

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THOMAS APPELEGATE,)
)
Plaintiff,)
)
v.) Civil Action No. 82-1829
)
NUCLEAR REGULATORY COMMISSION,)
)
Defendant.)
_____)

NOTICE OF DISCLOSURE

This Freedom of Information Act (FOIA) lawsuit concerns Nuclear Regulatory Commission (NRC) documents related to the review of an investigative report on allegations made by plaintiff concerning the construction of the Zimmer Nuclear Power Plant in Ohio, specifically (1) four documents generated in the office of NRC Commissioner Bradford and (2) numerous documents generated in the NRC Office of Inspector and Auditor (OIA). Appended to this Notice is an Affidavit of Ronald M. Smith, OIA, dated December 23, 1982 (Exhibit A), which describes OIA's original processing of plaintiff's FOIA request and the results of subsequent reviews of that request. In sum, the NRC has conducted a new search of OIA files and contacted present and former OIA personnel involved in the OIA review of the Zimmer investigation to determine whether there were any other documents in existence subject to this FOIA request. The Smith Affidavit notes in Paragraph 4 that several FOIA requests were submitted on plaintiff's behalf. FOIA-81-407, a request for

the OIA Report which reviewed the investigation, is described, though not expressly identified, in Paragraph 8. FOIA-81-488, a request for documents related to the OIA Report, is the subject of this litigation. FOIA-82-206, a request for documents related to subsequent NRC investigations at Zimmer, remains under review by NRC.

Document 1 (Exhibit B) is a list of documents identified as being in various OIA files before plaintiff's FOIA request was received. This list was compiled by former OIA staff investigator David Gamble in 1981. Smith Affidavit at Paragraph 6. The OIA treated this list and some of the documents from the list as personal rather than agency records at the time of the receipt of plaintiff's FOIA request. Smith Affidavit at Paragraph 9. Regardless of the merits of that position, the NRC has determined to release all NRC documents that are contained on that list. The documents listed below are being released in their entirety on this date. Others have already been released or are scheduled for release in response to a separate FOIA request submitted by plaintiff (FOIA-82-206), Smith Affidavit at paragraph 10, subject to minor deletions to protect personal privacy or an ongoing investigation. For.

purposes of organization, we have subdivided the documents listed on Exhibit B into the following categories:

Documents released on this date;

Documents released or scheduled for release in response to this and other FOIA requests; and

Documents provided to NRC by plaintiff's counsel, the Government Accountability Project, which are not being redistributed.

In addition, in the course of the subsequent review of the subject FOIA request, the NRC identified a number of documents which had previously been overlooked. Smith Affidavit at Paragraph 11. Finally, several documents retained by Mr. Gamble do not appear on his list (Exhibit B, and thus appear below without the corresponding reference to the Gamble list. NRC is releasing these documents in their entirety on this date.

The NRC believes that this accounts for all OIA documents even arguably subject to plaintiff's request. On this date, NRC is providing copies of these documents to the plaintiff and placing copies in the FOIA-81-488 file maintained in NRC's Public Document Room at NRC headquarters in Washington, D.C. where they will be available for public review and inspection. The NRC only recently located the documents designated as "X" and "LL" on Mr. Gamble's list. Smith Affidavit at Paragraph 12. These documents are among

those being released on this date. The Bradford documents are not being released and are the only documents remaining in dispute in this lawsuit. See Parrish Affidavit, filed with Defendant's Motion for Protective Order, at Paragraph 3.

I. Documents released on this date

<u>No.</u>	<u>Date</u>	<u>Designation per Gamble list (Doc. No. 1) (Exhibit B)</u>	<u>Description</u>
1.	undated	--	Documents in OIA Files: list compiled by David Gamble, OIA, about October 1981 (9 pages).
2.	12/10/80	H	Note to Commissioners from James J. Cummings, Director, OIA, regarding MSPB review of Applegate allegations (1 page).
3.	12/15/80	I	Memorandum for James J. Cummings, Director, OIA, from Commissioner Ahearne requesting OIA to review the IE Investigation at Zimmer (with OIA Notations) (1 page).
4.	1/7/81	L	Memorandum for the Director, OIA, from Commissioner Ahearne regarding the Office of Special Counsel Letter of December 29, 1980 (1 page).
5.	1/19/81	N	Draft Report of Meeting between OIA and IE (2 pages).
6.	2/23/81	U	Draft Report of Interview of James F. Donahue (2 pages).

