511

Stephen Comley Sr.
We don't normally carry potassium iodine.

Pharmacy Manager.

Alison Mollica

CVS 21 Lafayette Rd Salisbury MA

OPR-347 Item # 119818 2/4/92

EHC

M

NRC meeting 12/18/13 held of public testimony to whether to extend Seabrook's Nuclear Power operating license from 2030 to 2050.

Stephen B. Comley Sr.'s opening remarks:

I want it known I have brought my best friend with me today. The Holy Spirit and without HIM I do not know where I would be today..

I have come here tonight because I need everyone's help to prove democracy still works in America. This includes everyone on the NRC panel. My relationship with NRC former & present NRC staff members still is continuing who reveal concerns to me.

I am hopeful other NRC staff including some on this very NRC Panel may decide to get in touch with me about concerns they believe is wrongdoing at the NRC. I think most people know they can trust me since I spent 6 years in MA Federal Court protecting the identities of courageous NRC informants who came to me about unsafe condition at US Nuclear Plants.

I also have had threats to my life & there are also records of occurrences which were done to intimidate members of my family. I certainly hope those kind of incidents will never happen again.

My own description of the NRC comes as a result of WTP proving the vey statements informants from the NRC and the Nuclear Industry have stated to me including this one, " If the mafia say they are going to do something you can count on it. When the NRC say they will protect the safety of the American people instead they protect the profits of the Nuclear Industry. The rest of these quotes I will present with my testimony. See Page 6 C of large Packet with letter to Michelle Obama on the front page.

I certainly hope the NRC panel will have some questions for me after my testimony. (I got NONE.)

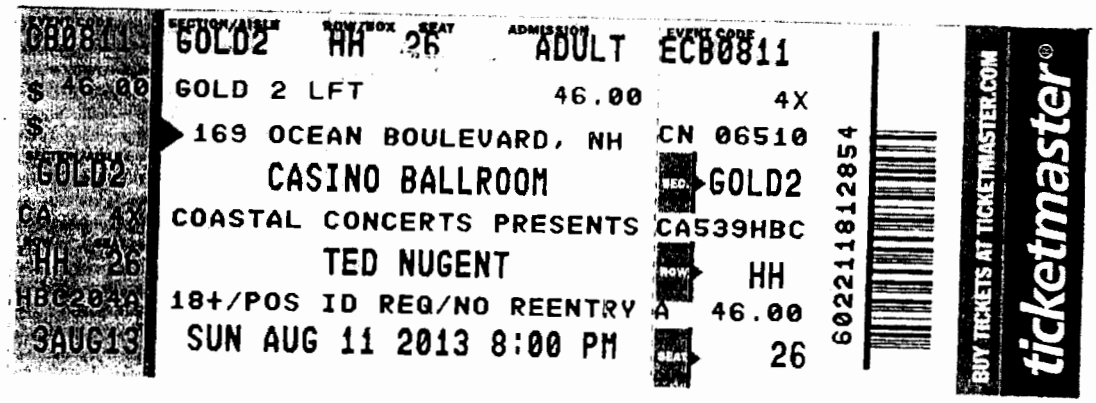
Opening Statement:

You should not even being having this hearing and it is a waste of tax payers hard earn money because the NRC never should have licensed the Seabrook Nuclear Plant because it was sited in a area which anyone familiar with the Beach areas in MA and NH surrounding this plant knows you cannot be able to evacuate citizens safely in the event of a Seabrook nuclear disaster. Proof of this is when I attended the Ted Nugent Concert Aug 11, 2013 (see ticket stub) this past summer at the Hampton Beach Casino when I noticed during the time before the concert I was having trouble crossing the street because of all the people at Hampton Beach that day. Due to this congestion I decided to individually ask 15 NH State Troopers this question, "If the Seabrook Nuclear Power Plant blew up right now what would you do?" Time and time again I received this answer, "there is nothing we can do, we would all be a goner because we cannot safely

(over)

Page 2 of opening remarks of Stephen B. Comley Sr. at NRC Hearing 12/18/13.

Evacuate these people." Since August 11, 2013 I have talked to many State Troopers in NH and MA as well as other police officers in surrounding towns within the 10 miles radius of the Seabrook plant and get this same answer. I am requesting of this NRC Panel to arrange a hearing to ask the State Trooper of MA, NH and the officers of the surrounding towns of within the 10 mile radius of the Seabrook Nuclear Plant whether it is in their opinion people can be evacuated safely in the event of nuclear disaster at the Seabrook Nuclear Plant. If in fact these traffic experts determine they are not able to safely evacuate citizens in a safe matter then it is obvious to me the NRC, President Obama, the Governors of NH and MA are in violation of US Laws. U.S. Nuclear Power Plants must conform to safe evacuation procedures when approving the location of a Nuclear Plant. Please let m know when the NRC will conduct this hearing?



From here I presented parts of my written testimony. **I was given only 10 minutes when other groups were given over 15 minutes.**

Stephen B Comley Sr

Stephen B. Comley Sr.
Founder of We The People a National Whistleblower Non Profit Organization

For further comment or clarification contact me at 904-206-3114 or E-mail me scomleysr@yahoo.com

NUCLEAR REGULATORY (NRC) COMMISSION HEARING 12/18/13

STEPHEN COMLEY SR PRESENTATION – Objecting to hearing not being recorded for the public record. The NRC is allowing me 5 minutes. What must one do to earn minutes, be President? I have represented 80% of Rowley Citizens and have been investigating Cover-ups & unsafe conditions at U.S Nuclear Plants for over 25 years.

Pass out packets: Letters from individuals & my letters to our First Lady Michelle Obama because President Obama ignored WTP's 3 letters which the White House signed for. **See reasons on page 14 article in New York (NYT) Times.** WTP's Background & experience of investigating cover-ups within the NRC & revealing unsafe conditions at Civilian Nuclear & Weapons Plants **See Enclosure A, Enclosure B- KI stockpiling and enclosure C Law regulating KI and enclosure D substandard Cconcrete/Grout.**

Read Quotes from NRC informants Page 6 C of first packet.

Read NRC IN notices on page 18 concerning suspect Bogus Parts. **Don't ask don't tell.**

Page 24 Former Chief of Staff, Leon Panetta sends letter in behalf of WTP to Dept of Justice. **This request was never responded to by the DOJ.**

Page 26 Secretary of Labor Robert B. Reich orders removal of gag from Seabrook's former Level III Welding Inspector, Joseph Wampler. James Padovano Case was Plea Bargained & only went to Jail for 6 months for being found guilty of falsifying Welds at the Seabrook Plant. I have information he did not act alone. Congress never invited me to testify at the Congressional hearings on the Wampler Case.

Page 27 – David Williams, Former Nuclear Regulatory Commission (NRC IG) Inspector General who White House contacted to respond to WTP concerns. List 5 IG reports.

Page 28 – **Letter from NRC IG office to FBI. This request was never honored.**

Page 43 – **NRC violated The First Amendment Rights of Comley Sr.**

What is really upsetting to me during these past 25 years is when WTP bring evidence forward WTP does not always get to credit for it by the Media or by Politicians who hold congressional hearing on the very evidence WTP brought to light. The reason is not for us to feed anyone's ego or get publicity but so potential whistleblowers know who they can trust in order to get their safety concerns public without the threat of revealing their identities**. 60 minutes** I can prove has a reputation of giving up informants names when they refuse to go on Camera. **NYT tried to keep informants from coming to me.**

I have found out WTP cannot trust the Depts. Justice or the FBI to address our concerns so **I am taking WTP letter cause to Michelle Obama** who hopefully will encourage our President to meet with me. In the meantime I am reaching out to Americans citizens especially youth to help awaken the sleeping giant in this country and beyond.

Page 2. Testimony of Stephen B. Comley Sr. at NRC hearing 12/18/13.

I am currently receiving letters of interest requests from Churches, Colleges from within the US & internationally from South Korea, Japan & Russia. I fully intend on honoring these invitations for me to go to these countries and speak on my experiences with cover-ups at the NRC & my knowledge of unsafe conditions within the Civilian Nuclear and Weapon industries. **Einstein Said after he cracked the Atom, "To the villege square we must take the facts of Atomic energy form there must come the people's voice."**

I would like everyone here including NRC employees to consider signing WTP's petition to President Obama & Congress. Luke 18:1-8 Parable of the Persistent Widow. There some things in my life I have found I am not able to walk away from which is my faith, family & my pursuit of Justice. Nuclear Power has no room for fence sitters either you are for Nuclear Power or you are not. American People cannot make a responsible decision if the facts are covered-up & suppressed by the very agency that is supposed to protect them. "A sin by silence when we should protest makes cowards of men." Wilcox.

Questions: regarding Violations of the LAW

1. Am I correct in stating the NRC evacuation requirements are supposed to be set up in the likely not the unlikely event of a Nuclear Disaster at Seabrook? **If this is indeed true then President Obama, Governor Deval Patrick, Governor Maggie Hassan, the NRC and Seabrook owners, Florida Power & Light (FPL) are violation of Laws on 3 fronts.**

1. These 5 have & are committing discrimination and making the special needs segment of America's population **expendable.**.. There must be an acceptable humane evacuation for these citizens. Leaving paralyzed individuals behind to be administered the controversial drug KI to drink is not an acceptable evacuation for anyone. According to the Center for Disease Control & (CDC) Prevention there are serious side effects & radiation fears has **(see enclosure B)** sparked **Substandard** KI Pills." That rings a bell.

Is there anyone on the NRC Panel or in the audience today who believes leaving special needs citizens behind to be given KI is acceptable or humane?

2. Even if this unacceptable drug was effective which it is not, the 5 names and agencies mentioned above are in violation of a law for not making sure enough of KI is available within a 20 mile radius. "The public Health **(see enclosure C)** Security & Bioterrorism Preparedness & & Response Act of 2002 expanded the Potassium Iodide distribution radius to 20 miles from 10 miles. President George W. Bush signed the measure into law following the Terrorist attacks of Sept. 11, 2001, amid concerns that enemies were planning attacks on American nuclear facilities. **Here's the problem, though: Neither Bush nor his successor, President Barack Obama, actually implemented the law mandating broader distribution of the so-call "emergency Pills" containing potassium iodide, which reduce the risk of thyroid cancer in people at risk for inhalation or ingestion of radioiodines,"**

For years & currently President Obama, the NRC, Governors Maggie Hassan & Deval Patrick, Seabrook Owners, FPL & all U.S. Nuclear Plants operating today are in violation of these U.S Laws outlined above..

I have more violations and questions for President Obama to address when I meet with him about the NRC and Seabrook Nuclear Plant involvement in **Cover-ups & penciling away of safety concerns**.

WTP first brought to light the presence of Counterfeit Substandard Parts October 26, 1987 to then President Reagan (outlined in my recent letter to Michelle Obama which the White House signed for May 1, 2013. After I personally gave this troubling information to President Reagan which at that time was present in most U.S. Nuclear Plants including Seabrook, I questioned Seabrook owners about this then and they said, **"Seabrook has no such parts."** Well they lied about that issue then & others I am familiar with. Two years after WTP brought this to light the U.S. General Accounting (GAO) Office Investigative Report entitled Counterfeit Substandard Parts are a Government- Wide Concern listed Seabrook as built with Counterfeit Substandard Fosterers, Pipe fittings/Flanges & Fuses.

Initially the NRC under Victor Stello watch ordered all the plants listed in this GAO report to find & replace all of these bogus parts. But because of pressure from the Nuclear Industry & their Lobbyists who routinely fill a lot of our Politician's War Chests the NRC lower the standards so these parts so the Industry would not have to be replace these components at a cost of a million plus dollars a day to replace one Substandard Bolt. I debated the Vice President of the Nuclear Institute in Wash on NPR in Jacksonville, Fl. During this debate I brought up the fact a Vendor in Conn who was supplying these bogus parts to U.S. Nuclear Plants and the building which housed these records mysteriously burned to the ground the day before the owners was tipped off US Marshals were to seize their records. When I asked the Nuclear Institute representative how those parts could be located now in US Plants he hung up his phone!!

I have further requests of this NRC Panel tonight. Due to the fact this hearing is in connection to the Seabrook Nuclear Plants owners' desire to extend their license from 2030 to 2050, 20 years longer than they were scheduled to operate I believe WTP's information above and below is germane to these proceedings.

Request: #1: As Executive Director of WTP I had in the past requested the NRC to list all the Counterfeit Substandard Parts that built and I understand later replaced in the Seabrook Nuclear Plant and what parts were not replaced and why not. Unfortunately I never got a response. I am officially asking **someone on this NRC Panel to take the responsibility of contacting the NRC official who would be able to send me this information. |**

Requests 2. I would like to know who was in charge of the tracking Counterfeit Substandard Parts while under the Watch of Victor Stello. I am specifically interested in the time frame from 1987 to January 1990 when Mr. Stello was stripped of his desire to become President Bush Nominee to be Assistant Secretary of Energy under Mr. Watkins.

Request 3: As I understand it is the Law that the Seabrook owners must put away decommissioning costs so there is adequate money to dismantle Seabrook Nuclear Plant when it is ultimately shut down. How much money at the present time is set aside for the decommissioning of Seabrook's Plant?

If no one on this NRC panel has this information available please direct the appropriate official to send this information to me as soon as possible.

Request 4: Why hasn't the NRC required the Nuclear Industry to expand the 10 radius as a result of the disasters in Chernobyl and Fukushima in Japan? Sununu was for a reduction to a 1 mile after the Russian Explosion.

Request 5: I want to encourage any former or present employees of the Seabrook Nuclear Plant or any former or present NRC staff members to know they can trust me to bring me any safety concerns they feel the American People should be made aware of with the understanding their identities would never be revealed.

Request 6: That the NRC approved the DVD of CNN's year and half investigation aired on EARTH MATTERS entitled, INSIDE THE NUCLEAR REGULATORY COMMISSION: INTIMIDATION OR REGULATION to be included in the NRC reference library. In addition the 5 NRC IG Investigative (See enclosure A press articles) Reports brought about by truly Brave Americans who came to We The People with their safety concerns.

I look forward to these requests being addressed as soon as possible.

Thanking you in advance of you prompt attention and understanding in addressing these important concerns requests which is affecting every American Citizen of the United States.

Sincerely,

Stephen B Comley SR

Stephen B. Comley Sr
Founder of We The People, a National Whistleblower Non Profit Organization.

Enclosures

MN No. 13-026

U.S. NUCLEAR REGULATORY COMMISSION
REGION I
NOTICE OF PUBLIC MEETING

Licensee:	NextEra Energy, Seabrook, LLC
Facilities:	Seabrook Station
Docket Nos:	50-443
Date/ Time:	December 18, 2013 Open House 5:00 p.m. to 5:45 p.m. Public Meeting 6:00 p.m. to 9:00 p.m.
Location:	Best Western Plus, The Inn at Hampton 815 Lafayette Road Hampton, New Hampshire 03842 (603) 926-6771
Purpose:	The U. S. Nuclear Regulatory Commission (NRC) will host an open house and public meeting with NextEra. The NRC plans to discuss NextEra's testing program and their schedule regarding concrete degradation caused by Alkali-Silica Reaction (ASR) at Seabrook Station.
Participants:	NRC David Lew, Deputy Regional Administrator, Region I (RI) James Trapp, Deputy Director, Division of Reactor Safety (DRS), RI Mel Gray, Chief, Engineering Branch I, DRS, RI William Cook, Senior Reactor Analyst (Team Leader), RI Michael Marshall, Division of License Renewal, Office of Nuclear Reactor Regulation NextEra Kevin Walsh, Vice President, Seabrook Station Rick Noble, ASR Project Manager, Seabrook Station Dr. Oguzhan Bayrak, Director, Ferguson Structural Engineering Laboratory, University of Texas at Austin
	Public Participation: This is a Category 1 Meeting. During the open house, NRC staff will be available to answer questions from the public and discuss issues or concerns related to the Seabrook Station. Following the open house, the NRC will hold a meeting with NextEra. The public is invited to observe this meeting and will have the opportunity to communicate with the NRC during a question and answer period directly following the business portion of the meeting, but before the meeting is adjourned.
Meeting Contact:	Mel Gray, Region I 610-337-5209 E-mail: Mel.Gray@nrc.gov

AGENDA:

5:00 – 5:45 p.m.	Poster Session (NRC staff, NextEra staff, Other Organizations)
6:00 – 6:15 p.m.	Opening Remarks by NRC staff
6:15 – 7:15 p.m.	Presentation by NextEra on Testing Program and Schedule
7:15 – 9:00 p.m.	Question and Answer Period

Additional information relative to the NRC's oversight of the ASR conditions at Seabrook Station can be found on the NRC's website at:
http://www.nrc.gov/info-finder/reactor/seabrook/concrete-degradation.html

The NRC's Policy Statement, "Enhancing Public Participation in NRC Meetings," effective May 28, 2002, applies to this meeting. The policy statement may be found on the NRC's website, http://www.nrc.gov/reading-rm/doc-collections/commission/policy/67fr36920.html, and contains information regarding visitors and security.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in this meeting, or need the meeting notice or other information from the meeting in another format (e.g., Braille, large print), please notify the NRC's meeting contact. Determinations on requests for reasonable accommodation will be made on a case-by-case basis. Persons requiring assistance to attend the meeting shall make their requests known to the NRC meeting contact no later than two business days prior to the meeting.

Meetings are sometimes canceled or rescheduled as a result of unforeseen circumstances. Please confirm the meeting schedule on the NRC website under public meetings.

Approved by: **/RA/**
Mel Gray, Chief
Engineering Branch 1
Division of Reactor Safety

cc: via ListServ

Distribution via email
Executive Director for Operations, OEDO (RIDSEDOMAILCENTER)
Deputy Executive Director for Reactor Programs, OED (RIDSEDOMAILCENTER)
Director, Office of Nuclear Reactor Regulation, NRR (RIDSNRROD)
Deputy Director, Office of Nuclear Reactor Regulation NRR (RIDSNRROD)
Director, Division of Inspection & Regional Support, NRR/DIRS (RIDSNRRDIRS)
Director, Division of Operating Reactor Licensing, NRR/DORL (RIDSNRRDORL)
Asst. General Counsel Materials Litigation & Enforcement, OGC (RIDSOGCMAILCENTER)
W. Dean, RA
D. Lew, DRA
C. ODaniell, ORA
D. Roberts, DRP
G. Dentel, DRP
R. Barkley, DRP
M. Draxton, DRP
B. Reyes, DRP
M. Scott, DRP
C. Newport, DRP, RI
P. Cataldo, DRP, SRI
A. Cass, DRP, AA
R. Lorson, DRS
J. Trapp, DRS
M. Gray, DRS
W. Cook, DRS
N. Floyd, DRS
N. McNamara, SLO
D. Tifft, SLO
M. Marshall, NRR, License Renewal
RidsNrrPMSeabrook Resource
PNMS
B. Rini, RI, OEDO
RidsNrrDorlLpl1-2 Resource

Document Name: G:\DRS\Seabrook Concrete\Media-Pub\Dec 18 Meeting 2013\ASR Public Meeting Notice Dec-18-2013.docx
ADAMS ACCESSION NUMBER: ML13330A584

☑ SUNSI Review		☑ Non-Sensitive ☐ Sensitive		☑ Publicly Available ☐ Non-Publicly Available	
OFFICE	RI/DRS	RI/DRP	RI/DRS		
NAME	WCook/NPF for	GDentel/GD	MGray/MG		
DATE	11/25/2013	11/25/2013	11/25/2013		

OFFICIAL RECORD COPY

Enc

M

Michal llana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
218 Russell Senate Office Building Washington, DC 20510

February 18, 2014

Dear Mrs. Michal llana Freedhoff,

As I stated in our conversation on Friday, February 14, 2014 the laws I have referred to are in my oral and written testimony I presented at the NRC hearing December 18, 2013. The laws specifically I believe President Obama, Governor Deval Patrick, Governor Maggie Hassan, the NRC and Seabrook owners, Florida Power and Light are in violation of are the following:

1. **Discrimination:** Federal Law prohibits discrimination against disabled persons. According to 29 U.S.C. 794, no person, solely by reason of their handicap, may be subjected to discrimination by any program or activity which receives federal funds. Since most of the entities involved in evacuating a population receive federal funds, it would be a contravention of federal law MA and NH to effectuate a plan that wholly ignores persons solely by reason of their handicapped status.

   According to the emergency evacuation plan created by the owners of the Seabrook nuclear power plant in NH, the young, the old, and the physically and mentally disabled are left to fend for themselves in some bizarre Darwinian version of Survival of the fittest.

   People who are frail, ill, helpless, and people with special needs will be a larger part of any group which ends up being sheltered indefinitely rather than evacuated with the general population.

   I raised this issue in 1986 to James K. Asselstine, NRC Commissioner and to Lando Zech, NRC's Chair when (I believe your Boston office sent you copies of these issues.) I asked the question, "Do you feel that some means should be provided for people who cannot be moved, other than merely being sheltered?"

   On August 19, 1986, Mr. Asselstine replied, "I do not believe the commission has faced the situation in which evacuation is impossible for some individuals within the EPZ and the only alternative is sheltering within unprotected facilities." Victor Stello, former Executive Director for operations, answering the same question to me for then Chairman Zech who wrote on October 1, 1986, "For the few individual patients where in the judgment of medical experts prompt evacuation is not advisable, we believe that shelter is an appropriate protective measure until they can be safely relocated. In some cases… it may be appropriate to administer potassium iodide (KI)."