7.	3/18/81	W	Memorandum for the Commission from James A. Fitzgerald, Assistant General Counsel, regarding the jurisdiction of the MSPB over the Applegate allegations (5 pages).
8.	3/24/81	X	Note to Arthur Schnebelen from David Gamble regarding breakdown of allegations according to IE/OIA investigations (8 pages including attachments).
9.	3/30/81	Y	Draft Report of Interview of Terry Harpster (5 pages).
10.	4/6/81	Z	Draft Summary Report of Investigation (3 pages).
11.	4/6/81	--	Draft Report of Reinterview of Gerald Phillip and Kevin Ward (3 pages).
12.	4/7/81	AA	Draft Master copy of Summary of Report of Investigation (3 pages).
13.	4/7/81	SS	Draft Report of Investigation (47 pages).
14.	7/7/81	BB#1	Draft Master Copy of Report of Investigation (46 pages).
15.	7/7/81	BB#2	Draft Master Copy of Report of Investigation (37 pages).
16.	7/14/81	DD	Draft Listing of Welding Documentation (1 page).

17.	7/16/81	EE	Note to James J. Cummings and Arthur Schnebelen from John Sinclair attaching for their review a draft Review of Welding Records Report (7 pages).
18.	7/22/81	GG	Draft Review of Welding Records Report (6 pages).
19.	7/22/81	HH	Draft Review of IE Inspector's Manual (3 pages).
20.	8/10/81	LL	Note to David Gamble from John Sinclair regarding annotations (1 page).
21.	8/19/81	NN	Note to Dudley Thompson, IE, from Arthur Schnebelen, OIA, providing a copy of the OIA Zimmer Report (1 page).
22.	9/15/81	--	Draft Memorandum for the Commissioners from James J. Cummings, Director, OIA, regarding FOIA request for the OIA Zimmer Report (2 pages).
23.	undated	CC	Pages 38-46 of Draft Master Copy of Report of Investigation (10 pages).
24.	undated	II	Final Report with interviewee's comments on reinterview (David Gamble's copy -- 45 pages).
25.	undated	OO	Draft Summary of Report of Investigation (3 pages).
26.	undated	PP	Draft Review of Weld CY 606 (1 page).

27.	undated	QQ	Draft paragraph regarding OIA review of weld packages (1 page).
28.	undated	RR	Draft Review of Welding Records (2 pages).
29.	undated	TT	Draft "Detail's" section of Report (42 pages).
30.	undated	UU	Draft Summary of Report (3 pages).
31.	undated	VV	Draft Summary of Report (3 pages).
32.	undated	WW	Draft Summary of Report (3 pages).
33.	undated	XX	Draft Report and Transmittal Memorandum (46 pages).
34.	undated	YY	Master Copy of Final Report changed as of 8/7/81 (43 pages).
35.	undated	ZZ	Work Copy of Final Report (45 pages).
36.	undated	AAA	Handwritten Paragraph (1 page).
37.	undated	--	Draft 'Background' section of Report (1 page).
38.	undated	--	Draft "Details" Report of Meeting with Region III Personnel (2 pages).
39.	undated	--	Draft segment of Report (1 page).
40.	undated	--	Draft Report of Interview of Gerald A. Phillip (12 pages).
41.	undated	--	Draft Report of Interview of Welding Inspector (3 pages).