   In considering the KI option, the NRC should examine the issue of discrimination. Many people not immediately evacuated will be left behind because they are ill,

frail and senior citizens or people with special needs. Using KI could endanger some of them. They deserve to have more protection against a radioactive plume than KI and their bedclothes.

The Nuclear Industry is licensed by the Federal Government to generate electricity (and profits) with this potentially lethal technology. To prevent a situation which discriminates against those left behind, the federal government should make a criteria for licensing that the licensee provide comparable protection for those left behind. One possible means of preventing discrimination should be to build shelters similar to the bomb shelters built during the early years of the Cold War to protect against nuclear bomb attacks.

We The (WTP) People is bringing awareness to these concerns and others by circulating our National Petition which states (in part here) to President Obama, Vice President Biden, Speaker Bochner and Members of Congress, "WHERE AS current emergency plans propose that senior citizens and other special needs persons who cannot immediately evacuate be left behind in the event of a nuclear accident be given potassium iodide which only protects the thyroid against radioactive iodine, leaving them susceptible to contamination by other dangerous radioactive products released during an accident or act of sabotage; and such plans assume these valuable members of our communities are **expendable,** a discriminatory policy which violates their civil rights."

Our hope is U. S Senator Edward Markey will be one first of many elected leaders who will endorse WTP's petition that is being circulated throughout the Town of Rowley MA.

2. Law Violation: Partially taken from News and issues US Government Info: The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 expanded the Potassium (KI) Iodide distribution radius to 20 miles from 10 miles. President George W. bush signed the measure into law following the terrorist attacks of September 11, 2001, amid concerns that enemies were planning attacks on American nuclear facilities. Neither former President George W. Bush nor his successor, President Obama, actually implemented the law mandating broader distribution of the so-call "emergency Pills" containing potassium iodide, which reduce the risk of thyroid cancer in people at risk for inhalation or ingestion of radioiodines."

Even when this law and in some cases this unacceptable drug KI is put into effect the area where KI is made an option must be more extensive than the 20-mile evacuation zone delineated by law as the area for which licensees must provide a detailed plan. A radioactive plume form a damaged nuclear power plant can extend a great distance, as was learned during the Chernobyl and Fukushima disasters when radiation fell heavily within those countries, and elevated radiation

levels were even measured in the U.S. from both accidents including affecting the air in MA.

The use of KI can have serious side effects, a matter to address when making KI an emergency option. Some manufacturers and pharmacies state KI should not be administered without a physician's prescription. A manufacturer's caution about Potassium Iodide solution include: giving the preparation with a full glass of water to assure against gastrointestinal injury: to notify a physician if skin rash, fever, swelling of throat or signs of iodism (brassy taste, burning of mouth and throat, chronic sore gums and teeth, symptoms of head cold) occur; and the note that KI is contraindicated in cases of Addison's disease, acute or chronic renal disease, dehydration, tuberculosis, and in patients with sensitivity to iodides. The manufacturer cites several reports on nonspecific bowel lesions where surgery was required and deaths occurred, and says KI should be discontinued immediately if abdominal pain, distention, nausea, vomiting, or gastrointestinal bleeding occurs. In cases of over dosage, lethal levels can be reached in a few hours.

All emergency personnel in a position to administer KI, including hospital and nursing home employees, police and fire departments must receive in-depth training in administering KI, its side effects, and antidotal measures.

When stockpiling, it is necessary the stockpile not exceed its shelf life. For example, some of the liquid solutions have a shelf life of six months. The tablet form may be longer lived, but some special needs people are unable to consume tablets and would have to have the liquid form available.

A great deal of preparation and ongoing attention is involved in making KI one of the options in protecting the public, but none of these cautions should exclude KI as an option.

The entire population at risk of exposure to a radioactive plume should be educated about the benefits and side effects of KI so they are informed of their options. The Nuclear Management and resources Council (NUMARC), and organization of nuclear utility owners, recommend the NRC discourage use or stockpiling of KI because "Stockpiling or predistribution and the associated public education would result in a potentially significant negative public perception." In CNN's year and half investigation of WTP's work which aired on EARTH MATTERS entitled, INSIDE THE NRC: INTIMIDATION OR REGULATION touched on the NUMARC position. I believe you have this DVD. WTP has recommended to the NRC they disregard the NUMARC position which has influenced the NRC's stand on KI for the last several years.

NUMARC's short term "potentially significant negative" image problems pale in the face of the public's right to be protected against life-threatening radiation in the event of a nuclear power plant accident. Negative publicity does not last long; thyroid cancer has a much deeper, long-lasting, and more devastating consequence.

Just before the NRC hearing I found out in NH and MA the availability of KI is very limited or nonexistent. In evidence I presented at the NRC hearing 12/18/13 I included statements (**attached Marked Enclosure E)** made by managers of two CVS Pharmacies in Salisbury MA and Seabrook NH directly in front of the Seabrook Nuclear plant who stated, "We do not carry potassium Iodide for the past year or so. We cannot get it or normally carry potassium iodide."

3. Violation of Law and standards of NRC licensing U.S. Nuclear Plants.
As I stated in my oral **(oral attached)** and written statements, "This NRC panel should not even be having this hearing. It is a waste of tax payer's hard earned money because the NRC never should have licensed the Seabrook Nuclear Plant in the first place. Anyone familiar with the Beach areas in MA and NN surrounding this plant knows you cannot possibly evacuate citizens safely in the event of a Seabrook Nuclear disaster.

Proof of this is when I attended the Ted Nugent concert August 11, 2013 this past summer at the Hampton Beach casino when I noticed during the time before the concert I was having trouble crossing the street because of all the people at the Hampton beach that day. Due to this congestion I decided to individually ask 15 NH State troopers this question, "If the Seabrook Nuclear Power Plant blew up right now what would you do?"

Time and time again I received this answer, "There is noting we can do, we would all be a goner because we cannot safely evacuate these people."

Since August 11, 2013 I have talked with other State Troopers in NH and MA as well as other police officers in surrounding towns within the 10 miles radius of the Seabrook Nuclear Plant and get the same answer.

Due to these troubling concerns at the hearing I requested the NRC Panel "To arrange a hearing to ask the State Troopers of MA, HH and the Police officers of the surrounding towns of within the 10 mile radius of the Seabrook Nuclear Plant whether it is in their opinion people can be evacuated safely in the event of nuclear disaster at the Seabrook Nuclear Plant."

If in fact these traffic experts testify they are not able to safely evacuate citizens in a safely and I believe they will it is obvious to me the NRC, President Obama, FEMA, The governors of NH and MA are in violation of US Law..

U.S. Nuclear Power Plants must conform to safe evacuation procedures when approving the location of a Nuclear Plant. Please let me know when the NRC will conduct this hearing?"

It is pretty obvious to me and many others I know the NRC and the FEMA in the event of a Nuclear disaster at hr Seabrook Nuclear Plant never held legitimate tests on Routes 1 or US Federal Highway 95 in MA or NH to establish whether citizens can be evacuated safety during crowed beach days or people traveling to Maine or Canada from MA and NH.

Those of us who watched the licensing of Seabrook knows what a mockery of our democratic process was made by former Governor Sununu and Victor Stello in making sure evacuation plans would indeed be passed and established in the **unlikely** event of a nuclear accident at Seabrook instead of the likely occurrence of one happening. I always wondered how John Sununu then and now can ride around with a NH license plate saying "Live Free or Die."

The NRC and some our top elected officials in our government continue to establish a double standard for the Nuclear Civilian and Weapons Industries. My family certainly knows our Son's family owned and run Health Care Extended Community Center would have his license to operate revoked immediately if he had inadequate evacuations plans or installed Counterfeit Substandard fire doors in his facility.

. .

In over the 27 years WTP investigating and revealing the NRC 's penciling away of inadequate evacuation plans and bringing to light the NRC covering up unsafe conditions at US Nuclear Plants, the agency's same philosophy of playing Russian Roulette in America's neighborhoods still continues to exist this day.

Mrs. Michal llana Freedhoff, if you need further calcification or comment please do not hesitate to call me. I look forward to continue working together with U.S Senator Edward Markey, you and the rest of the Staff in the Senator's offices.

Sincerely,

Stephen B Comley SR

Stephen B. Comley Sr.
Founder of We The People a National Whistleblower Non Profit Organization

Attachments

NRC meeting 12/18/13 held of public testimony to whether to extend Seabrook's Nuclear Power operating license from 2030 to 2050.

Stephen B. Comley Sr.'s opening remarks:

I want it known I have brought my best friend with me today. The Holy Spirit and without HIM I do not know where I would be today..

I have come here tonight because I need everyone's help to prove democracy still works in America. This includes everyone on the NRC panel. My relationship with NRC former & present NRC staff members still is continuing who reveal concerns to me.

I am hopeful other NRC staff including some on this very NRC Panel may decide to get in touch with me about concerns they believe is wrongdoing at the NRC. I think most people know they can trust me since I spent 6 years in MA Federal Court protecting the identities of courageous NRC informants who came to me about unsafe condition at US Nuclear Plants.

I also have had threats to my life & there are also records of occurrences which were done to intimidate members of my family. I certainly hope those kind of incidents will never happen again.

My own description of the NRC comes as a result of WTP proving the vey statements informants from the NRC and the Nuclear Industry have stated to me including this one, " If the mafia say they are going to do something you can count on it. When the NRC say they will protect the safety of the American people instead they protect the profits of the Nuclear Industry. The rest of these quotes I will present with my testimony. See Page 6 C of large Packet with letter to Michelle Obama on the front page.

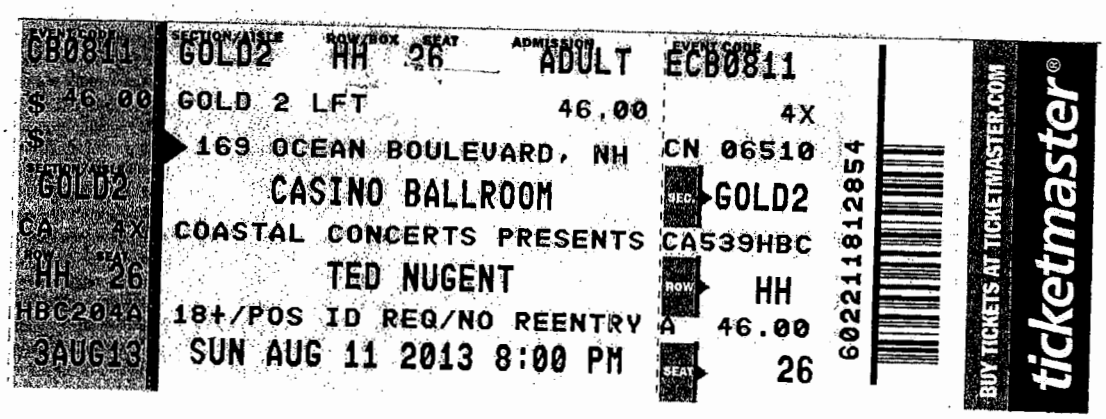
I certainly hope the NRC panel will have some questions for me after my testimony. (I got NONE.)

Opening Statement:

You should not even being having this hearing and it is a waste of tax payers hard earn money because the NRC never should have licensed the Seabrook Nuclear Plant because it was sited in a area which anyone familiar with the Beach areas in MA and NH surrounding this plant knows you cannot be able to evacuate citizens safely in the event of a Seabrook nuclear disaster. Proof of this is when I attended the Ted Nugent Concert Aug 11, 2013 (see ticket stub) this past summer at the Hampton Beach Casino when I noticed during the time before the concert I was having trouble crossing the street because of all the people at Hampton Beach that day. Due to this congestion I decided to individually ask 15 NH State Troopers this question, "If the Seabrook Nuclear Power Plant blew up right now what would you do?" Time and time again I received this answer, "there is nothing we can do, we would all be a goner because we cannot safely

Page 2 of opening remarks of Stephen B. Comley Sr. at NRC Hearing 12/18/13.

Evacuate these people." Since August 11, 2013 I have talked to many State Troopers in NH and MA as well as other police officers in surrounding towns within the 10 miles radius of the Seabrook plant and get this same answer. I am requesting of this NRC Panel to arrange a hearing to ask the State Trooper of MA, NH and the officers of the surrounding towns of within the 10 mile radius of the Seabrook Nuclear Plant whether it is in their opinion people can be evacuated safely in the event of nuclear disaster at the Seabrook Nuclear Plant. If in fact these traffic experts determine they are not able to safely evacuate citizens in a safe matter then it is obvious to me the NRC, President Obama, the Governors of NH and MA are in violation of US Laws. U.S. Nuclear Power Plants must conform to safe evacuation procedures when approving the location of a Nuclear Plant. Please let m know when the NRC will conduct this hearing?



From here I presented parts of my written testimony. **I was given only 10 minutes when other groups were given over 15 minutes.**

Stephen B Comley Sr.

Stephen B. Comley Sr.
Founder of We The People a National Whistleblower Non Profit Organization

For further comment or clarification contact me at 904-206-3114 or E-mail me scomleysr@yahoo.com

NUCLEAR REGULATORY (NRC) COMMISSION HEARING 12/18/13

STEPHEN COMLEY SR PRESENTATION – Objecting to hearing not being recorded for the public record. The NRC is allowing me 5 minutes. What must one do to earn minutes, be President? I have represented 80% of Rowley Citizens and have been investigating Cover-ups & unsafe conditions at U.S Nuclear Plants for over 25 years.

Pass out packets: Letters from individuals & my letters to our First Lady Michelle Obama because President Obama ignored WTP's 3 letters which the White House signed for. **See reasons on page 14 article in New York (NYT) Times.** WTP's Background & experience of investigating cover-ups within the NRC & revealing unsafe conditions at Civilian Nuclear & Weapons Plants **See Enclosure A, Enclosure B- KI stockpiling and enclosure C Law regulating KI and enclosure D substandard Cconcrete/Grout.**

Read Quotes from NRC informants Page 6 C of first packet.

Read NRC IN notices on page 18 concerning suspect Bogus Parts. **Don't ask don't tell.**

Page 24 Former Chief of Staff, Leon Panetta sends letter in behalf of WTP to Dept of Justice. **This request was never responded to by the DOJ.**

Page 26 Secretary of Labor Robert B. Reich orders removal of gag from Seabrook's former Level III Welding Inspector, Joseph Wampler. James Padovano Case was Plea Bargained & only went to Jail for 6 months for being found guilty of falsifying Welds at the Seabrook Plant. I have information he did not act alone. Congress never invited me to testify at the Congressional hearings on the Wampler Case.

Page 27 – David Williams, Former Nuclear Regulatory Commission (NRC IG) Inspector General who White House contacted to respond to WTP concerns. List 5 IG reports.

Page 28 – **Letter from NRC IG office to FBI. This request was never honored.**

Page 43 – **NRC violated The First Amendment Rights of Comley Sr.**

What is really upsetting to me during these past 25 years is when WTP bring evidence forward WTP does not always get to credit for it by the Media or by Politicians who hold congressional hearing on the very evidence WTP brought to light. The reason is not for us to feed anyone's ego or get publicity but so potential whistleblowers know who they can trust in order to get their safety concerns public without the threat of revealing their identities. **60 minutes** I can prove has a reputation of giving up informants names when they refuse to go on Camera. **NYT tried to keep informants from coming to me.**

I have found out WTP cannot trust the Depts. Justice or the FBI to address our concerns so **I am taking WTP letter cause to Michelle Obama** who hopefully will encourage our President to meet with me. In the meantime I am reaching out to Americans citizens especially youth to help awaken the sleeping giant in this country and beyond.

Page 2. Testimony of Stephen B. Comley Sr. at NRC hearing 12/18/13.

I am currently receiving letters of interest requests from Churches, Colleges from within the US & internationally from South Korea, Japan & Russia. I fully intend on honoring these invitations for me to go to these countries and speak on my experiences with cover-ups at the NRC & my knowledge of unsafe conditions within the Civilian Nuclear and Weapon industries. **Einstein Said after he cracked the Atom, "To the villege square we must take the facts of Atomic energy form there must come the people's voice."**

I would like everyone here including NRC employees to consider signing WTP's petition to President Obama & Congress. Luke 18:1-8 Parable of the Persistent Widow. There some things in my life I have found I am not able to walk away from which is my faith, family & my pursuit of Justice. Nuclear Power has no room for fence sitters either you are for Nuclear Power or you are not. American People cannot make a responsible decision if the facts are covered-up & suppressed by the very agency that is supposed to protect them. "A sin by silence when we should protest makes cowards of men." Wilcox.

Questions: regarding Violations of the LAW

1. Am I correct in stating the NRC evacuation requirements are supposed to be set up in the likely not the unlikely event of a Nuclear Disaster at Seabrook? **If this is indeed true then President Obama, Governor Deval Patrick, Governor Maggie Hassan, the NRC and Seabrook owners, Florida Power & Light (FPL) are violation of Laws on 3 fronts.**

1. These 5 have & are committing discrimination and making the special needs segment of America's population **expendable.**.. There must be an acceptable humane evacuation for these citizens. Leaving paralyzed individuals behind to be administered the controversial drug KI to drink is not an acceptable evacuation for anyone. According to the Center for Disease Control & (CDC) Prevention there are serious side effects & radiation fears has **(see enclosure B)** sparked **Substandard** KI Pills." That rings a bell.

Is there anyone on the NRC Panel or in the audience today who believes leaving special needs citizens behind to be given KI is acceptable or humane?

2. Even if this unacceptable drug was effective which it is not, the 5 names and agencies mentioned above are in violation of a law for not making sure enough of KI is available within a 20 mile radius. "The public Health **(see enclosure C)** Security & Bioterrorism Preparedness & & Response Act of 2002 expanded the Potassium Iodide distribution radius to 20 miles from 10 miles. President George W. Bush signed the measure into law following the Terrorist attacks of Sept. 11, 2001, amid concerns that enemies were planning attacks on American nuclear facilities. **Here's the problem, though: Neither Bush nor his successor, President Barack Obama, actually implemented the law mandating broader distribution of the so-call "emergency Pills" containing potassium iodide, which reduce the risk of thyroid cancer in people at risk for inhalation or ingestion of radioiodines."**

Page 3. Testimony of Stephen B. Comley Sr. at NRC Hearing of 12/18/13

For years & currently President Obama, the NRC, Governors Maggie Hassan & Deval Patrick, Seabrook Owners, FPL & all U.S. Nuclear Plants operating today are in violation of these U.S Laws outlined above..

I have more violations and questions for President Obama to address when I meet with him about the NRC and Seabrook Nuclear Plant involvement in **Cover-ups & penciling away of safety concerns**.

WTP first brought to light the presence of Counterfeit Substandard Parts October 26, 1987 to then President Reagan (outlined in my recent letter to Michelle Obama which the White House signed for May 1, 2013. After I personally gave this troubling information to President Reagan which at that time was present in most U.S. Nuclear Plants including Seabrook, I questioned Seabrook owners about this then and they said, **"Seabrook has no such parts."** Well they lied about that issue then & others I am familiar with. Two years after WTP brought this to light the U.S. General Accounting (GAO) Office Investigative Report entitled Counterfeit Substandard Parts are a Government- Wide Concern listed Seabrook as built with Counterfeit Substandard Fosterers, Pipe fittings/Flanges & Fuses.

Initially the NRC under Victor Stello watch ordered all the plants listed in this GAO report to find & replace all of these bogus parts. But because of pressure from the Nuclear Industry & their Lobbyists who routinely fill a lot of our Politician's War Chests the NRC lower the standards so these parts so the Industry would not have to be replace these components at a cost of a million plus dollars a day to replace one Substandard Bolt. I debated the Vice President of the Nuclear Institute in Wash on NPR in Jacksonville, Fl. During this debate I brought up the fact a Vendor in Conn who was supplying these bogus parts to U.S. Nuclear Plants and the building which housed these records mysteriously burned to the ground the day before the owners was tipped off US Marshals were to seize their records. When I asked the Nuclear Institute representative how those parts could be located now in US Plants he hung up his phone!!

I have further requests of this NRC Panel tonight. Due to the fact this hearing is in connection to the Seabrook Nuclear Plants owners' desire to extend their license from 2030 to 2050, 20 years longer than they were scheduled to operate I believe WTP's information above and below is germane to these proceedings.

Request: #1: As Executive Director of WTP I had in the past requested the NRC to list all the Counterfeit Substandard Parts that built and I understand later replaced in the Seabrook Nuclear Plant and what parts were not replaced and why not. Unfortunately I never got a response. I am officially asking **someone on this NRC Panel to take the responsibility of contacting the NRC official who would be able to send me this information.** |

Requests 2. I would like to know who was in charge of the tracking Counterfeit Substandard Parts while under the Watch of Victor Stello. I am specifically interested in the time frame from 1987 to January 1990 when Mr. Stello was stripped of his desire to become President Bush Nominee to be Assistant Secretary of Energy under Mr. Watkins.

Request 3: As I understand it is the Law that the Seabrook owners must put away decommissioning costs so there is adequate money to dismantle Seabrook Nuclear Plant when it is ultimately shut down. How much money at the present time is set aside for the decommissioning of Seabrook's Plant?

If no one on this NRC panel has this information available please direct the appropriate official to send this information to me as soon as possible.

Request 4: Why hasn't the NRC required the Nuclear Industry to expand the 10 radius as a result of the disasters in Chernobyl and Fukushima in Japan? Sununu was for a reduction to a 1 mile after the Russian Explosion.

Request 5: I want to encourage any former or present employees of the Seabrook Nuclear Plant or any former or present NRC staff members to know they can trust me to bring me any safety concerns they feel the American People should be made aware of with the understanding their identities would never be revealed.

Request 6: That the NRC approved the DVD of CNN's year and half investigation aired on EARTH MATTERS entitled, INSIDE THE NUCLEAR REGULATORY COMMISSION: INTIMIDATION OR REGULATION to be included in the NRC reference library. In addition the 5 NRC IG Investigative (See enclosure A press articles) Reports brought about by truly Brave Americans who came to We The People with their safety concerns.

I look forward to these requests being addressed as soon as possible.

Thanking you in advance of you prompt attention and understanding in addressing these important concerns requests which is affecting every American Citizen of the United States.

Sincerely,

Stephen B Comley SR

Stephen B. Comley Sr
Founder of We The People, a National Whistleblower Non Profit Organization.

Enclosures

MN No. 13-026

U.S. NUCLEAR REGULATORY COMMISSION
REGION I
NOTICE OF PUBLIC MEETING

Licensee:	NextEra Energy, Seabrook, LLC
Facilities:	Seabrook Station
Docket Nos:	50-443
Date/ Time:	December 18, 2013 Open House 5:00 p.m. to 5:45 p.m. Public Meeting 6:00 p.m. to 9:00 p.m.
Location:	Best Western Plus, The Inn at Hampton 815 Lafayette Road Hampton, New Hampshire 03842 (603) 926-6771
Purpose:	The U. S. Nuclear Regulatory Commission (NRC) will host an open house and public meeting with NextEra. The NRC plans to discuss NextEra's testing program and their schedule regarding concrete degradation caused by Alkali-Silica Reaction (ASR) at Seabrook Station.
Participants:	NRC David Lew, Deputy Regional Administrator, Region I (RI) James Trapp, Deputy Director, Division of Reactor Safety (DRS), RI Mel Gray, Chief, Engineering Branch I, DRS, RI William Cook, Senior Reactor Analyst (Team Leader), RI Michael Marshall, Division of License Renewal, Office of Nuclear Reactor Regulation NextEra Kevin Walsh, Vice President, Seabrook Station Rick Noble, ASR Project Manager, Seabrook Station Dr. Oguzhan Bayrak, Director, Ferguson Structural Engineering Laboratory, University of Texas at Austin

Public Participation: This is a Category 1 Meeting. During the open house, NRC staff will be available to answer questions from the public and discuss issues or concerns related to the Seabrook Station. Following the open house, the NRC will hold a meeting with NextEra. The public is invited to observe this meeting and will have the opportunity to communicate with the NRC during a question and answer period directly following the business portion of the meeting, but before the meeting is adjourned.

Meeting Contact:	Mel Gray, Region I 610-337-5209 E-mail: Mel.Gray@nrc.gov

(7)

AGENDA:

5:00 – 5:45 p.m.	Poster Session (NRC staff, NextEra staff, Other Organizations)
6:00 – 6:15 p.m.	Opening Remarks by NRC staff
6:15 – 7:15 p.m.	Presentation by NextEra on Testing Program and Schedule
7:15 – 9:00 p.m.	Question and Answer Period

Additional information relative to the NRC's oversight of the ASR conditions at Seabrook Station can be found on the NRC's website at:
http://www.nrc.gov/info-finder/reactor/seabrook/concrete-degradation.html

The NRC's Policy Statement, "Enhancing Public Participation in NRC Meetings," effective May 28, 2002, applies to this meeting. The policy statement may be found on the NRC's website, http://www.nrc.gov/reading-rm/doc-collections/commission/policy/67fr36920.html, and contains information regarding visitors and security.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in this meeting, or need the meeting notice or other information from the meeting in another format (e.g., Braille, large print), please notify the NRC's meeting contact. Determinations on requests for reasonable accommodation will be made on a case-by-case basis. Persons requiring assistance to attend the meeting shall make their requests known to the NRC meeting contact no later than two business days prior to the meeting.

Meetings are sometimes canceled or rescheduled as a result of unforeseen circumstances. Please confirm the meeting schedule on the NRC website under public meetings.

Approved by: /RA/
Mel Gray, Chief
Engineering Branch 1
Division of Reactor Safety

cc: via ListServ

(8)

Distribution via email
Executive Director for Operations, OEDO (RIDSEDOMAILCENTER)
Deputy Executive Director for Reactor Programs, OED (RIDSEDOMAILCENTER)
Director, Office of Nuclear Reactor Regulation, NRR (RIDSNRROD)
Deputy Director, Office of Nuclear Reactor Regulation NRR (RIDSNRROD)
Director, Division of Inspection & Regional Support, NRR/DIRS (RIDSNRRDIRS)
Director, Division of Operating Reactor Licensing, NRR/DORL (RIDSNRRDORL)
Asst. General Counsel Materials Litigation & Enforcement, OGC (RIDSOGCMAILCENTER)
W. Dean, RA
D. Lew, DRA
C. ODaniell, ORA
D. Roberts, DRP
G. Dentel, DRP
R. Barkley, DRP
M. Draxton, DRP
B. Reyes, DRP
M. Scott, DRP
C. Newport, DRP, RI
P. Cataldo, DRP, SRI
A. Cass, DRP, AA
R. Lorson, DRS
J. Trapp, DRS
M. Gray, DRS
W. Cook, DRS
N. Floyd, DRS
N. McNamara, SLO
D. Tifft, SLO
M. Marshall, NRR, License Renewal
RidsNrrPMSeabrook Resource
PNMS
B. Rini, RI, OEDO
RidsNrrDorlLpl1-2 Resource

Document Name: G:\DRS\Seabrook Concrete\Media-Pub\Dec 18 Meeting 2013\ASR Public Meeting Notice Dec-18-2013.docx
ADAMS ACCESSION NUMBER: ML13330A584

☑ SUNSI Review		☑ Non-Sensitive ☐ Sensitive		☑ Publicly Available ☐ Non-Publicly Available	
OFFICE	RI/DRS	RI/DRP	RI/DRS		
NAME	WCook/NPF for	GDentel/GD	MGray/MG		
DATE	11/25/2013	11/25/2013	11/25/2013		

OFFICIAL RECORD COPY

(9)

CVS CAREMARK

CVS/pharmacy

Alison Mollica, Rph
Pharmacy Manager

628 Lafayette Rd.
Seabrook, NH 03874
T: 603.474.1863

4/17/13

(E)

We do not carry potassium iodide for the past year or so.
We can not get in stock.

Alison Mollica RPH manager
CVS Seabrook
628 Lafayette Rd
Seabrook NH 03874
6034749511

Stephen Comley Sr.
We don't normally carry potassium iodine.

Pharmacy Manager.

Alison Mollica

CVS 21 Lafayette Rd Seabrook NH

(10) over

OPR-347 Item # 119818 2/4/92

hereby petition to establish an independent and bi-partisan Commission (similar to the 911 Commission) comprised of elected officials and other qualified experts to fully investigate the Nuclear Regulatory Commission's regulation of the nuclear power industry including the manner in which it has acted and adequacy of current safeguards to assure that it continues to protect the American public from dangers posed from the design, construction and operation of existing and future nuclear power plants.

The commission shall have at least fifteen (15) members, be staffed and funded by Congress and shall hold extensive public hearings. No later than two (2) years after its first meeting, the commission shall issue a report that contains specific findings and recommendations regarding the manner in which the NRC has acted to protect the public from dangers associated with the nuclear power industry including, but limited to, the following topics:

1. Plant location, design and construction;
2. Evacuation plans and other proposed public responses to short and long-term effects of nuclear accidents;
3. Safety Inspections and Quality Assurance including, but not limited to, the use of substandard and counterfeit parts existing and future nuclear power facilities and effectiveness of recent NRC rules relaxing standards for safety inspections of plant components and inspection documentation requirements.
4. Integrity and independence of NRC staff and management including whether NRC decisions are improperly influenced by the nuclear industry or other interest groups, opportunities for employees to express concerns about public safety issues and effectiveness of the NRC Office of Inspector General's Office.

By signing below, I assert and affirm my belief that it is in the best interests of the United States to conduct an investigation to assure that our government is doing everything possible to protect America against the dangerous perils caused by nuclear accidents on the devastating scale of Chernobyl and Japan Castastrophes.

PRINT YOUR NAME, ADDRESS, PHONE AND E-MAIL ADDRESS AND THEN SIGN YOUR NAME BELOW

1. _____

2. _____

3. _____

4. _____

5. _____

(additional signatures add to back)

Sponsored by We The People
Please return all petitions to:

904-206-3114

STEPHEN B. COMLEY SR.
WE THE PEOPLE
45 MANSION DRIVE
BOX # 7
ROWLEY MA 01969

DATE _____ **BEARER** _____ **PETITION NO.** _____

Petition to President Obama, Vice President Biden, Speaker Boehner and Members of Congress to Create an Independent Commission to Investigate the U.S. Nuclear Regulatory Commission (NRC)

WHEREAS we the people of the United States and beyond have an obligation to ourselves and to future generations to uphold the democratic process and to challenge federal policies when they endanger us and our fellow citizens; and

WHEREAS current NRC plans call for the construction of at least fifty more nuclear plants in order to reduce our nation's dependency on foreign oil; and

WHEREAS the NRC and the Government Accounting Office have found that more than 70 existing US nuclear plants contain counterfeit and substandard defective parts; and

WHEREAS recent NRC rules streamline the nuclear plant licensing and re-licensing process by limiting public participation, lowering safety inspection and quality assurance standards applicable to nuclear components in existing and new facilities to reduce construction costs; and

WHEREAS nuclear power plants and their surrounding communities do not have adequate emergency evacuation plans to protect people who would be at risk when a nuclear accident occurs.

WHEREAS recent experience has shown our governments' inability to respond to short and long term needs of our citizens whose lives are disrupted by unforeseen disasters, and

WHEREAS current emergency plans propose that senior citizens and other special needs persons who cannot immediately evacuate be left behind in the event of a nuclear accident be given potassium iodide which only protects the thyroid against radioactive iodine, leaving them susceptible to contamination by other dangerous radioactive products released during an accident or act of sabotage; and such plans assume these valuable members of our communities are expendable, a discriminatory policy which violates their civil rights; and

WHEREAS building more nuclear power plants will result in increased amounts of hazardous radioactive nuclear wastes for which there is no SAFE storage available for the foreseeable future and if not properly transported, stored or disposed of will be potentially dangerous to many future generations; and

WHEREAS the NRC is the federal agency primarily responsible for regulating the nuclear power industry consistent with public safety, health and welfare; and

WHEREAS the NRC Office of the Inspector General has released a report titled "NRC Failure to Adequately Regulate" confirming the agency falls short in its efforts to regulate the nuclear industry in a manner that assures public safety ; and

WHEREAS the NRC has previously interfered with efforts of its employees and other concerned persons who have disclosed serious problems with the nuclear power industry.

THEREFORE we the people of: YOUR GROUP OR TOWN NAME HERE

The following information concerns a decision made on November 9, 1989 by NRC Law Judge, Ivan Smith of the Atomic Safety and Licensing Board regarding New Hampshire Seabrook Nuclear Plant's Emergency Evacuation Plan.

This is just another example of the **Quotes 1 – 5** (enclosed page 2) We The People received from Brave NRC whistleblowers who stated, "**Whenever safety allegations come into the NRC, which may pose a threat to the further operation or licensing of a nuclear plant, those allegations are penciled away.**" These NRC quotes were also given into evidence during my oral and written testimony I presented at the NRC Hearing December 18, 2013 which included a large packet of information and letters sent to Michelle Obama which the White House signed for but not replied too by the First Lady.

On November 9, 1989, Judge Ivan Smith's Atomic Safety and Licensing Board reached a decision on New Hampshire's Seabrook Nuclear Plant Emergency Plan. The decision spoke directly to the Appeals Board's, (established in 1972) order to reconsider Radiological Emergency Response Plan ability to evacuate handicapped, schoolchildren, and transients at local beaches. The appeal came two days before Judge Smith's decision. **Judge Smith order implied the appeal Board's decision did "not preclude the immediate issuance of a license for Seabrook station" because changes in New Hampshire's emergency plan could "be readily and promptly taken."**

Despite the fact MA Attorney General, James Shannon promised another appeal, the NRC decided on November 20, 1989 they would settle all future licensing disputes over Seabrook Nuclear Station. **Case closed**. In the words of Edward M. Kennedy "the rogue agency that lives by its own set of pro-industry rules would decide the safety of the American people." Representative Peter Kostmayer called it an "extraordinary action and a further example of "the steady erosion of safety standards enacted by Congress/"

During this time I gave Peter Kostmayer Legal aid, John A. O'Donnell evidence of Counterfeit Substandard Parts built in most U.S. Nuclear Plants including Seabrook. At this time Rep. Kostmayer's staff was investigating allegations of cover-ups of safety concerns at the Nile Mile Plant in NY by then former NRC Executive Director, Victor Stello. These findings were proven and Rep. Kostmayer publicly went against President Bush's nomination of Victor Stello to become Assistant Secretary of Energy under Watkins. Due to Mr. Kostmayer attempts to expose corruption inside the NRC, he was not reelected. Mr. Kostmayer top legal aid John A. O'Donnell chose not to investigate the bogus parts Scandal and instead went on to have a successful career as a Nuclear Lobbyist. See NRC quotes # 4. Like NRC employees, Politicians while in office have their political war chests filled by Nuclear lobbyists go on and work in the Nuclear Industry or become Lobbyists.

For further clarification or comments please contact me at scomleysr@yahoo.com

Sincerely,

Stephen B. Comley Sr.

Stephen B. Comley Sr., Founder of We The People, a Whistleblower Organization.

We The People, Inc.
of the United States
Stop Chernobyl Here

PAGE 2- JUAN SMITH

QUOTES FROM NRC STAFF MEMBERS

1. "Seabrook is in the wrong location."

2. "If the people let Seabrook open, it is their own fault."

   But the NRC has not been playing a fair game."

3. I said "What do yu mean?"

   "Whenever safety allegations come into the NRC, which may pose a threat to the further operation or licensing of a nuclear plant, those allegations are pencilled away."

4. "Members of the NRC are mostly engineers so they do not rock the boat because the only place to go after working for the NRC is to work in the industry."

5. "Over the years I have looked at how rotten our agency is in my view. How pro-industry it is. Hey look, if they play it straight and you get stuck with your plant, so be it. Does that make sense? You may not like it but that is the American way, the majority rules. But when I see a system that is designed to thwart the majority or keep the majority ignorant and then one day it happens and you wonder how it happened..That is not fair..That is what turned me off. It is a shame to make you think you are getting a voice..."

6. When a member of the NRC staff was demoted he went to the present chairman and asked "Why?". He was told "What do you expect when you talk about your boss."

7. "The NRC protects the industry more than they protect the people."

8. "We will have a nuclear disaster in the U.S. worse than Chernobyl. It can happen any day because of the way our plants have been constructed and the way they are run." Confirmed by NRC Bulletin 88-05.

(NRC Bulletin 88-05 confirmed existance of counterfeit substandard parts in U.S. nuclear plants across the country.)

Main Office: Box 277, Rowley, MA 01969, (508) 948-7959
50 Court St., Plymouth, MA 02361, (508) 746-9300
National Press Bldg., 14 & F. Sts., N.W., Washington D.C. 20045, (202) 628-6611
Offices 5 & 6, 3 Pleasant St., Concord, NH 03301, (603) 228-9484
Bayberry Village, Route 9, Kennebunk, ME 04043, (207) 967-5111

A non-profit, tax exempt organization

Federal office finds plant parts faulty

By Steve Haberman
Hampton Bureau Chief

HAMPTON — A congressional report has confirmed that nearly two-thirds of nuclear power plants in this country are operating with, or have received, parts not meeting federal safety standards.

According to The Associated Press, in a recently released report the General Accounting Office found non-complying fasteners in at least 72 of 113 licensed plants. The office defined fasteners as any type of nut, screw or bolt. It found some of these substandard fasteners installed in systems needed to shut down the reactor in the case of an accident. No specific nuclear facilities were named in the report.

Rep. John Dingell, D-Mich., had called on the the office to identify instances in which the Nuclear Regulatory Commission found plant suppliers provided "non-conforming" parts.

The report stated the Nuclear Regulatory Commission was "deferring its regulatory responsibility," by not acting aggressively enough to oversee the parts.

Regulatory commission spokesman Joseph Fouchard responded that, "We have applied enormous management attention to this issue. We have issued any number of advisories to the utilities. At this point we haven't found anything that we would consider a serious safety problem."

Besides fasteners, the office report listed pipe fittings, pumps, fuses, valves and circuit-breakers as some of the noncomplying parts currently in use in operating U.S. nuclear plants.

Seabrook Station officials have consistently denied the existence of any substandard parts in their nuclear facility. A Dec. 10, 1989 article published in a Boston paper, however, reported that, "Though it initially reported no problems and Nuclear Regulatory Commission inspectors at first closed the matter, the Seabrook nuclear plant has had to replace two safety-related pipe flanges that did not meet federal standards, officials said yesterday."

In an Oct. 4, 1988 letter to anti-Seabrook activist Stephen B. Comley of the whistleblowers' group We The People, Thomas Murley, then director of the office of Nuclear Reactor Regulation wrote, "I share your concern about the potential use of substandard piping fixtures at nuclear power facilities. Therefore, NRC issued NRC Bulletin No. 88-05 and Supplements 1 and 2 thereto to inform applicants and licensees of this potential problem. The Seabrook Station licensee reviewed the Seabrook Station construction records in accordance with the requirements of the bulletin and supplements, and determined that 369 suspect fixtures were installed in the Seabrook Unit 1 plant. A report of the licensee's review was submitted to NRC on Aug. 25, 1988, and is currently being reviewed by the NRC staff. The applicant must demonstrate to the satisfaction of the NRC staff that all of these suspect fixtures provide an acceptable level of quality and safety.

"You also expressed a concern regarding the thoroughness of the licensee's inspection to determine that 'counterfeit' bolts were not built into Seabrook Station," the Murley letter continued. "The licensee's initial inspection ... determined that the fasteners used in Seabrook Station were acceptable.

"The NRC reviewed the information submitted by the Seabrook Station licensee ... and concluded that the actions taken by the licensee were both complete and adequate, and that the fasteners installed in Seabrook Station are acceptable for their intended use," the letter continued.

Portsmouth Herald
38 PAGES • 4 SECTIONS
Single Copy 75¢

12/7/90

ENC O. 15 + 16 OF REPORT DO LIST 72 PLANTS OF 113 INCLUDING SEABROOK.

OVER

GAO

United States General Accounting Office

Report to the Chairman, Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, House of Representatives

October 1990

NUCLEAR SAFETY AND HEALTH

Counterfeit and Substandard Products Are a Governmentwide Concern

AO/RCED-91-6

Foster's Daily Democrat

$2.25 Weekly Carrier Home Delivered $9.75 Monthly Motor Route Delivered

The Region's Largest Newspaper

Pages Today

Foster & Co., Inc., Publishers DOVER, N.H., SATURDAY MORNING, November 12, 1994 ESTABLISHED 1

Comley group slams NRC for issuing waivers

GOOD ACCOUNT

CONCORD (AP) – The Nuclear Regulatory Commission did not enforce its safety requirements for nuclear reactors more than 340 times since 1990, consumer advocacy groups allege.

"The agency is more interested in keeping the industry alive by ignoring safety regulations," said Stephen Comley, head of We The People, Inc., which was organized out of opposition to New Hampshire's Seabrook nuclear plant.

At issue are Notices of Enforcement Discretion, essentially NRC waivers designed to allow a plant to wait to fix something that doesn't meet regulations if the situation will not cause any danger.

Public Citizen, a Washington, D.C.-based non-profit group founded by Ralph Nader in 1971, released a report this week accusing the NRC of abusing its discretion. Also, two NRC studies released by Comley's group suggest the agency was inconsistent in implementing the policy.

The 340 waivers include four at the Vermont Yankee plant in Vernon, Vt.; three at Seabrook; and two at Maine Yankee in Wiscasset, Maine.

The three reactors at Millstone, Conn., led the list, with 15 incidents.

"What it all adds up to is there is probably, without a doubt, an accident out there waiting to happen and they are waiting to react, not to prevent," Comley said of the NRC.

The 340 waivers include four at the Vermont Yankee plant in Vernon, Vt.; three at Seabrook; and two at Maine Yankee in Wiscasset, Maine.

The Nader group's report argued the NRC was too solicitous of the nuclear industry.

"The NRC's actual motivation is based on attempting to maintain the financial viability of the industry it is supposed to regulate," the report said. "It appears that complying with safety regulations is too costly for the nuclear industry."

An NRC spokesman disputed the Nader group's conclusion.

"The prime directive of the NRC is to make sure plants operate safely and protect the public and the workers from excessive radiation doses. So we would never allow a plant to continue to operate in an unsafe condition," said Breck Henderson, an NRC public affairs officer.

The U.S. Inspector General's office and an NRC task force reviewed how the policy was implemented from March of last year, when the policy was revised to June of this year.

The Inspector General followed the administrative channels; whether the agency followed its paperwork guidelines in granting 49 of the 84 waivers granted in the three months it reviewed. Its review was prompted by concerns raised by Comley's group.

The NRC task force looked at whether there were sound technical reasons for granting the 84 waivers.

The IG said the NRC generally complied with its administrative procedures, with some shortcomings. It said the NRC did not specify how long waivers that affect amending a plant's operating license could be in effect and did not address conditions that would allow a plant to start up while a waiver was in effect.

The report also said the NRC did not routinely follow up to make sure the problem that prompted the waiver was corrected or that a plant was penalized, if needed. It also found shortcomings in how the paperwork tracked the waivers.