42.	undated	--	Draft Report of Interview of Charles Morelius (4 pages).
43.	undated	--	Draft Report of Interview of Chief, Reactor Construction and Engineering Support Branch (1 page).
44.	undated	--	Draft Report of Interview of Chief, Materials and Process Section (1 page).
45.	undated	--	Draft Report of Interview of Chief, Projects Section (1 page).
46.	undated	--	Draft Report of Interview of Chief, Security Section (2 pages).
47.	undated	--	Draft Report of Interview of Regional Director (3 pages).
48.	undated	--	Draft Report of Interview of former project inspector (5 pages).
49.	undated	--	Draft Report of interview of IE investigator (4 pages).
50.	undated	--	Draft Report of Interview of Terry Harpster (5 pages).
51.	undated	--	Draft Review of Welding Records (1 page).

II. Documents released in response
to FOIA-81-407

Designation per Gamble list (Exhibit B): KK.

III. Documents previously released in response to
FOIA-81-488

Designation per Gamble list (Exhibit B): K, M, O, R, V,
JJ, MM.

IV. Documents scheduled for release in response to
FOIA-82-206

Designation per Gamble list (Exhibit B): A, A1-11, B, C, J
(w/o attachments), Q, and FF (referred to originating agency
for release determination).

V. Documents provided to NRC by plaintiff's counsel,
the Government Accountability Project, which are
not being redistributed

Designation per Gamble list (Exhibit B): D, E, F, G,
J1-13, P, P1-13, S, and T.

The following four documents remain at issue in this
lawsuit:

- (1) September 29, 1981 memorandum to Commissioner
Bradford from Legal Assistant Thomas R. Gibbon re:
Public Release of OIA Report on Zimmer. 3 pages.
- (2) October 21, 1981 memorandum to Commissioner
Bradford from Legal Assistant Thomas R. Gibbon re:
Udall letter on Zimmer, with handwritten comments.
1 page.
- (3) October 29, 1981 draft letter to Congressman Udall
with handwritten comments of Commissioner Bradford
and Thomas R. Gibbon. 2 pages.
- (4) October 30, 1981 memorandum to Chairman Palladino
from Commissioner Bradford re: Proposed Draft
Letter to Congressman Udall regarding Zimmer.
1 page.

NRC expects to file a dispositive motion addressing these documents within two weeks of this Notice of Disclosure.

Respectfully submitted,

John D. Bates ^{by ZAP}

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THOMAS APPLGATE,

Plaintiff,

v.

NUCLEAR REGULATORY COMMISSION,

Defendant.

Civil Action No. 82-1829

AFFIDAVIT OF RONALD M. SMITH

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Thomas Applegate,

Plaintiff,

v

U.S. Nuclear Regulatory Commission,

Defendant.

Civil Action
No. 82-1829

AFFIDAVIT OF RONALD M. SMITH

State of Maryland
County of Montgomery

ss.:

Ronald M. Smith, being duly sworn, deposes and says:

1. From January 27, 1980, to the present, I have been employed as a Senior Criminal Investigator, GG-1811-14 in the Office of Inspector and Auditor (OIA), U.S. Nuclear Regulatory Commission (NRC), Washington, D.C. 20555. In addition, I am licensed to practice law in Oklahoma and Virginia and before the U.S. Court of Military Appeals and the U.S. Supreme Court. During my previous tenure as a Judge Advocate General Officer with the U.S. Army in Europe (December 1972-July 1977) and as an Attorney-Advisor to the U.S. Army Criminal Investigation Command, Falls Church, Virginia (July 1977-January 1980), I had both substantive training and considerable experience with handling documents pursuant to the Freedom of Information Act (FOIA). During my present tenure, in addition to other duties, I have been the primary individual within OIA responsible for the processing of all FOIA requests submitted to the office for action.