Its recommendations for improvement were included in the NRC's task force report, which suggested some immediate changes of its own as long-range improvements are drafted.

It said the NRC staff overstepped its discretion in allowing some plants to start reactors under waivers.

"While the staff's determinations in such cases did not detract from safety, the higher standard required for plants in startup was not achieved," an NRC memo summarizing the report said.

The task force found two instances in which NRC staff appeared to allow plants to operate with problems for too long while a waiver was being considered. It found the practice "inappropriate" and "unacceptable."

Comley said reviewing a fraction of the 340 waivers was not enough. He'd like to see all of them reviewed.

"We're not talking about General Motors here, we are talking about nuclear power plants."

FOR MORE INFORMATION ABOUT WE THE PEOPLE *Call* 508-948-7959

BOSTON HERALD

35 cents 50 cents outside 30-mile zone ★★★ Thursday August 18, 1994 WEATHER: Occasional rain, high 76, Page 30/TV: Page 62/LOTTERIES: Page 79

(AP)

Public safety said to be at risk with new nuke inspection policy

CONCORD, N.H. — A new government policy on nuclear plant inspections allows plants to police themselves, creating a threat to public safety, says a longtime critic of nuclear safety.

"It confirms what we've known for a long time," said Stephen Comley, founder of We The People Inc. "We've been trying to get this information out for seven years."

The policy change, highlighted in a critical government report last month, relaxes programs aimed specifically at preventing substandard parts from being used at plants.

The Nuclear Regulatory Commission's inspector general found the agency did not justify the change in 1990 and that the agency did not tell Congress about it, breaking a promise to conduct regular inspections to uncover counterfeit and substandard parts.

Inspector General David Williams said the change has "significant safety implications."

Instead of a program to make sure nuclear plants have procedures to check the quality of commercial parts, the NRC now inspects safety-related parts if they fail or if there is an allegation they are substandard, Williams said.

He called the policy change unjustified, citing NRC reports that showed a similar level of parts problems in 1991 and 1992 as in 1986-89, when they were deemed to have "significant safety implications." NRC managers and staff said the 1991-92 findings were not "safety significant."

Williams' review was prompted by complaints from Comley and his group, based in Rowley, Mass., in the shadow of New Hampshire's Seabrook nuclear plant.

"The industry is taking a wait and see attitude on these counterfeit parts: 'If something breaks, we'll fix it,'" Comley said. "Three Mile Island and Chernobyl have confirmed that hindsight regulation is not acceptable in American neighborhoods."

At Seabrook, spokesman David Barr said parts bought commercially, as opposed to those specifically approved for nuclear safety use, are checked thoroughly before being used.

"We put them through very rigorous tests to document they meet the standards," he said. "We know the standards and we are meeting them."

In 1990, the Government Accounting Office looked into the parts problem and reported at least 72 nuclear plants either had received or were suspected of having received substandard parts.

AN INTERNATIONAL DAILY NEWSPAPER FRIDAY, JULY 29, 1994 75¢ ($1.00 CANADIAN)

THE CHRISTIAN SCIENCE MONITOR

R. NORMAN MATHENY – STAFF/FILE

PILGRIM NUCLEAR PLANT: *Safety advocates say the NRC's failure to protect whistle-blowers at TVA will add to concerns of workers at private utilities, such as the Pilgrim Nuclear Plant in Plymouth, Mass. (above).*

In a Monitor exclusive, the NRC admits it told TVA utility the names of employees who warned of problems at atomic plants

Whistle-Blowers on Safety Risks Betrayed by Nuclear Agency

By John Dillin

Staff writer of The Christian Science Monitor

WASHINGTON

THE Nuclear Regulatory Commission (NRC) – watchdog of America's nuclear power industry – has routinely blown the cover of whistle-blowers who revealed safety problems at nuclear plants.

An investigation by the NRC's inspector general has discovered that NRC officials were turning over whistle-blowers' identities to one of the nation's largest utilities, the Tennessee Valley Authority (TVA). The NRC regulators' actions violated federal policy protecting whistle-blowers, who are a major source of vital information about safety risks at nuclear power stations across the United States.

The inspector general's revelation could seriously erode public confidence in the NRC, which is frequently charged by safety advocates with being too cozy with the multibillion-dollar nuclear industry.

David Williams, the NRC inspector general, says the regulatory agency failed to abide by a formal memorandum of understanding between NRC and TVA's Office of Inspector General (TVA-

See **WHISTLE-BLOWER** page 4

WHISTLE-BLOWER from page 1

OIG). The memorandum requires that whistle-blower names be concealed unless individuals personally waive their confidentiality.

In a report marked "Official Use Only" obtained by the Monitor, Mr. Williams wrote that the NRC Office of Investigations disclosed to TVA-OIG – "without the individuals' consent or knowledge – identities of allegers who believed their identities would be held confidential."

After turning names over to TVA-OIG, the NRC also failed to follow through to make sure safety problems cited by whistle-blowers were properly investigated and corrected, Williams found.

Stephen Comley, founder of We the People Inc., a nuclear whistle-blower protection organization in Rowley, Mass., says he was not surprised by the inspector general's report.

He says: "[This is] just a small underbelly of what's been going on inside the agency for years. Now we have, in writing, what all of us have suspected for so long.

"The NRC is more interested in promoting nuclear power than guarding the safety of the American public."

What interests Mr. Comley and others outside the agency is not only that NRC would reveal the names of whistle-blowers, but also that there was a private NRC-TVA pact to share information involving safety allegations.

Although the pact includes provisions protecting the names of whistle-blowers, it has been routinely ignored.

Ann Harris, a TVA whistle-blower who has now gone public, says she was trying to work within the system when she took safety complaints about TVA to the NRC. At the time, Mrs. Harris was working at TVA's Watts Bar nuclear plant in Tennessee as a unit supervisor of electrical engineering in construction.

"I did ask NRC to keep my name confidential, and I thought I had that promise. I guess I'm the original dummy," she says. Eventually, Harris reached an out-of-court settlement with TVA.

What especially angers Harris is that she led other TVA employees with safety concerns into the arms of the NRC Office of Investigations.

"I had taken these people to NRC in good faith, and they [NRC] were conspiring with TVA to shut us up," she charges. "I felt just devastated that I could have unwittingly contributed to these people's further abuse by TVA."

She continues: "When you see a man lose his job or a woman lose her home ... you wonder, 'How much did I contribute to it?' I feel very guilty that I helped contribute, possibly, to these people's misery."

How did this happen? In the 1970s, TVA launched the largest nuclear power building program in the nation, with 17 plants under construction. Even after later scaling back its plans, TVA maintained one of the nation's principal nuclear construction programs.

As work accelerated, so did complaints about the quality of construction, and about possible safety problems. Constructing a nuclear plant requires highly-trained craftsmen, and insiders say it was difficult to find enough people with the right skills.

NRC, which has only five investigators in TVA's region of the country, was unable to handle all the accusations of safety problems.

'I had taken these people to [the Nuclear Regulatory Commission] in good faith, and they [NRC] were conspiring with TVA to shut us up.'

–Ann Harris, TVA whistle-blower

Meanwhile, in 1985 TVA set up its own inspector-general office to probe allegations about safety and other matters.

Anxious to get on top of the problems, NRC signed a memorandum of understanding with TVA's inspector general on Jan. 11, 1991. The purpose was to share responsibility when NRC's staff was overwhelmed with cases. Williams says four things went wrong.

First, despite a provision that requires NRC to first obtain permission to name a whistle-blower to TVA, at least 11 whistle-blowers were revealed.

The NRC official responsible for contacts with TVA told Williams that, until one year ago, he did not realize that the names had to be confidential.

Second, NRC failed to regularly review matters turned over to TVA, and information developed by TVA investigators was not routinely used for enforcement.

Third, NRC sometimes misled whistle-blowers by failing to explain the difference between "identity protection" and "confidentiality." The latter offers more protection for those worried about retribution.

Fourth, NRC failed in some early instances to protect whistle-blowers' identity when faced with Freedom of Information Act requests, contrary to general NRC practice.

Despite his criticism of NRC, Mr. Comley praises Williams: "I'm glad to see that there's somebody in Washington listening to the people of this country and listening to these courageous [whistle-blowers]. I have to commend Mr. Williams and his staff on challenging the agency and holding them accountable."

The Boston Globe

WEDNESDAY, JUNE 15, 1994

US removes a gag from Seabrook critic

■ SEABROOK
Continued from Page 29

policy and unenforceable."

The hearing could open the way for Wampler to be paid damages, but it also could reveal new evidence about whether nuclear safety questions had been covered up. Antinuclear activists have contended that nuclear plants withheld information from the US Nuclear Regulatory Commission and that the NRC itself misled congressional investigators about nuclear safety issues.

Pullman-Higgins Co., the Seabrook subcontractor that was Wampler's employer, filed a Feb. 28 motion asking Reich to reconsider, saying it never intended to prevent Wampler, a licensed quality control inspector, from raising safety concerns. The company's lawyer, Mark T. Broth, wouldn't return phone calls seeking further comment.

"It's been a long time," Wampler said in a telephone interview. "I feel like the weight of a 40-foot trailer has been lifted from my shoulders."

Wampler's firing touched off one of the most contentious regulatory disputes during the construction of the $6 billion reactor. Wampler contended that 20 percent of the 2,669 safety-related welds at Seabrook were either defective or improperly documented – X-rays used for backup were flawed and the safety of the welds could not be determined.

But in January 1984, when Wampler raised questions about the welds with management, he was fired. Technical inspections by the NRC and congressional investigations followed.

Records deemed faulty

In 1991 the NRC found that several welds did not have the proper X-ray documentation, and the agency fined Seabrook's previous operator, New Hampshire Yankee, $100,000 for failing to keep properly documented X-rays.

Seabrook spokesman Rob Williams said that North Atlantic Energy Corp., the plant's current operator, "wants to emphasize that there was never an issue of plant safety, and the quality of the welds themselves has been confirmed." During the plant's 1991 refueling, the questioned welds were reexamined and new X-rays made, Williams said.

The investigation led to an inspection at the Watts Bar nuclear power plant in Spring City, Tenn., where substandard welds were found, and the Tennessee Valley Authority spent $50 million on repairs.

Wampler became a hero to the activists who maintained nuclear power was inherently unsafe and that the Seabrook reactor was substandard. "He's our original Seabrook whistleblower," said Robert A. Backus, a longtime opponent of the plant.

> **'Other people . . . will come forward with safety concerns, now that we know they can be protected.'**
>
> STEPHEN COMLEY
> *Nuclear safety activist*

But Wampler could not openly provide information to opponents. On March 20, 1984, shortly after his firing, Wampler and Pullman-Higgins reached a settlement in which the company paid his lawyers' fees and agreed not to blackball him within the industry. One paragraph said, "neither party will disclose the facts of this case except if ordered to do so by court, tribunal or agency of competent jurisdiction."

Wampler said afterward he had been coerced into accepting the settlement. He said it barred him from voluntarily raising nuclear safety concerns even with the NRC.

Wampler, who had worked as a quality-control inspector for such other high-profile projects as the National Aeronautics and Space Administration's space shuttle, found that his business was drying up. "As soon as a client found out who I am, all of a sudden, no contract," he said yesterday. "I've lost two houses, and a wife, because of this."

In an effort to preserve his privacy until the hearing, Wampler yesterday declined to identify the midwestern city where he now lives.

But in 1990, backed by Stephen Comley, a Rowley, Mass., nuclear safety activist, Wampler and his lawyer filed a motion with the Labor Department, seeking to reopen the settlement. Reich considered the case early this year and concluded that the settlement violated the Energy Reorganization Act of 1974, designed to protect whistleblowers.

"To the extent that this provision could be construed as restricting complainant from voluntarily communicating and providing information to any federal or state government agencies, it is void as contrary to public policy and unenforceable," Reich wrote.

Comley hailed the decision, saying: "We have other people who will come forward with safety concerns, now that we know they can be protected."

Asked whether he would do the same thing if he had the chance, Wampler said, "Yeah, I'm probably stupid enough to do it all again."

US ruling removes gag from critic of Seabrook

By John Milne
GLOBE STAFF

CONCORD, N.H. – Ten years r Joseph D. Wampler was fired raising safety concerns at the brook nuclear power plant, the Labor Department has ruled he can tell his side of the story ublic.

The Feb. 14 decision by Secre of Labor Robert B. Reich, obed by the Globe yesterday, aslied Administrative Law Judge id W. Di Nardi in Boston to hold lic hearings, expected to be in tsmouth this summer.

Reich, in his decision, revealed a March 1984 out-of-court setlent barred Wampler from dising his case publicly, or even volrily presenting safety concerns ederal regulators. Reich labeled provision "contrary to public

SEABROOK, Page 33

Keene Sentinel Wednesday, January 17, 1996

ne Keene Sentinel
OPINION PAGE
dited by Guy MacMillin

eene, New Hampshire Established in 1799

Editorial

Is it safe now?

The dispute over refueling practices at Northeast Utilities' uclear-power plants came to a head recently, thanks to a tinging report by the Nuclear Regulatory Commission's inpector general and an NRC policy review. Both are welcome, but hardly reassuring. They may. however, lead to improved safety at the NU nuclear plants.

Once again, a nuclear whistleblower has been proven correct.

As is too often the case with nuclear-safety matters, the NU problem was discovered by an outside whistleblower, not by the nuclear industry or by the NRC, he agency that's supposed to protect public safety. This vhistle was blown last summer by We the People, an organiation in Rowley, Massachusetts. It charged that, during reueling operations at the Millstone 1 nuclear plant in Waterord, Connecticut, NU routinely placed more hot fuel rods in he plant's cooling pool than were authorized by Millstone's perating license. Later, similar allegations were made about ther NU plants, including Seabrook Station.

A nuclear engineer at Millstone 1, defying his bosses, went ublic with his opinion that these cooling pools are not deigned to absorb that much heat that quickly. So, he said, here was the potential for a truly catastrophic accident evry time the fuel unloading took place.

As we reported in this space at the time, NU eventually dmitted it was indeed putting entire fuel cores into the ools. But the company said the procedure — which saves nillions of dollars every time a plant is shut down — had een permitted by NRC inspectors at the plants.

In October, the NRC's Office of Inspector General — an independent investigating arm of the NRC — decided to look into what happened. Late last month, the inspector general issued his report. Here's an excerpt from it:

> "The investigation determined that the NRC headquarters staff had several opportunities to review the Millstone Unit 1 refueling practices and the heat removal capability of the spent fuel pool cooling system; however, the staff did not conduct an adequate evaluation related to the capabilities of the spent fuel pool cooling system.
>
> "The OIG (Office of Inspector General) investigation developed evidence that NU operated Millstone Unit 1 outside of its design basis. OIG found that the NU practice of offloading the entire core at 150 hours or less during normal refueling outages ... had not been analyzed.
>
> "The OIG investigation also determined that the licensee may have violated the operating license for Millstone Unit 1 because of a failure to operate in accordance with its technical specifications. One procedure required by the technical specifications is for the operation of the spent fuel cooling system. OIG uncovered information which indicates that for approximately 10 years, in order to handle the heat load from a full core offload, reactor operators at Millstone Unit 1 operated the spent fuel pool cooling system in a configuration that was not covered by a plant operating procedure."

Embarrassed by that report, NRC Chairwoman Shirley Ann Jackson has now ordered NRC staff members to re-examine all their monitoring practices at nuclear-power plants. And yesterday, NU announced an overhaul of the company's nuclear organization, including the establishment of an Office of Nuclear Safety and Oversight.

That's the good news. The bad news — incredible in light of the good news — is that in December the NRC *changed* Millstone's operating license to allow the plant to do what it wasn't supposed to have been doing for the past 10 years: unload all the radioactive fuel at once. The order does contain a few additional safety precautions that NU must now take.

So, is it now perfectly safe to unload full nuclear fuel cores at one time? Unfortunately, there's nothing in the NRC's behavior in this and other similar cases to reassure the public on that score. Thank goodness for whistleblowers.

FOR MORE INFORMATION
ABOUT WE THE PEOPLE

The Boston Globe
FRIDAY, JANUARY 12, 1996

...stone violation ...rings NRC review

By John Milne
GLOBE STAFF

The top US nuclear power regulator has ordered a nationwide review of nuclear safety regulation after learning that a Connecticut reactor openly violated its license for as long as a decade without objections from inspectors.

In a memo obtained yesterday by the Globe, NRC chairwoman Shirley Ann Jackson ordered the Nuclear Regulatory Commission staff to "reexamine its oversight and monitoring." Her November memo cited the failure to note safety violations at Millstone Unit 1 in Waterford, Conn., operated by Northeast Utilities.

Jackson acted at the same time that the agency's inspector general, an independent investigator established by federal law, concluded that the Millstone 1 power plant had been unloading nuclear fuel from its reactor all at once, though its license called for partial unloading. His report said NRC officials knew about the practice for a decade but never checked documents to see whether it was approved.

Jackson's instruction gave credence to critics' assertions that the NRC, the federal agency assigned to ensure reactor safety, has tended to favor utilities.

At another New England power plant, Maine Yankee in Wiscasset, Maine, an anonymous whistleblower has charged that the NRC failed to enforce safety regulations.

Jackson's order is seen as a victory for nuclear safety activists, particularly We The People Inc., a Rowley, Mass., group which has publicized whistleblowers' criticism of Millstone operations that created significant nuclear safety concern in Connecticut over the past year.

Hartford-based Northeast Utilities, Millstone's operator, declined to discuss the findings until the full NRC reacts to the inspector general's report.

"We'll be communicating with the NRC on this issue, and until then it would be inappropriate to comment," spokeswoman Deborah Beauchamp said.

The concern arises when a nuclear power plant is refueled. For the last 13 refuelings – including the one currently under way – Millstone has removed all the radioactive fuel in the reactor to permit repairs. The highly radioactive fuel rods, which are also hot in temperature, are stored under water in a spent fuel pool on the site.

Critics have said if too many fuel rods are put into storage, the cooling water could boil away and restart a chain reaction, which could lead to a catastrophic meltdown. Beauchamp insisted that during all 13 refuelings, the temperature in that pool has never risen above 125 degrees, "well below boiling."

Last month the NRC rewrote Millstone's license to permit a full-core unloading during refueling.

But until then, since the plant began operating in the 1970s, its operating license had demanded a partial unloading – no more than a third of the core at one time. In his report, Robert A. Watkins, acting assistant inspector general for investigations, concluded that NU "may have violated the operating license for Millstone Unit 1 because of a failure to operate in accordance with the technical specifications."

Equally significantly, Watkins concluded, the NRC inspectors who were supposed to ensure safety never checked the licensing documents. "Resident inspectors typically observed one or two refueling outages and they did not question the licensee's practice of offloading the entire core," he said.

Higher-ups at NRC headquarters, Watkins said, had several opportunities to review the refueling but "the staff did not conduct a fully adequate evaluation related to the capabilities of the spent fuel pool cooling system."

The NRC has beefed up its inspection staff at Millstone and told the plant that before its return to service, expected next month, it must provide updated safety information.

'anel Sees Animosity Behind Inquiry on Nuclear Body

By MATTHEW L. WALD

Senate committee said yesterday an internal investigation at the Nu- r Regulatory Commission of rges of misconduct by a high-rank- official appeared motivated as h by "personal and professional mosity" as by any legitimate need.

he investigation involved a pay- nt of $6,000 in cash to an informer, reptitiously recorded tapes of tele- ne conversations and commission cials lying to each other, said a re- t issued by the Senate Government rations Committee.

he investigation has aroused inter- because it was approved by the mmission's top staff official, Victor llo Jr., whom President Bush re- tly nominated to be head of produc- at the nation's troubled nuclear pons complex. Mr. Stello has not n confirmed by the Senate, but he rted the job on an acting basis last k.

'Lack of Good Judgment'

enator John Glenn, an Ohio Demo- who is chairman of the committee, the investigation showed "an un- mly lack of good judgment" by -level staff members at the com- sion, which oversees civilian nu- r plants.

he investigation under scrutiny was sued by Sharon R. Connelly, then d of the commission's Office of In- ctor and Auditor, against Roger tuna, then deputy director of the Of- of Investigation.

wo years ago, Mr. Fortuna testified inst Mrs. Connelly when she was used of trying to shield her deputy n charges of sexual harassment.

ate last year Mrs. Connelly, whose ce handles the commission's inter- investigations, received a com- nt about Mr. Fortuna from a for- r technician at the Nine Mile Point 2 ctor, near Oswego, N.Y.

he former technician, Douglas Elli- , said Mr. Fortuna, whose office is ponsible for looking into reactor safety problems, had not adequately handled safety complaints Mr. Ellison had expressed.

The committee said the investigation wasted money.

Among the panel's findings is that in seeking information derogatory to Mr. Fortuna, Mrs. Connelly asked the agency's top lawyer if she could hire an informant as a "consultant" and pay him for information and tapes of telephone conversations. The lawyer told her that she probably could not unless public health and safety was involved.

Informant's Allegations Limited

Senate investigators later questioned the lawyer, William Parler, the commission's general counsel, and he said that in hindsight he should have urged the commission to subpoena the tapes rather than pay for them, the report said.

The report does not center on Mr. Stello, but it says that he ruled that the informant might have information on reactor safety. The safety allegations the informant provided were so limited, the Senate report said, that "the case could equally be made that this safety rationale more provided a convenient cover to do something that the N.R.C. general counsel had otherwise indicated could not be done — putting someone on the payroll to provide information pertaining to an internal affairs investigation."

A spokesman for the commission, Joseph Fouchard, said that his agency had received the study yesterday and was studying it.

A judge chosen by the commission to investigate has concluded that Mr. Fortuna had acted appropriately in his investigation of the allegations made by the technician, Mr. Fouchard said.

The New York Times

Victor Stello Jr. as the top-ranking staff official at the Nuclear Regulatory Commission approved a $6,000 cash payment for an informer in an internal commission investigation.

But the judge is still investigating whether Mr. Fortuna improperly disclosed derogatory information about the informer to an anti-nuclear advocate or received information from the activist that he should have passed on to others at the Nuclear Regulatory Commission.

The activist, Stephen B. Comley, has been subpoenaed and ordered to turn over tapes he might have of conversations between himself and Mr. Fortuna. Mr. Comley of Rowley, Mass., who heads a group, We the People, has refused to testify or provide tapes and asserted that he receives confidential information from nuclear plant workers and cannot do anything that would damage their confidence in him.

Recently Mr. Comley was fined $200 a day by a Federal judge in Boston, and the fines could increase to $1,000 if he does not comply. We the People was instrumental in bringing to light last year the presence of counterfeit parts in nuclear plants around the country.

According to the Senate report, the information that Mr. Fortuna might have disclosed improperly to Mr. Comley was that the former technician had pleaded guilty to attempted sexual abuse of a 13-year-old girl. It is not clear what information Mr. Comley might have given Mr. Fortuna.

In the disputed investigation, Mr. Ellison, the informant, was paid $6,000 and put up in a hotel near Washington for two weeks while Mrs. Connelly and two other staff members met with him. Mrs. Connelly gave him a code name and arranged her vacation for the time he was there, the report said.

The commission has asserted that Mrs. Connelly wanted to pay him rather than subpoena the tapes because Mr. Ellison had threatened to destroy the tapes. But the Senate report said that there was no evidence for that and that "to the contrary, he was threatening to 'go public.' "

The Senate committee concluded that the investigation was unfair to Mr. Fortuna, violated established principles of internal investigations and should not have so heavily involved top management. The investigation, the committee said, "represented a waste of government funds;" the investigation was "incompetently conducted, punctuated by management intervention and other problems."

"In sum, we found very little reason for the course of conduct of this investigation," the committee said.

Mr. Fouchard said that the commission could not comment further because the matter is still under internal investigation.

THE PARTS ISSUE A COVERUP AND PR REAGAN WAS INVO THERE WILL BE NO OLLIE NORTHS IN THIS ONE.

THIS MUST HAV BEEN QUITE F WEEK.

I NEVER SAID I WOULD NOT TESTIFY AND THEY WON'T HAVE TO PAY ME, EITHER. I DO NOT LIE.

The Chairman and Executive Committee

of the

National Republican Senatorial Committee

do on this second day of August, in the year of our Lord,
one thousand-nine hundred and ninety-one, hereby confer
with all due circumstance and respect

THE

PRESIDENTIAL ORDER OF MERIT

upon

Mr. Stephen B. Comley

from the City of Rowley

in the Commonwealth of Massachusetts

The said, in worthy and honest pursuit, has unequivocally earned this good and high tribute in recognition of their undying commitment, patriotic loyalty, and dedication of service to the President, the Republican Party, and the United States of America.

Phil Gramm

Phil Gramm
Chairman

Washington, D.C.

George Bush

George Bush
President

Radical from a 'Republican Inner Circle

With his Lincoln Town Car and lifetime membership in the Ronald Reagan Republican Center, Steve Comley doesn't fit anyone's stereotype of a no-nuker.

But for years Comley has been peppering congressmen and Nuclear Regulatory officials with information suggesting that Seabrook is unsafe.

He's also had anti-Seabrook banners flown from airplanes, disrupted former Governor John Sununu's inauguration, and hand-delivered material to Reagan in an attempt to call attention to his cause.

And his go-round with Reagan is one of the more eccentric episodes in Comley's single-minded campaign.

Comley's non-profit organization, We The People of the United States, has prepared a four-page chronology of Comley's efforts to communicate with the former president.

After a series of letters to the President and a conversation with Nancy Reagan in Dover proved fruitless, Comley decided to put his money where his mouth is.

Steve Comley, second man from the left of President Reagan, was a financial and political supporter of the former president, and has tried to enlist Reagan's aid in the Seabrook fight.

He contributed $1,000 to the Republican Inner Circle Club, which enabled him to attend a Washington, D.C. luncheon, which Reagan also attended.

Comley handed Reagan a "We the People" banner, plus a letter and a packet of information about substandard counterfeit materials built into many U.S. nuclear plants. The letter said high ranking NRC officials were willing to meet in confidence with the President to explain the counterfeit materials problem.

Although the event was closed to the public and the press, Comley had sent out a press release saying he intended to give the President this information. But when a reporter called to confirm the story, both the Inner Circle and the White House denied witnessing the exchange.

Comley, however, had photographs taken during the luncheon proving the exchange took place.

Nevertheless, the White House continued to deny that President received Comley's materials.

Comley continued writing Reagan, noting that he was a member, since 1982, of the Presidential Task Force, which supposedly gave him the "right to stand shoulder to shoulder" with President Reagan.

Comley says he still wants to hold Reagan "accountable" for the fact that he received information about the "alarming situation" concerning counterfeit materials in nuclear plants and never acknowledged it.

And he still seems genuinely disappointed in Reagan.

Comley's anti-nuclear activism started in 1986, right after the Chernobyl accident, when he wrote to the NRC and asked them what he should do for his nursing home residents if there were a Chernobyl-type eruption of Seabrook. (Being 12 miles from the plant, the nursing home in Rowley was not included in evacuation plans, mandatory only for towns within ten miles of the plant.)

Comley received a reply from Victor Stello, Executive Director of the NRC. Stello stated that the plan for those who could not be moved during a radiological accident at Seabrook was to leave them behind and give them potassium iodide to drink.

Comley found the advice inhumane. though potassium iodide might block radioactive iodine, it did not block other radioactive poisons produced in a nuclear plant accident – and it obviously wasn't effective enough to be the solution for anyone who could be evacuated.

So began Comley's long, costly and often frustrating battle against the nuclear power establishment.

He's had a few victories though.

In September 1990, a federal judge ruled that Stello and other NRC officials violated Comley's rights to freedom of speech by throwing him out of public NRC meetings when he displayed We The People posters.

Judge John Pratt said the NRC officials "prevented Comley from engaging in protected speech because they did not like his message."

Comley also had a role in stopping Stello's nomination to a top atomic weapons post.

Congressional confirmation hearings on Stello's nomination to become assistant secretary of energy in charge of defense programs ended in focusing controversy on the NRC's investigation of Roger Fortuna, an NRC official whom Comley had befriended.

Specifically, the hearings focused controversy on Stello's authorizing the purchase, for $6,000, of a tape made by informant Doug Ellison (see related story) of a conversation between Comley and Fortuna.

In reviewing transcripts of Ellison's tape, Congressman Pete Kostmayer was interested in references to "Waplov."

When Comley heard of Kostmayer's interest in "Waplov," he realized Kostmayer was referring to Joe Wampler, a former Seabrook inspector.

Comley gave Kostmayer a copy of a transcript from Wampler's termination hearing, in which Wampler said he was fired for finding too many faulty weld X-rays at Seabrook.

That testimony helped launch the current Congressional investigation of weld safety documentation at Seabrook.

— By BOB YOUNG

Boston Sunday Globe

SUNDAY, OCTOBER 7, 1990

Court says NRC critic wronged

By James L. Franklin
GLOBE STAFF

A federal judge has ruled that the Nuclear Regulatory Commission violated the First Amendment rights of Steve Comley, a Rowley businessman and longtime NRC critic, on several occasions when it barred or ejected him from NRC meetings.

The commission "prevented Comley from engaging in protected speech because they did not like his message," Judge John H. Pratt of the US District Court for the District of Columbia wrote in a decision filed Sept. 19.

The court held that Comley's display of posters and bumper stickers bearing the message, "Stop Chernobyl Here," at NRC hearings on the Seabrook and Pilgrim nuclear power plants "is protected speech under the First Amendment."

'It appears that NRC officials treated Comley differently from other meeting attendees, and that this difference in treatment was based on Comley's views . . .'

JUDGE JOHN H. PRATT
US District Court

The NRC's rules against display of "visually disruptive" posters or signs at its public meetings are a reasonable restriction, but it failed to show that the actions against Comley were "viewpoint neutral," Pratt wrote.

The court said NRC officials singled Comley out, assigned security guards to monitor him at commission meetings, and at one point barred him from a meeting because he was carrying a small bag, although other members of the public were allowed into the room carrying briefcases, purses and similar items.

"It appears that NRC officials treated Comley differently from other meeting attendees, and that this difference in treatment was based on Comley's views, which no doubt were irritating and annoying," the court said.

Ernest Hadley, Comley's attorney, observed: "The First Amendment is not based on what government officials find distressing. Mr. Comley's conduct was not disruptive, and no one complained."

Hadley said the decision bolsters arguments that the NRC treats its critics more harshly than industry representatives.

Robert A. Backus, a Manchester, N.H., attorney who has represented Seabrook opponents for more than a dozen years, said the decision showed the NRC has been less than evenhanded.

"I don't think anybody other than NRC staff or license applicants ever thought they got a fair hearing," he said, complaining of what he described as the agency's "barely disguised contempt for intervenors."

Joseph J. Fouchard, the NRC's director of public affairs, said the agency is reviewing the decision. "We don't permit signs or banners in NRC meetings, but we do not single out individuals," he said.

PRESIDENT OBAMA

CONGRESS
PROTECT U.S. DEMOCRACY

INVESTIGATE THE NUCLEAR REGULATORY COMMISSION

JOIN We The People of the United States

Rowley, MA

PRESIDENT OBAMA
PROTECT U.S. DEMOCRACY

INVESTIGATE THE NUCLEAR REGULATORY COMMISSION

JOIN We The People of the United States

Rowley, MA

CONGRESS
PROTECT U.S. DEMOCRACY

INVESTIGATE THE NUCLEAR REGULATORY COMMISSION

JOIN We The People of the United States

Rowley, MA

PRESIDENT OBAMA
PROTECT U.S. DEMOCRACY

INVESTIGATE THE NUCLEAR REGULATORY COMMISSION

JOIN We The People of the United States

Rowley, MA

Asia-Wide Campaign
against US-Japanese domination and aggression of Asia
c/o ALUI-office, #3F, Pearl Daiichi Bldg.,
99-14, Nishiura, Hirono-cho, Uji-city, Kyoto, Japan, 611-0031

ENC
P

Official Invitation

Dear Mr. Stephen B. Comley Sr..

We are very glad to invite you as a representative from the We The People, inc. of the United States to our August Peace Activities both in South Korea on August 2-5, 2014 and in Japan on August 5-9, 2014.

We believe that the commitment for building of peace is a very important and urgent matter for people who live in the Asia Pacific region. We are witnessing the rising of military tension and rapid military building-up in the region now. In fact, the so-called 'US pivot to Asia-Pacific' have brought about serious impacts to different countries in the region. Regarding both of the governments of South Korea and Japan, they try to promote their militarization as allied countries of the United States.

At the same time, coming August 2014 is the 69th anniversary of the atomic bombing on Hiroshima and Nagasaki on 1945. Many years had already passed but it is not just past tragedies. Survivors and their ancestors are living in concerns about their health condition even now. They have sought for the world without nukes, however, huge number of nuclear weapon and nuclear power station in the world. In addition to the tragedies on Hiroshima and Nagasaki, people in Japan have faced another nuclear disaster by the meltdown of the Fukushima Daiichi Nuclear Power Station since March 2011

In this situation, the AWC Korea Committee and the AWC-Japan will hold a coordinated peace activities on coming August 2014. The aim of the August Peace Activities both in South Korea and in Japan is to expand people's voice against nukes, war and militarization and for peace in the region.

The commitment of you as a nuclear safety advocate of the United States will surely encourage participants both in South Korea and Japan. We also believe that we can share and learn respective experience deeply during you staying in both countries.

best regards,

June 30, 2014

(over)

Yoshio Nakamura

Yoshio Nakamura
International Secretariat
Asia-Wide Campaign

Yoshio Nakamura
AWC International Secretariat

Dear Yoshio Nakamura,

Your letter to me just reinforces my belief of divine spiritual influence of a higher power in our world. Please mail it to me as soon as possible.

It will be a honor and a privilege to be invited to participate in your goal of making our world a safer one by imploring diplomacy and forgiveness instead of implementing intimidation and weapons in order to prevent a war. Unfortunately the biggest business in this world is war.

Together we can and will change the current thinking of some high officials in the United States and other countries of exercising violence to achieve peace in our world.

I am looking forward to hugging more of my brothers and sisters in the countries of Japan and South Korea.

Really looking forward to meeting and continuing work with you, Professor Barbara Waldern and the rest of all your colleagues in solidarity

Sincerely,

Steve

Stephen B. Comley Sr

Founder of We The People a National Whistleblower Non Profit Organization

---

From: AWC Secretariat <awc.sec.21@gmail.com>
To: scomleysr@yahoo.com; Red Maples <tea_kor@yahoo.com>
Sent: Tuesday, July 1, 2014 3:28 AM
Subject: draft of the invitation letter

Dear Stephen Comley,

I made the draft of the invitation letter for your trip to South Korea and Japan. Please check the attachment file.

(over)

63°

State Motors LINCOLN

Subr

ARCHIVE OBITUARIES

Archive Genealogy
Multiple databases, billions of records. Just 1 quick search.

Contact us | FAQ | Subscription | eEdition | RSS | Mobile

Visitor no guest, you have 1 views left

RATH YOUNG PIGNATELLI

National Impact. Uniquely New Hampshire.

Home » News » Politics » State House Dome

Garry Rayno's State House Dome: Buffer zone ruling by U.S. Supreme Court fuels abortion feud

ShareThis

The U.S. Supreme Court ruled last week that states cannot unilaterally establish buffer zones around abortion clinics in order to block potential clashes between pro-choice and anti-abortion advocates and between patients and self-described "counselors."

RATH YOUNG PIGNATELLI

New Hampshire's new law creating a 25-foot buffer certainly will be affected by the decision, but how much and in what way will take some time to determine, almost certainly through a court challenge.

Opponents of the New Hampshire law immediately declared victory, saying the law should not be enforced once it becomes effective July 30, but supporters said a legal review needs to be done to determine whether there is any impact.

While the nine U.S. Supreme Court Justices agreed the Massachusetts law and its 35-foot buffer zone is unconstitutional, they split 5-4 on the question of the constitutionality of buffer zones.

Chief Justice John Roberts, writing for the majority, which included the court's four liberals, said the 35-foot zone was unconstitutional because it overreached.

The opinion said clashes at one Boston clinic do not justify restricting free speech at all such facilities, and the state has other options to ensure protesters do not intimidate or interfere with patients.

The four conservatives said the buffer zone is unconstitutional - period.

However, the ruling left states and their lawmakers some wiggle room to craft narrow buffer zones to protect patients and staff while not restricting free speech and assembly rights.

While supporters of New Hampshire's statute may argue that the law was narrowly drawn - as did the bill's prime sponsor, Sen. Donna Soucy, D-Manchester - others do not believe it is narrow enough to pass muster.

The American Civil Liberties Union has argued in support of abortion rights before the U.S. Supreme Court and elsewhere, but has also been a staunch defender of free speech on public streets and sidewalks, arguing that principle in both state and federal courts.Gilles Bissonnette, the staff attorney for the New Hampshire Civil Liberties Union, said Senate Bill 319 is likely not tailored narrowly enough.

The U.S. Supreme Court's ruling came in the case McCullen v. Coakley.

"As in McCullen, to the extent SB 319's 25-foot buffer zone deprives individuals of the ability to engage in personal and consensual conversations with women about various alternatives to abortion, SB 319 likely is constitutionally problematic," Bissonnette said.

www.rathlaw.com | 603-226-2600

Rath, Young and Pignatelli achieves client success before all branches of government. We were one of the first law firms in New England to recognize the importance of merging traditional legal practice with legislative and public policy expertise. The impact of our legal and government relations practices extends beyond our New Hampshire borders.

RATH YOUNG PIGNATELLI

www.rathlaw.com

Related Latest Most read Most commented

Garry Rayno's State House Dome: Democrats and Republicans parties round out their next tickets in NH

READER COMMENTS:

GARRY RAYNO'S STATE HOUSE DOME: NH LEGISLATIVE SESSION WINDING TO A CLOSE - 1

GARRY RAYNO'S STATE HOUSE DOME: SAYING GOODBYE - 0

GARRY RAYNO'S STATE HOUSE DOME: SO MANY NH LEGISLATIVE BILLS GET LEFT AT THE ROADSIDE - 0

SEE NEXT PAGE

OUCH

Monday will be a long day.

ComeBack: Nuclear power watchdog Stephen Comley believes he is once again making some headway in his quest to hold the nuclear industry and regulatory officials accountable.

The longtime activist began his crusade when he did not receive what he believed were adequate answers about evacuating patients from his family-owned nursing home in Rawley, Mass., which is within the 10-mile radius of Seabrook Station.

Comley has been circulating a petition to urge an investigation into the Nuclear Regulatory Agency saying it has been covering up evidence of substandard parts in nuclear power plants, his longtime contention.

He spoke at a hearing in December on Seabrook, expressing concerns about plant evacuation plans, and continues to push that point.

"I'm having a ball," Comley said after he went to Bike Week in Weirs Beach, leaving signs along the road asking President Obama to "Protect US Democracy" by investigating the NRC.

He said he has rallied Rawley townspeople and experts to receive a letter from Massachusetts Gov. Deval Patrick asking the NRC to investigate evacuation plans at Seabrook Station.

Comley said he has been talking to Massachusetts state legislators, as well, and speaking to college students and his fellow residents in the Rawley area to rally support for his cause.

"Things are really starting to take off," Comley said last week, but noted he is yet to meet with key people in the New Hampshire governor's office to talk about his concerns about safety at the plant.

Gas Tax Protest: With the state gas tax set to go up about 4 cents Tuesday, the American for Prosperity N.H. group could not help itself.

The group's honorary chairman, Tom Thomson, will speak at the event along with others affected by the first increase in the tax since 1991.

"This 23 percent gas and diesel tax hike is coming at a time when gas prices are already at a six-year high," said Greg Moore, the group's state director. "Working families can't afford a huge new gas tax hike, and the increase in the tax on diesel will drive up the costs of goods - from groceries to clothes to furniture - for everyone in New Hampshire."

He said the people of New Hampshire need to hold accountable the leaders who supported the tax.

The protest takes place at 11 a.m. Monday at Mr. Gas on Route 3A in Hooksett, just off Exit 10 of Interstate 93.

Political Money: N.H. Rebellion wants residents to walk the state's Seacoast to highlight the problem with money in politics.

"The role that money now plays in the political process disrupts the free market, encourages polarization, forces politicians to cater to special interests, discourages new candidates from running and leaves the public ever more disillusioned," said the group's executive director, Jeff McLean.

From 8 a.m. to 2:30 p.m. July 5, anyone concerned about the role of big money in politics can walk the 16-mile stretch of coastline, starting in Hampton and ending at Fort Constitution in New Castle, McLean said.

More information is available at www.nhrebellion.org.

grayno@unionleader.com

Sponsored From Around the Web

See Next Page

Commonwealth of Massachusetts
Governor Deval L. Patrick
State House, Room 105
Boston, MA 02133

June 13, 2014

Dear Governor Patrick,

First I want you to know how much it meant to me for you to have first recognized me at your press conference on Friday June 6, 2014. This is the second time you and I have personally met on these important issues of serious safety concerns within the Nuclear Civilian and Weapons industries which effects all of the citizens of MA and NH and beyond. Over the 27 years I have been trying to get this issue before the American people through our elected officials has been a very challenging one to say the least. I never took political science in college but I have had 27 years of it since and has given me quite an education in politics and it has not been pretty but very educational.

At your press conference Friday afternoon I could not help but notice all of the young people waiting to hear you speak and how they have been so misinformed about the dangers of Nuclear Power. They deserve to know the truth and that was all I could think of at that moment waiting for you to start your speech before them and the media. American's young people should have a voice and decide the future of Nuclear Power not the Nuclear Regulatory (NRC) Commission or the Nuclear Lobbyists who routinely fill many of our politicians' war chests. The American People cannot make a responsible decision about the future of Nuclear power until all of the information about cover-ups within the NRC the unsafe condition at U.S. Nuclear plants have been fully investigated.

As you know now I have been contacting your office in all means possible either by showing up in your office, writing letters, leaving messages or meeting with many of your staff over several years dating back to 2007. This has included Mr. Ryan, your Chief of Staff, Michelle Mansilla, your Executive Assistant, present and former Constituent Directors, Bianca K. Hoffman and Mark Lilienthal as well as many other employees of your administration. The issues and concerns I have endeavored to inform you through them has in all due respect appears to have fallen on deaf ears until you took charge during your press conference I attended and spoke at on June 6, 2014.