2. My statements below regarding the above titled civil action are based either on direct personal knowledge or upon information which has come to my attention in the course of my official duties and upon which I rely in the discharge of those duties and which I believe to be true and correct unless expressly qualified by me. The purpose of this affidavit is to recount processing of the original FOIA request which is the subject of the above referenced civil action and, subsequently, actions concerning that request or related to it.
3. OIA is organized basically along functional lines - investigative and audit. Within the investigative function there is one basic file system, i.e., investigative case files and three supplemental file systems, i.e., investigative administrative/reference files, FOIA/Privacy Act request files and travel files for the investigative staff. Investigative files are filed in case number sequence. Case numbers are assigned as cases are opened based on Fiscal Year, e.g., the OIA investigation of how well Region III of the NRC handled the Applegate allegations was opened as case number 81-18. An index card system is maintained which cross references case titles (subjects) with the specific case number. The files are maintained in locked containers on a key card controlled access floor of the building.
4. In this case, I was dealing with two OIA investigative files, i.e., 81-18 and 81-39 and with three separate FOIA requests from the plaintiff's representative, GAP, which are identified within the NRC as FOIA 81-407, FOIA 81-488 and FOIA 82-206. File number 81-18 was the original OIA investigation into Region III's handling of the Applegate allegations. File number 81-39 was an additional file concerned with an intended investigation into construction defects - allegations which came to the attention of OIA investigators in the course of conducting the investigation identified as 81-18. Case number 81-39 was opened on or about May 5, 1981, based on my review of the index cards and the office monthly activity report for May 1981. An additional file which impacts on this matter is the "Lowenstein request" identified as FOIA 81-376 which will be further discussed below.
5. Documents filed within case files normally must be approved for filing by the Director, OIA, but in any case by the Assistant Director for Investigations. Drafts, extraneous notes, etc., are not maintained in the files and are purged from the files if found to be placed in the files by mistake. This policy was developed in about March 1980 and confirmed in a memorandum to the OIA staff by Mr. Cummings dated June 20, 1980. In pertinent part, Mr. Cummings

directed that "File folders are not to be used to store drafts of reports, interviews or memos. Once a communication is finalized, drafts (except in the case of an officially transmitted audit memorandum or report) notes and other miscellaneous matters are to be removed from the office filing system - keep them at home if you wish."

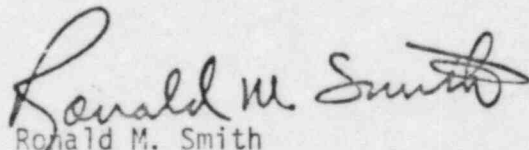
6. From a recent conversation with David Gamble, formerly an investigator with OIA, I have learned that in response to a request from Douglas Lowenstein of the Cox Newspaper chain (FOIA 81-376), Mr. Gamble prepared a list of documents in OIA files and in his personal files which he felt were responsive to Lowenstein's request. This list included earlier draft versions of parts of the OIA Zimmer report (81-18). However, subsequently, Mr. Lowenstein told me that, for purposes of his FOIA request, he was not interested in any documents created before issuance of the OIA report. Lowenstein was provided with a copy of the final report and several other final documents issued after the final report on or about November 17 and 21, 1981, according to correspondence in the FOIA 81-376 file maintained in OIA.
7. Subsequently, and I cannot recall when specifically, Mr. Cummings met with the investigative staff to discuss the presence of drafts and other extraneous materials in official files. In sum, Mr. Cummings again directed that only final documents, which had been approved by him or the Assistant Director for Investigations would be included in the official office files. He further advised that he had no objection to our keeping or taking home for personal retention drafts or other such documents. He emphasized that he did not want such documents in his files. Upon information and belief, all official files were examined for drafts and other extraneous materials still in them. All such documents were removed.
8. On October 7, 1981, GAP requested in writing the OIA Zimmer report and in so doing referenced an earlier oral request for the report. When the OIA Zimmer final report and associated documents were provided to Lowenstein and a third requester, these documents were also provided to GAP according to our files (on or about November 17, 1981).
9. As indicated in plaintiff's complaint (paragraph 5), on November 23, 1981, a request was submitted for several categories of records "in connection with" the OIA Zimmer report, as well as the investigation (file No. 81-18, as described above). The request (FOIA 81-488) was apparently received by the FOIA Branch and forwarded to OIA on November 30, 1981, according to our files. Upon information and belief, Mr. Gamble produced a set

of documents, not found in official files, but nonetheless retained by him. He said they were responsive to the request. OIA management took the position that these documents ceased to be agency records when removed from official files. At OIA management direction, I drafted the response from OIA to the FOIA Branch dated December 9, 1981, which listed documents for release and other documents generated by other offices of NRC which were in our file 81-18 and appeared relevant to the request. I was told we had no drafts and my response was silent on them. On appeal to the Commission, OIA took the same position.

10. On April 22, 1982, FOIA Branch forwarded a GAP request dated April 20, 1982 (FOIA 82-206) which in essence asked for all documents or other information "connected with NRC IE Report 50-358/81-13." The appeal of that request is still pending in the NRC. In the course of these agency deliberations, all of the documents in OIA File 81-39 (which with the documents in OIA File 81-18, see paragraph 4, supra, constitute all the OIA information) are being processed for release. Most of the documents and information contained in them have already been released. To my knowledge, no final action has been taken.
11. In November 1982, OGC requested that Mr. Cummings review various documents provided by Dave Gamble -- a list prepared by Dave in connection with Lowenstein's request addressed above and many of the documents on the list. Using the list, I searched OIA files 81-18 and 81-39 for documents which I could not otherwise account for, i.e., either provided by Dave, previously released, or originated/provided by GAP. This page by page search turned up five additional documents in the files, but not previously identified. Three of the documents were not generated by OIA. Normally, it is NRC practice for the office originating the document to be responsible for its identification in response to any FOIA request. The two other one page documents are OIA documents contained in the 81-18 file. I simply had overlooked them during my earlier reviews going back to July 1982. I understand that all of the documents on Dave's list, and not already in the possession of GAP, are being released.
12. I was unable to locate at all two documents identified by Gamble in his list as documents "X and LL." At the request of OGC and Mr. Cummings, I contacted both Mr. John Sinclair, formerly an investigator with OIA, but currently with the recently formed Office of Investigations, and Dave Gamble to determine if they had any further documents, personal or otherwise, connected with the OIA Zimmer investigation. I particularly asked both if they had copies of the "X and LL" documents. Sinclair advised me that he had no documents not previously

identified in Dave's list and specifically did not have documents "X and LL." Dave at that time stated that he had provided OGC with all the documents he had in his possession. I also checked the index cards and could find no reference to the two documents on the cards for either file (81-18 and 81-39). Additionally, I talked to Art Schnebelen, Mr. Cummings, and Al Puglia (also an OIA investigator who worked on the Zimmer case at one time). All indicated that they had no documents in their personal possession concerning either Zimmer file (81-18 or 81-39). On December 22, 1982, I talked with Dave and he advised me that the previous evening, in going through various matters stored in his basement, he had found copies of the two missing documents and said that he had advised Rick Parrish, OGC, of that fact and was forwarding them to him. (I approached all of the above persons because either they at one time had acted as investigators on the Zimmer matter or had been involved in the preparation of the OIA Zimmer report.) I am satisfied that all documents generated by OIA and currently within file 81-18 have been identified to GAP. Further, all documents within OIA 81-39 generated by OIA and responsive to FOIA requests 81-488 and 82-206 have been identified to OGC for release or denial as deemed appropriate.

I declare, under penalty of perjury, that the foregoing is true and correct.
Executed on December 23, 1982.



Ronald M. Smith
Senior Criminal Investigator
Office of Inspector and Auditor
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

- A. File Transfer Record to Terry Harpster, IE fm Dave Gamble, OIA, dated 3/9/81, transmitting Harpster's personal file re Zimmer.
1. Memo G. Gower fm J. Keppler, re Zimmer - Report of Investigation into Licensee Statements at ACRS Subcommittee Meeting, dated 7/31/79. Attachment: a. Letter Borgmann fm Keppler, dtd 7/31/79, re investigation by IE re accuracy of statements re staffing of Zimmer made by licensee during meeting with ACRS. w/attach. Region III Report No. 50-358/79-21, for Investigation May 21-24, 1979.