I want you to know I appreciate the fact you gave me an opportunity to ask you some questions like you gave the rest of the journalists attending your press conference. This gave me a suitable occasion to inform you personally of the some of the Nuclear Safety concerns I have gathered during my 27 years as founder of We The (WTP) People a National Whistleblower Non-Profit Organization. This includes WTP's many investigations of Cover-ups within the NRC and unsafe conditions still present at American's Nuclear Civilian and Weapons Plants. During this time you gave at your formal meeting with the media, I mentioned I had given oral and written **(attached)** testimony at the NRC hearing December 18, 2013 concerning whether Seabrook Nuclear Plant's operating license should be extended from 2030 to 2050. A week before this NRC hearing I notified your staff and suggested that you attend this important NRC

Hearing on Seabrook Station. **I also notified the Boston Globe reporters but was told, "The Boston Globe would not be covering this NRC hearing because it is out of our area." I guess they forgot the Japan disaster effected our air in MA.**

I will say to your credit as soon as you realized the importance of my concerns you stated, "Mr. Comley I want to speak with you further on this subject right after the press conference." You and I talked again out outside your office in the hall. During this conversation between you and I, while your Deputy Chief of Staff, Rosemary J. Powers was present you stated, "Mr. Comley I would like you to draft a letter to me explaining what you would like me to address in a letter to the Nuclear Regulatory Commission and FEMA. I must tell you I was very impressed and taken back by the quick decision you made in asking me to draft a letter with the language you will need in writing a letter to the NRC and FEMA in endorsing my call for investigation into Seabrook Station evacuation preparedness in the event of Nuclear Explosion at the Plant. You made this statement in front of many people including many of the Boston media. I certainly was not surprised when none of the media who attended your press conference did not take the time to contact me about this important safety issue. As a Journalist myself, I believe it is important for all of us in the media to occasionally review and reread our Journalist Creed which states in part, **"I believe that a journalist should write only what he holds in his heart to be true. I believe that suppression of the news, for any consideration other than the welfare of society, is indefensible."**

Your decision to personally meet with me on this issue of Nuclear Power certainly has not been my usual experience with elected officials. Most political officials I have approached with this issue of the Nuclear Civilian and Weapons Industries have in most cases chosen to ignore my concerns. This has included WTP being ignored by U.S. Presidents of the United States. This consists of Presidents Carter, Reagan, both Senior George Bush and Son. George Bush and our present President of the United States, Barack Obama, who I have written to including the First Lady. All of these letters were signed for by the White House. Instead of looking straight ahead and doing what is right for the safety of the American people many of our politicians look sideways and wonder how this issue will affect my political career and war chest which is filled routinely by Nuclear Lobbyists.

I have found few exceptions in getting elected officials to step up and be willing to take on the corruption within the NRC and the Nuclear Industries. First is former Representative of Miami Florida, Julio Robania, who is the first elected leader in the United States who has signed We The People's National "Petition to President Obama, Vice President Biden, Speaker Bochner and Members of Congress to Create an Independent Commission to Investigate the U.S. Nuclear Regulatory Commission." State Senator Bruce E. Tarr, Minority Leader, Representative Bradford R. Hill, House Minority Whip and U.S. Senator Edward Markey have also expressed interest in signing We The People/s National Petition. My hope is all our elected officials will sign it too.

It would be remise of me to not mention the commitment, dedication time and the hard work State Senator Bruce Tarr's Chief of Staff, Attilio J. Paglia expended in preparing e his MEMO **(attached)** to the Office of the Massachusetts Attorney General's Public Integrity Division. I was glad to hear from your Deputy Chief of staff on Friday that she already has contacted Mr. Paglia so she would fully understand his reasons and Senator Tarr's in justifying this MEMO to the Attorney General Office. I am sure you agree Governor Patrick this certainly is an issue that all officials must cross party lines in order to protect the safety of American citizens and our brothers and sisters in other countries from another nuclear disaster from occurring on this earth?

The language I would like you to consider in your letter as Governor of Massachusetts to the NRC and FEMA should include the following: **"As Governor of Massachusetts, I Deval L. Patrick am endorsing Stephen B. Comley Sr's call as Founder of We The People a National Whistleblower Non-Profit Organization to request the Nuclear Regulatory (NRC) Commission & The Federal Emergency Management (FEMA) Agency to hold a investigated hearing with the New (NH) Hampshire & Massachusetts (MA) State Police, Civil Defense & Fire Departments together with the Police Chiefs & Police Officers within & outside the 10 mile radius of the Seabrook Nuclear Plant to determine in the judgment of these traffic experts if the citizens of MA & NH can be safely evacuated during all seasons including Holidays and high beach days in the event of a nuclear explosion at Seabrook Station. "**

I would suggest July 3, 4 and 5th, would be appropriate days to test the Seabrook Station's Evacuation Preparedness in the likely not the unlikely event of Fukushima or Chernobyl like disaster at this Nuclear Plant. The last test I understand was held in the dead of winter without the thousands of bathing suits on the beaches at Hampton and Salisbury but only snow & ice were present and no one was around!

If you need further clarification or comment please do not hesitate to contact me.
I look forward to continuing to work with you and your staff concerning these important safety issues involving the Nuclear Civilian and Weapon Industries.

In closing, I know you Governor Patrick of Massachusetts and Governor Maggie Hassan of New Hampshire who I look forward to meeting with soon, would much rather do everything possible in preventing a nuclear disaster from occurring in America and beyond, than reacting to one? I look forward to your replies.

Sincerely,

Stephen B. Comley Sr.

Stephen B. Comley Sr.
Founder of We The People a National Whistleblower Non Profit Organization

DAILY NEWS
February 15, 2014
75 CENTS
$4.05 PER WEEK
HOME DELIVERED

GOOGLE THIS
STEVE COMLEY
NUCLEAR
REGULATORY
COMMISSION

OPINION

We must work together to prevent disaster at N-plant

Viewpoint

Stephen B. Comley Sr.

The Nuclear Regulatory Commission (NRC) held a very important meeting Dec. 18 to consider extending Seabrook's nuclear license from 2030 to 2050, 20 years beyond the time it was to be decommissioned. On Dec. 12 I sent out my letter to the editor to all the media.

Five days before the hearing in Hampton, N.H., an NRC official called me and said, "We noticed your letter in the media and that you want to testify." I said, yes I do. He replied and said, "The NRC has decided this meeting will not be recorded for the public record." I said, well, so much for the value of public input. I went on to state the NRC's irresponsible decision did not surprise me at all and that I would officially object.

Ten minutes later the man from the NRC called back. NRC's general counsel had noticed my letter stated I would present evidence the NRC, President Obama and the plant owners were in violation of the federal laws. I was told the counsel wanted to know what laws I referred to so she could prepare a response before I testified. I stated I would give them to the NRC in writing at the same time I present them to everyone else during my testimony at the hearing.

Shortly afterward I was contacted again by the NRC official saying when you come to NRC hearings you usually bring a lot of signs with sticks on them and the counsel is concerned you could injure people attending the hearing. I said, "Now the NRC has insulted me. I advise in the future the counsel get all the facts before she makes allegations about anyone."

I informed the official that Judge Pratt acquitted me in a summary judgment. Judge Pratt found, "Executive Director of the NRC, Victor Stello, Lando Zech, chairman of the NRC commissioners and Ivan Smith, an NRC administrative law judge guilty of violating We The People of the United States and Stephen B. Comley's First Amendment right to free expression by banning their display of political posters and bumper stickers at public NRC meetings." I have requested a formal apology from the general counsel, but have not received one as of this date.

When I arrived at the meeting, an official informed me the NRC had decided to not only record the public meeting for the public record but the NRC had hired someone to videotape the NRC hearing!

I requested the NRC create an investigative committee to hold a hearing with Massachusetts and New Hampshire state troopers and the police officers within the 10-mile radius of the plant to state whether residents can be evacuated safety in the event of a nuclear explosion at the Seabrook nuclear plant.

Since the hearing the NRC has informed me they will in "the near future" address the questions, requests and the violations of laws I referred to in my oral and written testimony.

More recently I have contacted the offices of Govs. Maggie Hassan and Deval Patrick; attorney generals of Massachusetts and New Hampshire; state Sen. Bruce Tarr and U.S. Sen. Edward Markey regarding these important matters which affect every citizen of these states.

Gov. Hassan office stated to me, "Policies of the U.S. NRC are a federal matter and are best addressed at the federal level through the agency itself." It appears Gov. Hassan is not aware of the letter former Gov. John H. Lynch wrote to the NRC stating, "The state of New Hampshire, under the authority of the governor, has an obligation to engage in the safety of its citizens where radiation hazards exist."

A lot of people are complaining about the way our government is run these days. Unless we take the time to get involved and make democracy work in our own backyards there isn't any chance change will take place. Let's work together so we can prevent a nuclear disaster at Seabrook instead of reacting to one.

■ ■ ■

Stephen B. Comley Sr. is a Rowley resident and founder of We The People, a national whistleblower nonprofit organization.

E-MAIL scomleysr@yahoo.com

Cell # 904-206-3114

(over)

Town Common

THE REGION'S LARGEST

COMMUNITY NEWSPAPER SERVING NORTH SHORE OF MASS & COASTAL NH

December 18 - 24, 2013 Vol. 10, No. 7

www.TheTownCommon.com

December 18 - 24, 2013

Post Sto U.S. Postage PAID Newburyport, MA Permit No 31 Postal Customer

Letters to the Editor

We the People

Letter to Editor,

The Nuclear Regulatory (NRC) Commission is holding a very important meeting to consider extending the Seabrook Nuclear Plant license, from 2030 to 2050, just before the holidays; on December 18, 2013. This meeting is planed to be held at Best Western Plus, The Inn at Hampton, 815 Lafayette Road, Hampton, NH - NRC Open House 5:00 to 5:45 pm, Public Meeting 6:00 – to 9:00 pm. I have been told by a NRC official this meeting will not be recorded for the public record which is no surprise to me. So much for the value of public input.

I will be presenting evidence the NRC, President Obama, & the Seabrook Plant owners are in violation of the law. I also will present content of conversations I have of very brave informants from inside the NRC and from whistleblowers from the nuclear industry who come to me and trust that I will not reveal their identities.

I am the founder of 'We The People', a National Whistleblower Non-Profit Organization established in 1987 to investigate cover ups at NRC and unsafe conditions at nuclear civilian and weapons plants. This came about as a result of the former Executive Director of the NRC, Victor Stello, who informed me in writing to leave a paralyzed resident at our family owned and run nursing home behind and administer the controversial drug Potassium Iodide by volunteers who would be willing to stay behind in the event the Seabrook Nuclear Plant blew up. Because my son's nursing home and the citizens of the Town of Rowley lived outside the 10 mile radius of the so called Safe Zone, the NRC said we were not allowed to have a say in the evacuation of our residents at the nursing home, or for that matter our children, even though they attended Triton Regional School located inside the 10 mile radius. The whole town was outraged and 80% of Rowley signed a petition to then President Reagan. Because I was a life member of the Republican Inner Circle and still am (whatever that means) I felt my president would meet with me but instead of proving democracy is still alive and well in America, disgracefully Mr. Reagan chose to ignore Rowley's petitions requesting an investigating of the NRC. Likewise now President Obama and our First Lady are still ignoring the 5 letters I sent them. This includes the last letter to Michelle Obama signed for May 1, 2013.

Because of all the media attention, including getting WTP's work featured on the cover of 'TIME' & CNN's 'EARTH MATTERS', informants from the NRC and the nuclear industry contacted me and continue to do so. In the mail, I received evidence of counterfeit substandard parts built in most U.S. nuclear plants including Seabrook's Plant. Victor Stello then issued a Federal Subpoena which read, "Mr. Stephen Comley Sr. & Roger Fortuna, Deputy Director of the NRC's Office of Investigation are conspiring to topple the NRC and if Stephen Comley Sr. does not give up the tape recordings he has made of high level officials in Washington he could be jeopardizing the safety of the American people and the security of U.S. nuclear plants from around the country." Attorney General Thornburgh pursued me in the same court that recently Whitey Bulger occupied for a short time, but I was there for over 6 years, threatening me with jail if I wasn't willing to give up the names and punish these brave individuals who are willing to place their careers and the financial security of their families on the line so the American people can know the truths about cover-ups at the NRC and unsafe conditions at nuclear plants.

The 10 mile Evacuation Zone is a joke and irresponsible. Chernobyl affected the cow's milk in Vermont and the fallout from the Fukushima plants in Japan affected our air in MA. Now it's time for us as Americans to rise up in the interest of our grandchildren and their future generations to demand the shutdown of Seabrook's rabid dog living in our neighborhoods.

A lot of people are complaining about the way our government is being run these days, and with plenty of reasons, but unless we take the time to get involved and make democracy work in our own backyards there isn't any chance change will take place. Let work together so we can prevent a nuclear disaster at Seabrook instead of reacting to one.

Hope to see you at the Dec 18th meeting with maybe at least some of the media at this meeting. I can assure you it will be very interesting.

Stephen B. Comley Sr
Founder of 'We The People'

E-MAIL scomleysr@yahoo.com

Cell # 904-206-3114

(over)

State of New Hampshire
Office of the Governor
Robert E. Ditman
Director of Citizen Services
107 North Main Street
State House Rm. 208
Concord, New Hampshire 03301

June 6, 2014

Dear Mr. Ditman,

I sent you a letter **(attached)** February 12, 2014 but I have not received a response to my requests as the date of this letter. Due to the demands of being Director of Citizens Services I am hoping this is just an oversight. **Please respond to the following requests.**

In your e-mail to me (**attached**) of January 17, 2014 you state, "Our office is in receipt of the additional documentation that you have provided and I have forwarded this along as I have with the initial documentation you presented at our meeting." Please inform me what Department or agency and who is the individual or individuals are looking into these important safety matters?

You also state in this e-mail, "Policies of the United States Nuclear (NRC) Regulatory Commission are a federal matter and are best addressed at the federal level through the agency itself or your congressional delegation."

During our meeting I believe I made it quite evident President Obama, Governor Hassan, Governor Patrick, the NRC and the owners of the Seabrook Nuclear Plant (Florida Power and Light) are currently in violation of several Federal and States laws.

From our conversation and the documentation I provide you with I hope has made clear to you and Governor Maggie Hassan the NRC had become a non-option for me to contact with any concerns about safety matters due to the NRC always putting the safety of the American people second to bowing to the wishes of the Nuclear Industry. Five reports from the NRC own Inspector General which We The People brought about confirms again and again the NRC pencils away safety concerns in favor of protecting the Nuclear Industries profits. All five NRC IG reports (you already have in media accounts marked in Enclosure A with my written testimony of NRC hearing 12/18/13) were developed from information our organization WTP brought to the NRC IG. In addition WTP brave informants brought about the biggest investigations of the Seabrook Nuclear Plant concerning the falsifications of welds. WTP was able to involve (**attached** article US removes a gag from Seabrook critic) former Department of Labor Secretary Robert B. Reich. To this day Counterfeit Substandard welds at Seabrook Station have never been thoroughly investigated by NRC or Congress. I reported more of this information to NRC IG but they never fully investigated WTP's charges. Unfortunately WTP and I do not have the same productive relationship with the current NRC IG, Mr. Bell which we had with former NRC IG, David Williams. (**attached** letter to me from Mr. David Williams)

(D)

Page 2 Letter of 6/6/2014 to Robert E. Ditman, Director of Citizens Services.

The State of New (NH) Hampshire and Governor Maggie Hassan have a responsibility to protect the safety of their citizens, especially since the NRC has a long record wanting to keep investigations of the Nuclear Industry a "Public Secret .so the public are kept in the dark about the real dangers of Nuclear Power."

I understand you also were in a position of Deputy Director of Citizens Services for former Governor Lynch. Governor Lynch wrote a letter to then NRC Chairman, Dale E. Klein, Ph.D., **(attached)** April 12, 2007 which stated in part, "The purpose of this letter is to comply with the provisions of section 651(e) of the Energy Policy Act of 2005, regarding the licensing of certain naturally occurring and accelerator produced radioactive materials now defined as byproduct material in sections 11e (3) and 11 e (4) of the Atomic Energy Act of 1954, as amended."

"WHEREAS, The Governor of the State of New Hampshire certified on January 13, 1966, that the State of New Hampshire (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this agreement, and that the State desires to assume regulatory responsibility for such materials."

"Pursuant to this rule, the State of New Hampshire, under the authority of the governor, has an obligation to engage in the safety of its citizens where radiation hazards exist."

As I stated to you during our meeting along with my written and oral testimony I gave at the NRC hearing on December 18, 2013 15 NH and MA State Police Troopers and the Police Chiefs and officers within the 10 mile radius of the Seabrook admitted to me they would not be able to evacuate citizens of NH or MA safely in the event of a radioactive emergency as a result of a nuclear explosion at the Seabrook Nuclear Plant. **Due to these concerns and other guidelines mentioned in this Act, the Governor of NH is responsible for the safety of New Hampshire Citizens.**

As you know on January 9, 2014 I met with Richard C. Tracy, Criminal Investigator, from the Department of Justice, Office of the Attorney General of NH. I also informed you I have been in contact with Representatives from MA including State Senator Bruce Tarr, U.S. Senator Edward Markey and Governor Patrick who I met with him today..

I also had direct contact with John Beling, Assistant Attorney General and Chief of Brownfields Unit, Environmental Protection Division, Office of the Attorney General, Boston, MA. This contact came about as a result of a MEMO (**attached**) sent to the MA Attorney General Office from Chief of Staff Attilio J. Paglia of State Senator Bruce E. Tarr's Office. I am still waiting for official replies to WTP's and my requests from Governor Patrick and U.S. Senator Edward Markey. **Attached** is copy of the requested

(E)

letter I wrote to Michal Hana Freedhoff, Ph.D., Director of Oversight and Investigations, Office of U.S. Senator Edward J. Markey.

In my last letter to you February 12, 2014 I asked and am still requesting that the Governor's office **list** and specifically acknowledge the information and documents I have given to your office.

Lastly I also requested a meeting with Governor Maggie Hassan but in your e-mail to me you did not address my request to meet with her. I am hoping this meeting with Governor Hassan will ultimately convince her to endorse my call that the NRC and FEMA hold a investigated hearing with the NH and MA State Police together with all the Chiefs of Police of the Towns within the 10 mile radius of the Seabrook Nuclear Plant to determine in the judgment of these traffic experts if the citizens of MA and NH can be safely evacuated during all seasons including Holidays in the event of a nuclear explosion at Seabrook Station.

In closing I know Governor Maggie Hassan and you would much rather do everything possible in preventing a Chernobyl or Fukushima like disaster from occurring in America and beyond than having to react to one.

I am anxiously awaiting your replies to these very important safety concerns.

Sincerely,

Signed

Stephen B. Comley Sr.
Founder of We The People a National Whistleblower Organization

(F)

PRESIDENT OBAMA

CONGRESS
PROTECT U.S. DEMOCRACY

INVESTIGATE THE NUCLEAR REGULATORY COMMISSION

JOIN
We The People of the United States

Rowley, MA

PRESIDENT OBAMA
PROTECT U.S. DEMOCRACY

INVESTIGATE THE NUCLEAR REGULATORY COMMISSION

JOIN
We The People of the United States

Rowley, MA

CONGRESS
PROTECT U.S. DEMOCRACY

INVESTIGATE THE NUCLEAR REGULATORY COMMISSION

JOIN
We The People of the United States

Rowley, MA

PRESIDENT OBAMA
PROTECT U.S. DEMOCRACY

INVESTIGATE THE NUCLEAR REGULATORY COMMISSION

JOIN
We The People of the United States

Rowley, MA

The New York Times
nytimes.com

FROM DIRECTOR TERRENCE MALICK

February 3, 2008

Nuclear Leaks and Response Tested Obama in Senate

By MIKE McINTIRE

When residents in Illinois voiced outrage two years ago upon learning that the Exelon Corporation had not disclosed radioactive leaks at one of its nuclear plants, the state's freshman senator, Barack Obama, took up their cause.

Mr. Obama scolded Exelon and federal regulators for inaction and introduced a bill to require all plant owners to notify state and local authorities immediately of even small leaks. He has boasted of it on the campaign trail, telling a crowd in Iowa in December that it was "the only nuclear legislation that I've passed." "DID NOT PASS"

"I just did that last year," he said, to murmurs of approval.

A close look at the path his legislation took tells a very different story. While he initially fought to advance his bill, even holding up a presidential nomination to try to force a hearing on it, Mr. Obama eventually rewrote it to reflect changes sought by Senate Republicans, Exelon and nuclear regulators. The new bill removed language mandating prompt reporting and simply offered guidance to regulators, whom it charged with addressing the issue of unreported leaks.

Those revisions propelled the bill through a crucial committee. But, contrary to Mr. Obama's comments in Iowa, it ultimately died amid parliamentary wrangling in the full Senate.

"Senator Obama's staff was sending us copies of the bill to review, and we could see it weakening with each successive draft," said Joe Cosgrove, a park district director in Will County, Ill., where low-level radioactive runoff had turned up in groundwater. "The teeth were just taken out of it."

The history of the bill shows Mr. Obama navigating a home-state controversy that pitted two important constituencies against each other and tested his skills as a legislative infighter. On one side were neighbors of several nuclear plants upset that low-level radioactive leaks had

gone unreported for years; on the other was Exelon, the country's largest nuclear plant operator and one of Mr. Obama's largest sources of campaign money.

Since 2003, executives and employees of Exelon, which is based in Illinois, have contributed at least $227,000 to Mr. Obama's campaigns for the United States Senate and for president. Two top Exelon officials, Frank M. Clark, executive vice president, and John W. Rogers Jr., a director, are among his largest fund-raisers.

Another Obama donor, John W. Rowe, chairman of Exelon, is also chairman of the Nuclear Energy Institute, the nuclear power industry's lobbying group, based in Washington. Exelon's support for Mr. Obama far exceeds its support for any other presidential candidate.

In addition, Mr. Obama's chief political strategist, David Axelrod, has worked as a consultant to Exelon. A spokeswoman for Exelon said Mr. Axelrod's company had helped an Exelon subsidiary, Commonwealth Edison, with communications strategy periodically since 2002, but had no involvement in the leak controversy or other nuclear issues.