Exhibit B
Civil Action No.
82-1829

2. Memo Thompson fm Keppler, re Erroneous Statements Provided By Applicant at Zimmer ACRS Subcommittee Meeting (AITS F30488H6), dated 4/10/79 Attachment:
Statement of Facts Re Erroneous Info Given by Applicant at Zimmer ACRS Subcommittee Meeting.
3. Memo Keppler fm Thompson, re Apparent False Statements by Applicant at Zimmer ACRS Subcommittee Meeting (AITS F30488H6), dated 5/2/79. Attachment:
Ltr Keppler fm Borgmann re Region III wishes to interview CG&E re statements made to ACRS, dtd 5/18/79.
4. Transcript of Testimony of Mr. Schott before Mr. Bender. (ACRS) 4 pp only, undtd.
5. Transcript of Testimony of Mr. Borgmann before ACRS - 20 pp only, undtd.
6. NRC, Region III, Press Release #79-12, dated 3/22/79.
Attachment: Ltr Hendrie fm Carbon, re Report on William H. Zimmer Nuclear Power Station, Unit 1, dtd 3/13/79.

7. Package containing:
 - a. Terry L. Harpster Statement, dtd 5/22/79
 - b. John E. Menning Statement, dtd 5/21/79
 - c. One page note containing names beginning with "Monday-Peter Baci"
- 8.. Draft Investigation re Apparent False Statements by Cincinnati Gas & Electric Co. Investigator: Peter E. Baci. DN:50-358. (missing p. 14).
9. Ltr Borgmann fm Keppler, re inspection conducted by T. Harpster and to discussions of our findings with Borgman, Salay, Schott and others, dated 8/2/78. Attachment:
Region III, Report No. 50-358/78-11, for inspection on May 23-26 and June 22-23, 1978, by Inspector T. Harpster, dated 7/31/78.
10. Ltr Borgman fm Fiorelli re inspection conducted by T. Harpster February 28 & March 1-3, 1978, dated March 22, 1978. Attachment:
Region III Report 50-358/78-06 at Wm. H. Zimmer Site, conducted by T. L. Harpster on Feb. 28 and March 1-3, 1978.
11. "Attachment 13A, Table of Contents"

- B. Draft Investigation re Apparent False Statements by Cincinnati Gas and Electric Co., Investigator Peter E. Baci, No. DN: 50-358.
(w/conclusions).
w/conclusions
- C. Ltr Borgmann fm Keppler, re investigation conducted by P. Baci on May 21-24, 1979, at Zimmer Plant, dated August 3, 1979
Attachment:
Region III, Report No. 50-358/79-21, Investigation on May 21-24, 1979 at Zimmer (w/conclusions deleted).
w/ attachments: Statements by T. Harpster; J. Menning; J. Schott and letter Borgmann to Keppler, dated May 18, 1979.
- D. Affidavit of James C. Huwell. dtd 6/22/80.
- E. Witness List, Government Accountability Project, Zimmer, July 1980.
- F. Memo Clark fm Tom Devine, dtd 7/2/80, re 7/2/80 conversation with Pat Dinsler on Zimmer Plant.
- G. Memo Eastwood fm Government Accountability Project, dtd 10/30/80, re Suggested Checklist of Items to Evaluate Whether Reports Submitted under 5 USC 1206(b)(3) Include Info Required by 5 USC 1206(b)(4).
- H. Note to Commission fm Cummings, dtd 12/10/80, re T. Applegate's letter which was submitted by Government Accountability Project for review.
- I. Memo Cummings fm Ahearne, dtd 12/15/80 re T. W. Applegate Allegations-
rqst OIA conduct investigation to see if IE conducted adequate investigation re Zimmer. (w/handwritten notations).

J. Ltr Ahearne fm Eastwood, dtd 12/29/80, enclosing info transmitted pursuant to 5 USC 1206(b)(2).

Attachments:

1. Ltr Eastwood fm Clark, 12/10/80 re GAP representing T. Applegate in request for investigation re Zimmer
2. Ltr Eastwood fm Clark, dtd 12/15/80 re Applegate authorized GAP to disclose his name to anyone within Government.
3. GAP Petition before the Office of Special Counsel of Merit Systems Protection Board-Request for an Investigation pursuant to 5 USC 1206(b)(7) on behalf of Thomas Applegate.

Exhibits:

#1 Region III, Report of Investigation No. 50-358/80-09 for the period April 7-9 and 30, and May 1-2 and 20, 1980 re Zimmer.

News article fm Cincinnati Enquirer, dtd 5/1/80

- #2.. Ltr Cox fm Altenuehle dtd 12/5/79, re CG&E checking possibility of misconduct re construction at Zimmer.
- #3. Affidavit of Thomas W. Applegate, Jr., dtd 6/6/80.
- #4. Investigat^{ive} Reports and Summaries (4) re Under Cover Investigative Activities at Zimmer Plant submitted by Major W. Cox.
- #5. Toll calls of Harry V. Means thru 3/10/80.
- #6. Ltr Applegate fm Phillip, dtd 3/11/80 re meeting on 3/3/80.
- #7. Portions of GAO Report EMD-79-16 dtd 1/26/79.
- #8. Portions of GAO Report EMD-78-80 dtd 9/7/78.
- #9. Portions of IE Investigative Report re South Texas Nuclear Project.
- #10. Transcription, Conversation between Applegate and Alredge(sic).
- #11. FBI Shifts Charges to NRC.
- #12. Memo Clark fm Devine, dtd 6/13/80 re Verification of Allegations in Applegate's 6/6/80 Affidavit: Riga Giordano.
- #13. Memo Clark fm Devine, dtd 6/12/80 re Verification of Allegations in T. Applegate's 6/6/80 Affidavit: Joan Means.

- K. Memo Ahearne fm Cummings, dated 1/5/81, re Thomas W. Applegate Allegations.
- L. Memo Cummings fm Ahearne dated 1/7/81, re Office of Special Counsel Letter of 12/29/80 rqsts NRC report by early March.
- M. Memo Phillip fm Stello, dtd 1/16/81, re Merit System Protection Board Charges by IPS
- N. Report of Meeting between OIA & IE, Region III (draft dtd 1/19)
- O. Memo Keppler fm Fortuna, dated 1/29/81, re Confidentiality and Restriction of Info forwarded by OIA
- P. Memo Schnebelen & Sinclair fm Devine, dtd 2/4/81 re Witness List from January 28-31 Cincinnati Visit

Attachments:

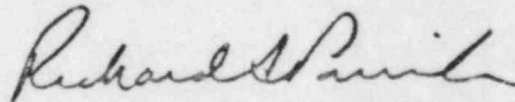
- 1. Affidavit Jeffrey J. Hyde dtd 1/31/81
 - 2. Affidavit - Stephen D. Harris, dtd 1/31/81
 - 3. Affidavit - Edwin P. Hofstadter, dtd 1/29/81
 - 4. Affidavit - Thomas Dean Martin, dtd 4/28/79
 - 5. Affidavit - Gorman L. Reynolds, dtd 5/21/79
 - 6. Affidavit - Robert Anderson, dtd 5/22/79
 - 7. Zimmer's Suppression Pool Problems, dtd 1/25/81, as related by Donald O'Daniel.
 - 8. Ltr Anders fm Hofstadter, dtd 8/18/78 reporting nonconformance to 10CFR50 requirements & specifications at Zimmer.
 - 9. Statement of - Edwin Hofstadter, undtd.
 - 10. Report of Findings at Husky Product, INC. on 10/30/74 - submitted by Lee Spievack.
 - 11. Husky - Sequence of Events, dtd 10/26/78.
 - 12. Affidavit - Donald Blanch, dtd 6/26/79..
 - 13. Ltr Borgmann fm Heishman, dtd 12/21/78, re investigation conducted by IE, Sept 18-22 & 28-29, 1978 at Zimmer
- Attachments: Appendix A - Notice of Violation
Region III Report of Investigation No. 50-358/78-21.