The Obama campaign said in written responses to questions that Mr. Obama "never discussed this issue or this bill" with Mr. Axelrod. The campaign acknowledged that Exelon executives had met with Mr. Obama's staff about the bill, as had concerned residents, environmentalists and regulators. It said the revisions resulted not from any influence by Exelon, but as a necessary response to a legislative roadblock put up by Republicans, who controlled the Senate at the time.

"If Senator Obama had listened to industry demands, he wouldn't have repeatedly criticized Exelon in the press, introduced the bill and then fought for months to get action on it," the campaign said. "Since he has over a decade of legislative experience, Senator Obama knows that it's very difficult to pass a perfect bill."

Asked why Mr. Obama had cited it as an accomplishment while campaigning for president, the campaign noted that after the senator introduced his bill, nuclear plants started making such reports on a voluntary basis. The campaign did not directly address the question of why Mr. Obama had told Iowa voters that the legislation had passed.

Nuclear safety advocates are divided on whether Mr. Obama's efforts yielded any lasting benefits. David A. Lochbaum of the Union of Concerned Scientists agreed that "it took the introduction of the bill in the first place to get a reaction from the industry."

"But of course because it is all voluntary," Mr. Lochbaum said, "who's to say where things will be a few years from now?"

Others say that turning the whole matter over to the Nuclear Regulatory Commission, as Mr. Obama's revised bill would have done, played into the hands of the nuclear power industry, which they say has little to fear from the regulators. Mr. Obama seemed to share those concerns when he told a New Hampshire newspaper last year that the commission "is a moribund agency that needs to be revamped and has become a captive of the industry it regulates."

Paul Gunter, an activist based in Maryland who assisted neighbors of the Exelon plants, said he was "disappointed in Senator Obama's lack of follow-through," which he said weakened the original bill. "The new legislation falls short" by failing to provide for mandatory reporting, said Mr. Gunter, whose group, Beyond Nuclear, opposes nuclear energy.

The episode that prompted Mr. Obama's legislation began on Dec. 1, 2005, when Exelon issued a news release saying it had discovered tritium, a radioactive byproduct of nuclear power, in monitoring wells at its Braidwood plant, about 60 miles southwest of Chicago. A few days later, tritium was detected in a drinking water well at a home near the plant, although the levels did not exceed federal safety standards.

At least as disturbing for local residents was the revelation that Exelon believed the tritium came from millions of gallons of water that had leaked from the plant years earlier but went unreported at the time. Under nuclear commission rules, plants are required to tell state and local authorities only about radioactive discharges that rise to the level of an emergency.

On March 1, Mr. Obama introduced a bill known as the Nuclear Release Notice Act of 2006. It stated flatly that nuclear plants "shall immediately" notify federal, state and local officials of any accidental release of radioactive material that exceeded "allowable limits for normal operation."

To flag systematic problems, it would also have required reporting of repeated accidental leaks that fell below those limits. Illinois' senior senator, Richard J. Durbin, a fellow Democrat, was a co-sponsor, and three other senators, including Hillary Rodham Clinton, Democrat of New York, later signed on. But Mr. Obama remained its primary champion.

In public statements, Mr. Obama dismissed the nuclear lobby's arguments that the tritium leaks posed no health threat.

"This legislation is not about whether tritium is safe, or at what concentration or level it poses a threat," he said. "This legislation is about ensuring that nearby residents know whether they may have been exposed to any level of radiation generated at a nuclear power plant as a result of an unplanned, accidental or unintentional incident."

Almost immediately, the nuclear power industry and federal regulators raised objections to the bill.

The Nuclear Energy Institute jumped out in front by announcing its voluntary initiative for plant operators to report even small leaks. An Exelon representative told an industry newsletter, Inside N.R.C., that Exelon was "working with Senator Obama's office to address some technical issues that will allow us to support the legislation."

Last week, an Exelon spokesman, Craig Nesbit, said the company sought, among other things, new language to specify what types of leaks should be reported, and assurance that enforcement authority remained with the nuclear commission and not state or local governments.

"We were looking for technical clarity," Mr. Nesbit said.

Meanwhile, the nuclear commission told Mr. Obama's staff that the bill would have forced the unnecessary disclosure of leaks that were not serious. "Unplanned releases below the level of an emergency present a substantially smaller risk to the public," the agency said in a memorandum to senators, which ticked off about a half-dozen specific concerns about the bill.

Senate correspondence shows that the environment committee chairman at the time, Senator James M. Inhofe, Republican of Oklahoma who is a strong supporter of industry in battles over energy and environmental legislation, agreed with many of those points and held up the bill. Mr. Obama pushed back, at one point temporarily blocking approval of President Bush's nominee to the nuclear commission, Dale E. Klein, who met with Mr. Obama to discuss the leaks.

But eventually, Mr. Obama agreed to rewrite the bill, and when the environment committee approved it in September 2006, he and his co-sponsors hailed it as a victory.

In interviews over the past two weeks, Obama aides insisted that the revisions did not substantively alter the bill. In fact, it was left drastically different.

In place of the straightforward reporting requirements was new language giving the nuclear commission two years to come up with its own regulations. The bill said that the commission "shall consider" — not require — immediate public notification, and also take into account the findings of a task force it set up to study the tritium leaks.

By then, the task force had already concluded that "existing reporting requirements for abnormal spills and leaks are at a level that is risk-informed and appropriate."

The rewritten bill also contained the new wording sought by Exelon making it clear that state and local authorities would have no regulatory oversight of nuclear power plants.

In interviews last week, representatives of Exelon and the nuclear commission said they were satisfied with the revised bill. The Nuclear Energy Institute said it no longer opposed it but wanted additional changes.

The revised bill was never taken up in the full Senate, where partisan parliamentary maneuvering resulted in a number of bills being shelved before the 2006 session ended.

Still, the legislation has come in handy on the campaign trail. Last May, in response to questions about his ties to Exelon, Mr. Obama wrote a letter to a Nevada newspaper citing the bill as evidence that he stands up to powerful interests.

"When I learned that radioactive tritium had leaked out of an Exelon nuclear plant in Illinois," he wrote, "I led an effort in the Senate to require utilities to notify the public of any unplanned release of radioactive substances."

Last October, Mr. Obama reintroduced the bill, in its rewritten form.

Copyright 2008 The New York Times Company

Byfield Parish Church

P.O. Box 335
Georgetown, MA 01833
Phone: 978-352-2022
Fax: 978-352-2863
www.byfieldparish.org

Senior Pastor
Dr. William E. Boylan

Pastor of Administration
and Church Ministries
Rev. Daniel R. Ledwith

Director of Youth Ministries
James MacDonald

Director of Music Ministries
Robert Lathrop

The Honorable Michelle Obama
First Lady of the United States
The White House
Washington, D.C. 20500

July 15, 2013
Certified Mail Receipt

Dear Mrs. Obama,

My name is William Boylan. Reverend Wright and I were two of the longest serving pastors in the United Church of Christ. The Byfield Parish Church that I have served for more than forty-four years, is the first independent Congregational Church in America. We are barely beyond the ten mile radius that marks the mandatory evacuation zone for the nuclear power plant in Seabrook, New Hampshire. After the catastrophe at Chernobyl in 1986, Mr. Stephen Comley Sr., one of our members and the previous owner of the Seaview Nursing Home at the time, contacted the director of the Nuclear Regulatory Commission regarding the evacuation plan for special needs residents. He was advised to administer potassium iodide by any staff willing to remain behind in event of an accident. This alarmed Comley since it would make certain residents expendable. At that time, whistleblowers began contacting Mr. Comley, informing him that the Seabrook Plant contained counterfeit substandard parts. Reportedly, this is true of most of the nation's nuclear power plants. As a result Comley formed "We The People" (WTP) a national non-profit whistleblower organization.

Knowing that President Obama wants whistleblowers to be heard, "We The People" seeks a hearing with those like the president who are dedicated to protecting the public. In the past, President Clinton's Chief of Staff Leon Panetta requested that the Department of Justice contact Mr. Comley. Justice refused his request. Likewise the F.B.I. failed to reply to a request by former and first NRC IG, David Williams that the information Mr. Comley handed directly to President Ronald Reagan be investigated. Instead, the Office of the NRC IG threatened to jail Mr. Comley for refusing to betray the whistleblowers.

The March 11, 2011 melt-down at the Fukushima #1 plant confirmed the danger posed by unsafe installations. Although signed for, Mr. Comley's letter to you (enclosed) that was received at the White House on May 1, 2013, has yet to be answered. Like the Trinity Church in Chicago, the Byfield Parish Church seeks the nation's good. We dare not remain silent when millions of our fellow Americans are potentially at risk because a watch is not being kept on the nuclear power industry. A text that is central to our self-

OVER

understanding as a congregation was spoken to the prophet Ezekiel six centuries before Christ was born. Ezekiel announced, "...The word of the Lord came to me, 'Son of man, I have made you a watchman for the house of Israel; so hear the word I speak and give them warning from me." (3:16, 17)

The Comley family has been in the nursing home profession for eighty-five years. Seaview has a sterling reputation in our area. Secretary of State Kerry is well aware of WTP's reputation as an organization and of the high quality of nursing care offered by the owner, Stephen Comley II. Please consider meeting both yourself and the President with Mr. Comley. WTP seeks to assuage the public's fear that we might experience an American Chernobyl or Fukushima. It is important to know that dangers posed by the nuclear industry are either unfounded or will be corrected.

Your brother in Christ,

Dr. William Boylan
cc. Mr. Stephen Comley

OVER

The Honorable Michelle Obama

First Lady of the United States

The White House

Washington, D.C. 20500

December 5, 2013

Certified Mail Receipt

(Mailed 5 Dec 2013

Dear Mrs. Obama,

Recently I had the pleasure of having lunch with Mr. Stephen Comley , The founder of "We the People", and I listened intently while this man described his concerns about the use of sub-standard counterfeit parts currently in use at numerous Nuclear Plants in our country.

At the time of our lunch, this issue, and the dangers posed by the by-products of nuclear energy, had not been a serious concern of mine. This all changed on Monday when a truck hauling nuclear waste was stolen in Mexico while enroute to a radioactive waste storage facility. I am now convinced that the issues which were raised in Mr. Comley's letter to you (dated April 18th of this year) are very genuine and deserve the attention of our leaders at the highest level in our Government.

Accordingly, I sincerely request that this concern be brought to the President's attention and that a meeting be scheduled with you, President Obama, and Mr. Comley.

I cannot fathom the workload each of you must experience daily, but I am convinced that such a meeting would be to the benefit of the people of our Country.

In deep respect,

James W. Shepherd, P.O.Box 316, Georgetown, Ma 01833 ....

cc. Mr. Stephen Comley

I

The DAILY NEWS
WWW.NEWBURYPORTNEWS.COM
TUESDAY
September 10, 2013
75 CENTS
$4.05 PER WEEK
HOME DELIVERED

OPINION

The DAILY NEWS

Karen E. Andreas
Regional Publisher

John T. Macone
Editor

Published in Newburyport since 1887

Copyright © 2013

THIS WAS WRITTEN BEFORE PUTIN GOT THE IDEA TO GO TO THE UN ABOUT THE CHEMICAL WEAPONS IN SYRIA

Obama should go to the UN himself

To the editor:

Why isn't the options for President Obama to take in the crisis in Syria include going to the U.N. himself and asking his fellow members to vote to find and seize all the chemical weapons in a peaceful manner? I know that Syria will have to vote to allow this, but since Russian President Putin still maintains Assad did not use these chemical weapons, this vote will put added pressure for Assad to do the right thing and vote to release these weapons to the U.N. assembly.

In any case, if the U.S. wants to remain a creditable member of the U.N. in everyone's eyes, what harm will it do if our president reverses his stance again and takes a more Christian, peaceful avenue with this idea instead of taking the risk of killing more of our innocent brothers and sisters again in another country that will only bring about more violence and hate for America. Let's not forget the bombs given to and used by Saddam Hussein, who was our so-called buddy in Iraq then, to kill hundreds and thousands of innocent Iranians and Muslins came from America. Small wonder why we had the bombings in Boston.

STEPHEN B. COMLEY SR.
Rowley

The Honorable Michelle Obama
First Lady of the United States
The White House
Washington, D. C. 20500 **(Signed for by the White House 5/1/13 @ 4:28am)**

April 18, 2013
Certified Mail Receipt

Dear Mrs. President,

I was hoping to give this letter to you or to a member of your entourage during the Interfaith Service at the Cathedral of the Holy Cross I attended, so I am once again sending it to the White House. My name is Stephen B. Comley Sr. founder of We The (WTP) People a national Whistleblower non profit organization. **Enclosed is a copy of the registered letter signed by the White House at 3 P.M I mailed to you on March 17, 2011 which as of this date remains unanswered.** The only reasons I can think of is either your staff or you decided not to address my concerns. This letter was accompanied by information & evidence provided to you of corruption at the highest levels of the Nuclear Regulatory (NRC) Commission & former U.S. Presidents.

This information included letters, emails & direct calls placed to your Husband's **former Deputy Press Secretary, Mr. Bill Burton, President Obama's on April 26, 2010 & June 20, 2008.** These letters were signed for, yet no reply was offered. I also spoke with Bill Burton's assistant who signed for information also on June 20, 2008 at the Prime Osborn Convention Center in Jacksonville, Florida. Since none of these letters & conversations produced a response I am asking average Americans around the country to write to you Mrs. President in hopes you will heed their voices.

The information signed for by the White House at 3 PM on April 4, 2011 also included documents proving I first brought to light the presence of Counterfeit Substandard parts built in most U.S. Nuclear Plants. This evidence ultimately led to a GAO report entitled, "Counterfeit Substandard Parts are a Government-Wide Concern." Your Husband's administration is now the fifth during two decades to ignore my letters concerning this most pressing concern outlined in my letter to you & three letters to President Obama.

More information confirms in January of this year the presence of 500 Counterfeit Substandard Parts (enclosed) were discovered at the construction site of Watts Bar Unit 2 in Tennessee. In addition, a former TVA vice president, Masoud Bajestani (enclosed) was charged & arrested for illegally trying to ship money to his native Iran after he lied to TVA about why he needed the 1.2 million from his retirement account. Mr. Bajestani was in charge of TVA's $2.5 Billion completion project for the Watts Bar Nuclear Plant Unit 2 until he was fired.

I would like to not believe the reason my letters have not been addressed is what I & others read in the New York Times article of 2/3/08 (see Pages 10A-E of 3/17/11 letter). "President Obama **Chief Political Strategist, David Axelrod** worked as a consultant to Exelon, the country's largest nuclear plant operator which is based in Illinois. **Exelon also contributed at least $227,000.00 to President Obama's**

Campaigns for the U.S. Senate & for President. Another Obama donor, John W. Rowe, chairman of Exelon, is also chairman of the Nuclear Energy Institute, the nuclear power industry's lobbying group, based in Washington."

Officials in your administration have replied to my letters & concerns while working for past presidents. Former CIA Director, **Leon Panetta, sent two letters while Chief of Staff for President Clinton (see Page 13 of letter of 3/17/11) requesting the Department of Justice to get in touch with me but they did not honor his request. The F.B.I. likewise did not reply to the request made by Former & first NRC IG, David William's office** (see P. 14 of letter of (see P. 14 of Letter of 3/17/11) to **investigate evidence I personally handed to President Ronald Reagan about substandard Parts** at a Gala event held for the former President by the Republican Inner Circle of which I am a member but still remain a Registered Independent. **The American People have a right to know why these requests of Leon Panetta & David Williams office were never honored or investigated.**

After three years of the NRC IG office of threatening me with jail in order to force me to give up the names of braves individuals from the NRC & the Nuclear Industry who came to WTP so their safety concerns could be made public the NRC IG office decided to work with us. WTP was given credit in the four NRC IG investigated reports proving cover-ups within the NRC.

WTP's efforts to reveal the dangers of nuclear power & the NRC have been featured on the **Cover of TIME entitled, " Special Investigation: Blowing the Whistle on Nuclear safety: How a Showdown at a Power Plant Exposed the Federal government failure to enforce its own Rules."** By the way **Vice President Biden** was mention in the Time Cover story so he knows of WTP's work. **After a year & half investigation of WTP's accomplishments** CNN aired on Earth Matters: **INSIDE THE NRC: INTIMIDATION OR REGULATION. (# 2 DVDs enclosed) 2nd one is "Control Room Operators."**

Jay Carney, President Obama's press Secretary is no stranger to WTP's work. I contacted Mr. Carney April 17, 2006 (see Page 11 & 12 of 3/17/11 letter) & spoke with him in 2008 when he was Time's Washington Bureau Chief. Hopefully Mr. Carney & or Mr. Burton can be asked to locate the information I gave them including the 4 NRC IG investigations brought about by WTP. **Former Secretary of State, Hillary Clinton during her Presidential run at a Campaign stop in Virginia took the time to talk with me** & promised to look over the same information I had already given to Bill Burton & Jay Carney. Mrs. Clinton did reply back to WTP.

Secretary of State John (also see Pages 11 & 12 of your 3/17/11) Kerry is quite familiar with WTP's work. Our government & the NRC have decided which citizens have value & which are dispensable. Currently, evacuation strategies designed for a nuclear meltdown exclude our grandparents & the mentally handicapped & many of our school aged children. Instead of created a just & fair exit strategy if tragedy struck, the

F

Page 3 of April 18, 2013 Letter to the First Lady.

Government has supplied bottles of Potassium Iodide for our grandparents & children to swallow & wait as radiation eviscerates our national treasures & the future of our country. These bottles of Potassium Iodide are what inspired me to begin my investigation in what safety measures were taken at our country's nuclear power plants. **My family owns & runs Sea View Nursing Home in Rowley, Massachusetts which lies 12 miles from the Seabrook Nuclear Plant in NH. Victor Stello, then Executive of Director of the NRC in replying to my questions suggested Potassium Iodide be given to special needs citizens administrated by caregivers who would be willing to stay behind in the event of a nuclear accident at Seabrook.** This inhumane treatment lead to my persistent inquires into the Nuclear Industry & the United States Government; I could not stand by & let this go on any longer.

In the wake of tragedies like Fukushima, after decades of being ignored by our elected leadership, it becomes incumbent upon the American People, especially our young people to speak out against the failed oversight of the Nuclear Regulatory (NRC) Commission & the nuclear industry that puts our country at risk. I am circulating petitions including at our educational institutions & churches asking for an investigation by a bipartisan commission, not unlike the 9/11 commission, to evaluate the effectiveness of the NRC before a nuclear catastrophe happens on American soil.

I understand the high demands of your position as First Lady. You have taken it as your cause the health of American's children. No matter how well balanced our children's diet a meltdown on the scale of Chernobyl would eradicate all our children equally whether diabetic, obese or fit.

I ask again for you to respond to my request to meet with you & President Obama. As citizens of this country we have a right to know that every measure has been taken to insure our safety. The Citizens of Rowley MA were the only town in the United States who took the time to sign a petition to former Presidents Reagan & Bush instead they chose to ignore the concerns mothers & fathers had in the evacuation of their children.

First Lady, Michelle Obama, you see the issues of Nuclear Power are secondary to me the real issue is whether together we can prove that Democracy is still alive & well in American. You & President Obama have an opportunity & a responsibility to help me prove especially to our young people that citizens outside the Washington Beltway can make a difference. I look forward to meeting with you both as soon as possible. I can be reached at my E-mail scomleysr@yahoo.com or mail me your response to Stephen B. Comley Sr. 45 Mansion Drive, Rowley, MA 01969. **Cell# 904-206-3114**

Sincerely,

Stephen B Comley Sr.

Stephen B. Comley Sr.
Founder of We The People

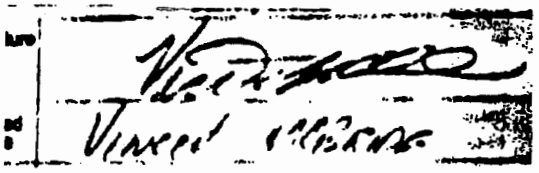
UNITED STATES
POSTAL SERVICE.

Date: May 9, 2013

Stephen Comley:

The following is in response to your May 9, 2013 request for delivery information on your Certified Mail™ item number 70123050000129665050. The delivery record shows that this item was delivered on May 1, 2013 at 4:28 am in WASHINGTON, DC 20500. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

H.

5A

Boston Sunday Glob

DECEMBER 22, 2013

Obama, Kerry lead push for overseas sales of US weapons

Huge rise in defense exports defended as security benefit

By Bryan Bender
GLOBE STAFF

WASHINGTON — The Obama administration is making an aggressive push to help US weapons manufacturers sell more arms overseas, including lobbying foreign leaders to purchase warships, aircraft, and missiles, and relaxing some controls on the transfer of military components, according to administration and industry officials.

Since 2009, when President Obama took office, the United States has led a surge in global arms deals, accounting for nearly a third of the roughly $30 billion in weapons transfers completed last year, according to the Stockholm International Peace Research Institute.

Its share was up from a little more than a quarter of the global market four years ago, according to the Swedish group, which has tallied arms sales worldwide since 1966.

US arms transfers went from $6.9 billion in 2009 to $8.7 billion last year, according to the in-

ARMS, Page A9

▶ARMS
Continued from Page A1

stitute's database, a 25 percent increase. The statistics for this year are not yet available, but specialists say they expect to see the steady upward trend continue.

Top administration officials credit a coordinated effort by the White House and active participation by Secretary of State John F. Kerry with helping American companies ink more weapons contracts. Officials also are lowering regulatory barriers to companies looking to export arms.

The policy is driven, the administration says, by a key US foreign policy goal: helping the country's allies shoulder more of the burden of international security. It is not about trying to boost company profits and protect jobs in the United States, they insist, though they acknowledge economic benefits are a byproduct of the policy.

"We are very keen to have allies and partners step up to the plate," said Gregory M. Kausner, deputy assistant secretary of state for regional security and arms transfers, and a former Navy fighter pilot. He described arms sales as a "fundamental tool of foreign policy."

Yet a number of human rights and international security experts are raising alarms that the more aggressive approach, which has received scant attention in Congress, could fuel tensions with Iran and China, and make it easier for potential adversaries to gain access to sensitive US military technologies.

They also worry that not enough consideration is being given to the possibility that some allies who are buying record amounts of high-tech arms, especially in the unstable Middle East, could end up using American weapons to stifle dissent or commit other human-rights abuses. They cite Egypt as a recent example.

"The floodgates are going to open and it is going to be a happy new year for the defense industry, which is going to make a lot of money," said Richard Grimmett, who recently retired after more than 30 years as the leading international security analyst for the Congressional Research Service, a nonpartisan legislative branch agency. "But you didn't have oversight hearings explaining, 'Here is why it is a good idea, here is why it is a bad idea.'"

One of the biggest beneficiaries has been Waltham-based Raytheon Co., the largest employer in Massachusetts and the world's fifth-largest defense contractor. It reported earlier this month that as much as 30 percent of its annual business will come from foreign sales — the highest it has reported. The company expects in coming weeks to complete deals in the Middle East worth $5 billion.

Raytheon can thank, in part, Kerry, who has final authority over international arms sales by US companies and in recent months has taken on a significant role as booster.

For example, earlier this year Kerry personally advocated for a $2 billion proposal from Raytheon to outfit the Persian Gulf emirate of Oman, which is adjacent to Iran, with a new air defense system. Kerry's advocacy in effect continued the lobbying campaign he began several years earlier as a Massachusetts senator.

"I wanted to come here to be able to thank you and to celebrate with you the Raytheon initiative," Kerry remarked in May as he met Oman's defense minister.

Kerry declined to be interviewed for this story. A senior US official directly involved in the review process said the increase in arm sales to the Middle East and Asia is a reflection of the government's new approach.

"In the past, there wasn't a very coherent strategy to do advocacy," said the official, who was not authorized to speak publicly. "Slowly over the years there's been a recognition that there has to be a greater governmentwide thought process. This administration has focused on it."

The official explained that US defense company proposals are now a consideration in virtually all diplomatic dealings with foreign officials. For example, top government officials traveling to particular countries are now regularly prepared to advocate for US firms who are seeking to sell arms there.

"Who, at what level, is going where and when?" the official described the approach, saying

[OVER]

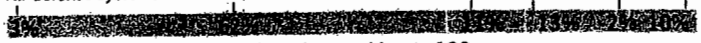
Boston Sunday Glob

DECEMBER 22, 2013

CONT'

TOP 5 ARMS EXPORTERS, 2008-2012

WHAT THE US EXPORTED, 2008-2012



NOTE: Because of rounding, numbers do not add up to 100.
SOURCE: Stockholm International Peace Research Institute GLOBE STAFF

the advocacy effort is aimed at "how to get the biggest bang for the buck."

US defense companies have two primary avenues to sell weapons internationally. There are foreign military sales, which are government-to-government deals and managed by the Pentagon, and direct commercial sales to foreign governments. Those are overseen by the Department of State, which grants export licenses.

Administration officials insist that security, not economics, is what drives the push to sell more US arms. Providing key allies with American hardware, they say, will ensure the United States has partners in containing Iran and North Korea, as well as deterring China from taking a more aggressive posture toward US allies Japan and South Korea.

"We don't make these decisions as a jobs program," said the State Department's Kausner.

In a sign of the growing global competition, China's volume of arms exports climbed a whopping 162 percent in 2008 to 2012, compared with 2003 to 2007, according to the Stockholm Peace Research Institute tally. For the first time China placed in the top five of global arms providers, behind the United States, Russia, Germany, and France, and displacing the United Kingdom.

But numerous experts see financial considerations — not security strategy — as the key factor in the surging US arms trade. They point out that the Pentagon's buying power is shrinking substantially with budget cuts.

"The most important thing is the US down trend," said Richard Aboulafia, vice president for analysis at the Teal Group, a defense and aerospace consulting firm in Fairfax, Va. "To keep production lines alive, you have to focus on the international market."

For instance, he noted that a number of key weapons systems that are being purchased in fewer numbers by the US military are now major offerings overseas, including F-15 and F/A-18 fighter jets and C-17 military transport planes.

> 'It is going to be a happy new year for the defense industry, which is going to make a lot of money.'
>
> RICHARD GRIMMETT
> *Retired government analyst*

Another factor is that the US military presence in both Iraq and Afghanistan is drawing to a close, said Siemon Wezeman, a senior researcher at the Stockholm Institute.

"Business was up during the wars, which gave US companies quite a lot of possibilities to sell equipment and services and spare parts," he said. "That, of course, will be gone."

The Obama administration also is shifting approval power for the sale of some military components from the State Department to the Commerce Department, which requires less oversight.

The new arrangement will streamline the export of thousands of components that officials say would not provide a significant military edge, such as aircraft parts and satellite technologies that are available on the commercial market. The list also will include "military vehicles, vessels, submarines, and auxiliary military equipment," the White House announced this fall.

Leading industry advocates say the Obama administration could go even further to coordinate overseas sales.

"We just want to start a process where it is done even more, and make it as much of a machine as possible," Remy Nathan, vice president for international affairs at the Aerospace Industries Association, a defense trade group, said of industry-government coordination.

Among the critics of this trend is the American Bar Association's Center for Human Rights, which has raised concerns that the United States will be introducing a flood of small arms and ammunition into areas ripe for conflict.

"I have not seen any meaningful analysis of the human rights component," said Brittany Benowitz, the center's chief counsel, who noted worries about "people who obtain arms from the US and then go out and do horrible things with them."

Even some of the architects of the Obama administration's approach acknowledge there are potential consequences.

"There are downside risks," said Michele Flournoy, who served as undersecretary of defense for policy in the president's first term. "You can have governments change, or governments misuse US weaponry."

She also said that by transferring some military components to the Commerce Department's export licensing process, there will be less tracking of where those parts go and how they are ultimately used.

"There is certainly less reporting after the fact," Flournoy said, though she maintains the benefits outweigh the risks for US foreign policy.

A few members of Congress are calling for restoration of stronger export controls.

Representative Ileana Ros-Lehtinen, a Florida Republican and member of the House Foreign Affairs Committee, said she believes more oversight is needed "to ensure that our military equipment and technology are not transferred to a third party without our knowledge, and that they cannot be used to threaten our interests."

Longtime observers said they are surprised by how little attention has been paid to the arms sales bonanza.

"There have been times when there has been a surge in US arms sales and the issue has been debated," said William Hartung, a researcher at the Center for International Policy, a Washington think tank. "This time it doesn't seem to be the case."

Grimmett, who has watched the process for nearly four decades, said few seem to care about the potential risks.

"There is no opposition anymore," he said.

Bryan Bender can be reached at bender@globe.com. Follow him on Twitter @GlobeBender.

COVER 7

THE WHITE HOUSE

WASHINGTON

October 22, 1996

Mr. Stephen B. Comley
Executive Director
We the People, Inc. of the United States
Post Office Box 277
Rowley, Massachusetts 01969

Dear Mr. Comley:

Thank you for your fax of October 10, 1996. I am sorry to hear that you have not yet received a letter from the Department of Justice regarding your concerns with the Nuclear Regulatory Commission (NRC).

Once again, I have forwarded your fax to the Department of Justice (DOJ) and asked that they respond to you directly. DOJ is the appropriate agency to assist you in dealing with your complaints with the NRC.

Again, thank you for writing.

Sincerely,

Leon E. Panetta
Chief of Staff

* [Investigation was never conducted, but it will be!]

cc: The Department of Justice

EP/tab

(OVER)

K

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C 20555

May 31, 1991

FICE OF THE
SPECTOR GENERAL

Mr. Stephen B. Comley
Mansion Drive
Rowley, MA 01960

Dear Mr. Comley:

This correspondence is provided in response to your request of Special Agent Kent E. Walker concerning the status of an allegation you forwarded to the Inspector General concerning former President Ronald Reagan. You alleged that in October 1987 you provided President Reagan with information regarding the use of counterfeit and substandard parts throughout the nuclear industry and that the former President subsequently refused to acknowledge receipt of that information. Your concerns were provided to the Federal Bureau of Investigation, Silver Spring, MD, on December 13, 1990.

Sincerely,

Leo J. Norton

Leo J. Norton, Assistant Inspector
General for Investigations

NEVER INVESTIGATED BUT WILL BE!

(over) I

WORK

The Boston Globe

WEDNESDAY, JUNE 15, 1994

US ruling removes gag from critic of Seabrook

By John Milne
GLOBE STAFF

CONCORD, N.H. – Ten years r Joseph D. Wampler was fired raising safety concerns at the brook nuclear power plant, the Labor Department has ruled : he can tell his side of the story ublic.

The Feb. 14 decision by Secre- of Labor Robert B. Reich, ob- ed by the Globe yesterday, as- ied Administrative Law Judge id W. Di Nardi in Boston to hold lic hearings, expected to be in tsmouth this summer.

Reich, in his decision, revealed a March 1984 out-of-court set- ient barred Wampler from dis- ing his case publicly, or even vol- arily presenting safety concerns ederal regulators. Reich labeled provision "contrary to public

SEABROOK, Page 33

(over)

US removes a gag from Seabrook criti

■ SEABROOK
Continued from Page 29

policy and unenforceable."

The hearing could open the way for Wampler to be paid damages, but it also could reveal new evidence about whether nuclear safety questions had been covered up. Antinuclear activists have contended that nuclear plants withheld information from the US Nuclear Regulatory Commission and that the NRC itself misled congressional investigators about nuclear safety issues.

Pullman-Higgins Co., the Seabrook subcontractor that was Wampler's employer, filed a Feb. 28 motion asking Reich to reconsider, saying it never intended to prevent Wampler, a licensed quality control inspector, from raising safety concerns. The company's lawyer, Mark T. Broth, wouldn't return phone calls seeking further comment.

"It's been a long time," Wampler said in a telephone interview. "I feel like the weight of a 40-foot trailer has been lifted from my shoulders."

Wampler's firing touched off one of the most contentious regulatory disputes during the construction of the $6 billion reactor. Wampler contended that 20 percent of the 2,669 safety-related welds at Seabrook were either defective or improperly documented – X-rays used for backup were flawed and the safety of the welds could not be determined.

But in January 1984, when Wampler raised questions about the welds with management, he was fired. Technical inspections by the NRC and congressional investigations followed.

Records deemed faulty

In 1991 the NRC found that several welds did not have the proper X-ray documentation, and the agency fined Seabrook's previous operator, New Hampshire Yankee, $100,000 for failing to keep properly documented X-rays.

Seabrook spokesman Rob Williams said that North Atlantic Energy Corp., the plant's current operator, "wants to emphasize that there was never an issue of plant safety, and the quality of the welds themselves has been confirmed." During the plant's 1991 refueling, the questioned welds were reexamined and new X-rays made, Williams said.

The investigation led to an inspection at the Watts Bar nuclear power plant in Spring City, Tenn., where substandard welds were found, and the Tennessee Valley Authority spent $50 million on repairs.

Wampler became a hero to the activists who maintained nuclear power was inherently unsafe and that the Seabrook reactor was substandard. "He's our original Seabrook whistleblower," said Robert A. Backus, a longtime opponent of the plant.

> **'Other people . . . will come forward with safety concerns, now that we know they can be protected.'**
>
> STEPHEN COMLEY
> *Nuclear safety activist*

But Wampler could not openly provide information to opponents. On March 20, 1984, shortly after his firing, Wampler and Pullman-Higgins reached a settlement in which the company paid his lawyers' fees and agreed not to blackball him within the industry. One paragraph said, "neither party will disclose the facts of this case except if ordered to do so by court, tribunal or agency of competent jurisdiction."

Wampler said afterward he had been coerced into accepting the settlement. He said it barred him from voluntarily raising nuclear safety concerns even with the NRC.

Wampler, who had worked as a quality-control inspector for such other high-profile projects as the National Aeronautics and Spac ministration's space shuttle, that his business was drying u soon as a client found out who all of a sudden, no contract," h yesterday. "I've lost two house a wife, because of this."

In an effort to preserve his cy until the hearing, Wampler terday declined to identify the western city where he now live

But in 1990, backed by St Comley, a Rowley, Mass., n safety activist, Wampler and hi yer filed a motion with the Department, seeking to reope settlement. Reich considere case early this year and conc that the settlement violated th ergy Reorganization Act of 197 signed to protect whistleblowe

"To the extent that this pro could be construed as restr complainant from voluntarily municating and providing inf tion to any federal or state g ment agencies, it is void as co to public policy and unenforce Reich wrote.

Comley hailed the decision ing: "We have other people w come forward with safety con now that we know they can b tected."

Asked whether he would same thing if he had the c Wampler said, "Yeah, I'm pr stupid enough to do it all

PRESIDENT OBAMA

CONGRESS
PROTECT U.S. DEMOCRACY

INVESTIGATE THE NUCLEAR REGULATORY COMMISSION

JOIN
We The People of the United States

Rowley, MA

PRESIDENT OBAMA
PROTECT U.S. DEMOCRACY

INVESTIGATE THE NUCLEAR REGULATORY COMMISSION

JOIN
We The People of the United States

Rowley, MA

CONGRESS
PROTECT U.S. DEMOCRACY

INVESTIGATE THE NUCLEAR REGULATORY COMMISSION

JOIN
We The People of the United States

Rowley, MA

PRESIDENT OBAMA
PROTECT U.S. DEMOCRACY

INVESTIGATE THE NUCLEAR REGULATORY COMMISSION

JOIN
We The People of the United States

Rowley, MA

Petition to President Obama, Vice President Biden, Speaker Boehner and Members of Congress to Create an Independent Commission to Investigate the U.S. Nuclear Regulatory Commission (NRC)

WHEREAS we the people of the United States and beyond have an obligation to ourselves and to future generations to uphold the democratic process and to challenge federal policies when they endanger us and our fellow citizens; and

WHEREAS current NRC plans call for the construction of at least fifty more nuclear plants in order to reduce our nation's dependency on foreign oil: and

WHEREAS the NRC and the Government Accounting Office have found that more than 70 existing US nuclear plants contain counterfeit and substandard defective parts; and

WHEREAS recent NRC rules streamline the nuclear plant licensing and re-licensing process by limiting public participation, lowering safety inspection and quality assurance standards applicable to nuclear components in existing and new facilities to reduce construction costs; and

WHEREAS nuclear power plants and their surrounding communities do not have adequate emergency evacuation plans to protect people who would be at risk when a nuclear accident occurs.

WHEREAS recent experience has shown our governments' inability to respond to short and long term needs of our citizens whose lives are disrupted by unforeseen disasters; and

WHEREAS current emergency plans propose that senior citizens and other special needs persons who cannot immediately evacuate be left behind in the event of a nuclear accident be given potassium iodide which only protects the thyroid against radioactive iodine, leaving them susceptible to contamination by other dangerous radioactive products released during an accident or act of sabotage; and such plans assume these valuable members of our communities are expendable, a discriminatory policy which violates their civil rights: and

WHEREAS building more nuclear power plants will result in increased amounts of hazardous radioactive nuclear wastes for which there is no SAFE storage available for the foreseeable future and if not properly transported, stored or disposed of will be potentially dangerous to many future generations; and

WHEREAS the NRC is the federal agency primarily responsible for regulating the nuclear power industry consistent with public safety, health and welfare: and

WHEREAS the NRC Office of the Inspector General has released a report titled "NRC Failure to Adequately Regulate" confirming the agency falls short in its efforts to regulate the nuclear industry in a manner that assures public safety ; and

WHEREAS the NRC has previously interfered with efforts of its employees and other concerned persons who have disclosed serious problems with the nuclear power industry.

THEREFORE we the people of:

hereby petition to establish an independent and bi-partisan Commission (similar to the 911 Commission) comprised of elected officials and other qualified experts to fully investigate the Nuclear Regulatory Commission's regulation of the nuclear power industry including the manner in which it has acted and adequacy of current safeguards to assure that it continues to protect the American public from dangers posed from the design, construction and operation of existing and future nuclear power plants.

The commission shall have at least fifteen (15) members, be staffed and funded by Congress and shall hold extensive public hearings. No later than two (2) years after its first meeting, the commission shall issue a report that contains specific findings and recommendations regarding the manner in which the NRC has acted to protect the public from dangers associated with the nuclear power industry including, but limited to, the following topics:

1. Plant location, design and construction;
2. Evacuation plans and other proposed public responses to short and long-term effects of nuclear accidents;
3. Safety Inspections and Quality Assurance including, but not limited to, the use of substandard and counterfeit parts existing and future nuclear power facilities and effectiveness of recent NRC rules relaxing standards for safety inspections of plant components and inspection documentation requirements.
4. Integrity and independence of NRC staff and management including whether NRC decisions are improperly influenced by the nuclear industry or other interest groups, opportunities for employees to express concerns about public safety issues and effectiveness of the NRC Office of Inspector General's Office.

By signing below, I assert and affirm my belief that it is in the best interests of the United States to conduct an investigation to assure that our government is doing everything possible to protect America against the dangerous perils caused by nuclear accidents on the devastating scale of Chernobyl and Japan Castastrophes.

PRINT YOUR NAME, ADDRESS, PHONE AND E-MAIL ADDRESS AND THEN SIGN YOUR NAME BELOW

1. _____
2. _____
3. _____
4. _____
5. _____

(additional signatures add to back)

Sponsored by We The People
Please return all petitions to:

904-206-3114

STEPHEN B. COMLEY SR.
WE THE PEOPLE
45 MANSION DRIVE
BOX # 7
ROWLEY MA 01969

DATE _____ **BEARER** _____ **PETITION NO.** _____

(42)

OVER

THE DAILY NEWS

Newburyport, Massachusetts

40 Pages | Wednesday, November 5, 1986 | 35 cents | $1.50 weekly home delivered

Taking Seabrook all the way to Washington

To the editor:

I am a resident of Rowley, Massachusetts, which lies two miles outside the Seabrook Nuclear Plant's 10-mile radius. I am also the administrator of the Sea View Nursing home in Rowley.

I became concerned in the Seabrook issue when I found out that there is not an acceptable evacuation plan for people who cannot be moved. This includes children hospitalized for surgery who must be sheltered in place.

Rowley could not be included in the evacuation planning even though our young people attend school within the 10-mile radius because they go to a regional school in Newbury.

I concluded that it was not only the industry that was at fault but the Nuclear Regulatory Commission, which led me to believe that the real stench was coming from Washington.

During my weeks in Washington, D.C. this was confirmed. I uncovered some very disturbing information regarding the safety and viability of nuclear power plants in the United States, including our neighbor Seabrook.

For instance, James K. Asselstine, an NRC Commissioner, has told me in a formal meeting that he has information which supports his assertion that there will be a serious nuclear accident in the United States within the next 20 years and could result in off-site releases of radiation larger than what occurred at Chernobyl, unless something is done now to investigate and regulate the nuclear power industry.

I have also learned of the case of James V. Padovano, whose sole position was to inspect welds at the Seabrook plant. He was charged with 11 counts of federal violations and pleaded guilty and was sentenced on Sept. 30, 19855. He was sent to jail for six months and then placed on three years probation. These charges were for not performing inspection of welds and falsifying the records to show that he did perform the inspections.

I think the least the Department of Justice could have done was to fully investigate the case and let all witnesses be questioned. I have asked for this case to be re-opened in Washington through the Justice Department. Seabrook officials admit that due to Mr. Padovano's neglect it cost over one million dollars to go back to check over Mr. Padovano's work. More importantly, some of the inspections that he was required to be performing could never be re-inspected as they were already covered in cement.

Recently, the NRC granted 11 pages of inspection relief pertaining to current welds, even though the NRC's own regulations require 100% examination.

I contacted Governor Sununu's office by registered mail on October 15, 1986, requesting him to make public some of the things I had found in Washington as well as making public the James Padovano case. His office informed me that they did not know of the case and that they didn't think there would be enough time to do this before election.

Mr. Sununu does not have the right to decide for the people of today and, more importantly, the people of tomorrow whether Seabrook opens or not. This right belongs to all of us.

Eighty per cent of our town has officially asked President Reagan to investigate the NRC to see if they are acting responsibly, to request a moratorium on the start-up of any new nuclear plants awaiting licenses and that he remind the NRC that this is America not Russia and that they are accountable to the people. In addition, I have asked Congressman John D. Dingell from Michigan to set up a hearing to subpoena 18 present and former employees of the NRC. Some of the employees of the NRC want to testify because they are committed to the safety of the people of America.

I appeal to present and former employees of the Seabrook Nuclear Plant. It is your responsibility to make known any wrong-doings at Seabrook whether they be regarding equipment, design, or personnel.

Anyone knowing of any more problems in the plant's construction which may make it unsafe is advised to contact the Employees Legal Project in Amesbury at 388-9620 or feel free to contact me at 948-2002. Your identity will be protected and your information will be used effectively.

Please help to remind some of our government officials and the nuclear industry that we run this country, they don't.

STEPHEN B. COMLEY
Rowley

WE DID THIS IN '86, WE'RE GOING TO DO IT AGAIN IN ROWLEY 2014.

(41)