- Q. Ltr Clark fm Cummings, dtd 2/4/81, re confirming meeting between GAP & OIA.
- R. Memo Stello fm Cummings, dtd 2/10/81, re Transfer of Documentation Provided by Government Accountability Project (2/9/81).
- S. Memo Clark fm Devine, dtd 2/11/81, re Summary of 2/1/81 Telephone Interview w/Vic Griffin.
- T. Memo Clark fm Devine, dtd 2/11/81, re Summary of 2/1/81 Conversation w/Tom Martin.
- U. Report of Interview - James F. Donahue. (Draft dtd 2/23)
- V. Memo Stello fm Keppler, dtd 3/17/81, re Investigation of Applegate Allegations Related to Zimmer. w/handwritten notations by Davis & Cummings.
- W. Memo Commission fm Fitzgerald, dtd 3/18/81, re jurisdiction of Merit Systems Protection Board over Applegate Allegations: Attachment: Justice Dept. Opinion.
- X. Note to Art fm Dave, dtd 3/24 re Cumings asked for breakdown of GAP/Applegate allegations to show which being handled by IE & which by OIA.
Note to Dave fm Art, no date, no further action necessary.
Draft-Allegations Raised in GAP Documents.
- Y. Interview of Terry Harpster (draft, dtd 3/30/81.)
- Z. Draft Report of Investigation, dtd 4/6.
- AA. Master Copy of Summary, dtd 4/7/81
- BB. Draft Master Copy of Report, dtd 7/7/81.
- CC. Pages 38-46 of report with handwritten notation to eliminate them from report.
- DD. Listing of Welding Documentation (Draft dtd 7/14/81)

- EE. Note Jim and Art from John, dated 7/16/81, attaching for their review "Review of Welding Records" Report re Zimmer (draft section of report).
- FF. Ltr Cummings fm Tracey, dtd 7/20/81 re Tracey AUSA conducting Zimmer investigation & wishes to be advised of status & completion date.
- GG. Review of Welding Records (draft section of report), dtd 7/22, w/notations.
- HH. Review of IE Inspector's Manual (draft section of report), dtd 7/22 w/notations.
- II. Marked Up Copy (Gamble's) of Final Report re Special Inquiry of Adequacy of IE Investigation 50-358/80-9 at the William H. Zimmer Nuclear Power Station., undtd. w/interviewee's comments on reinterview noted in margins.
- JJ. Memo Commission fm Cummings, dtd 8/6/81 re Cummings' personal response to allegation about him.
- KK. Memo Commission fm Cummings, dtd 8/7/81 w/enclosed final report of investigation re Adequacy of IE Investigation 50-358/80-09 at the William H. Zimmer Nuclear Power Station also dtd 8/7/81.
- LL. Note to Dave fm John, dtd 8/10/81, discussed annotations with George & explained purpose.
- MM. Ltr Tracey fm Cummings, dtd 8/17/81 enclosing copy OIA's report of investigation re Zimmer.
- NN. Note to Thompson fm Schnebelen, dtd 8/19/81, attaching copy OIA's report of investigation re allegations by Applegate re Zimmer.
- OO. Draft Summary of Report, undated w/notations.
- PP. Draft Review of Weld Documentation Package for Weld Cy 606, undtd
- QQ. Draft Paragraph for report re OIA review of weld packages
- RR. Review of Welding Records (draft section of report) undtd.
- SS. Draft report, undtd.
- TT. Draft of Details section of report undtd w/notations.
- UU. Draft - Summary of Report
- VV. Draft - Summary of Report
- WW. Draft - Summary of Report w/portions marked that were later deleted from final.
- xx. Draft Report and Transmittal memorandum undtd w/notations.
- yy. Draft Report marked "Master Copy"
- zz. Marked up Copy (Schnebelen's) of Final Report, undtd, w/interviewee's comments on reinterview noted in margin
- AAA. Handwritten paragraph by J. Cummings, undtd.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing Notice of Disclosure has been made by mailing a copy thereof to plaintiff's counsel, Lynne Bernabei, Esquire, Government Accountability Project of the Institute for Policy Studies, 1901 Q Street, N.W., Washington, D.C. 20009 on this 27th day of December 1982.



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