

AFFIDAVIT OF RICHARD L. BOWER

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December 19, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
THE CLEVELAND ELECTRIC)	Docket Nos. 50-440
ILLUMINATING COMPANY, <u>ET AL.</u>)	50-441
)	
(Perry Nuclear Power Plant,)	
Units 1 and 2))	

AFFIDAVIT OF RICHARD L. BOWER

County of Lake)	
	:	ss:
State of Ohio)	

Richard L. Bower, being duly sworn, deposes and says as follows:

1. I, Richard L. Bower, am Quality Control Manager for Comstock Engineering, Inc. (Comstock), Perry Nuclear Power Plant. My business address is 10 Center Road, Perry, Ohio 44081. A statement of my professional qualifications and experience is attached. I have personal knowledge of the matters set forth herein and believe them to be true and correct.

2. I have reviewed the Motion to Reopen The Record On Comstock Issues, dated November 25, 1983, filed by Ohio Citizens for Responsible Energy (OCRE), including the two

newspaper stories attached to OCRE's Motion. The stories discuss allegations by two former Comstock quality control inspectors, Phillip G. Hendrickson and Gene F. Mathis. I have also reviewed OCRE'S November 30, 1983 letter to the Licensing Board, which attaches a newspaper story discussing allegations by a former Comstock inspector, Steve E. Balazs. The purpose of this Affidavit is to answer the health and safety allegations discussed in the three newspaper articles cited by OCRE.

3. I am the senior Comstock quality manager working at the Perry site. A number of other Comstock corporate QA/QC managers, above me in the management chain, come to the site periodically to give senior management attention to various aspects of the implementation of Comstock's QA/QC program at Perry. One of those senior managers is Robert E. Marino, who is mentioned in one of the newspaper stories. Mr. Marino is Manager of Comstock Corporate QA/QC Services.

Phillip Hendrickson

4. OCRE's motion attaches an article from The Plain Dealer, dated November 19, 1983, discussing an interview with Mr. Hendrickson. Mr. Hendrickson is quoted in the article as making the following allegations: (1) that he "felt verbally intimidated by supervisors, particularly Bob Marino, a Pittsburgh Comstock official, during one training session"; (2) that his supervisors were "disgusted" with him after raising questions about records on steel at Perry; (3) that, in

connection with the steel records issue, Mr. Hendrickson was fired 15 minutes after asking for permission to go to the NRC (implying that he was fired for asking questions, and because he asked to see the NRC); (4) that morale among inspectors was poor because the inspectors "are not treated like people, but like tools" (a similar quote is attributed to Mr. Gildner, the NRC resident inspector). These allegations are not justified, for the following reasons.

Background

5. Phillip Hendrickson began working for Comstock at Perry on September 29, 1983, and was terminated on October 20, 1983, prior to being certified to perform inspections at Perry. During the approximately three weeks that Mr. Hendrickson was employed at Perry, he participated in Comstock's inspector indoctrination and training program. The program is designed to train inspectors in the Perry QA/QC program and procedures applicable to Comstock's scope of work. At the completion of training, which normally lasts 3-4 weeks, inspectors are tested to determine whether they meet CEI-approved certification requirements. After successfully completing these tests, inspectors are certified by Comstock and presented to CEI for concurrence prior to performing inspections at Perry. Mr. Hendrickson was terminated prior to the completion of training, testing and certification, and thus performed no inspections at the plant. At the time Mr. Hendrickson was hired, he was

notified in writing that all new Comstock employees are subject to a 90-day "evaluation period." New employees understand that they can be terminated without advance notice during their evaluation period.

6. In his first week at Perry, Mr. Hendrickson, and other new inspectors, were given numerous written materials describing Comstock's program and procedures at Perry, including applicable regulations, procedures, and standards issued by the NRC and CEI. I personally met with Mr. Hendrickson and the other new inspectors. As is my standard practice, I told the inspectors that my door is always open if they wanted to discuss questions or concerns with me personally. Most of the inspectors I have worked with, including Mr. Hendrickson, have freely come to me to discuss a variety of issues.

7. Comstock's policy is to actively encourage employees to bring any concerns to management's attention. We make it clear to our employees that they are also free to discuss concerns with CEI or the NRC. We make sure that new employees know the location of the NRC Resident Site Inspector's office at the Perry plant site, in case they wish to contact that office. The written CEI policy on reporting safety concerns to management or the NRC, a copy of which is attached is clearly posted on the bulletin board outside my office and at numerous other locations around the site. (The attached copy is smaller in size and print than the actual poster.) The policy "Reminder" urges each Perry employee "to contact his or her employer,

or if the employee prefers, to directly contact the Nuclear Regulatory Commission" with any safety concerns. The policy Reminder publishes the NRC Resident Inspector's telephone number, and the Region III telephone number (noting that Region III accepts collect calls). The Reminder also states that employees can bring safety concerns to their supervisors, to CEI's QA department, "or to Senior Management" of CEI. The Reminder concludes that "Reporting all safety concerns is essential to assure the safe construction and operation of the Perry Nuclear Power Plant." On the same Comstock QA/QC bulletin board, and at other site locations, is a copy of NRC Form 3, a copy of which is attached. (The attached copy is smaller in size and print than the posted Form.) NRC Form 3 tells workers of their right to talk privately with the NRC, lists the address and telephone number of NRC Region III (noting that collect calls are acceptable), and also tells workers of their right to file complaints with the Department of Labor if they believe they have been discriminated against for providing information to the NRC.

Mr. Marino's Remark

8. The November 19, 1983 newspaper article states that Mr. Hendrickson "felt verbally intimidated" by Mr. Marino during "one training session." First, Mr. Marino never participated in a training session with Mr. Hendrickson. The situation mentioned in the article occurred when Mr. Marino met for

about 15 minutes in my office with Mr. Hendrickson and two other new inspectors, welcoming them to Perry. I was present during the discussion, as was Clarence Hart, Comstock's Assistant QC Manager. During a brief discussion, which was entirely friendly in tone, Mr. Marino asked the inspectors why they had decided to leave their previous jobs to come to Perry. Another inspector stated that the inspector had been fired from his previous job for disagreements with his management. In response to this statement, Mr. Marino pointed to a black and white bottle of "white-out" ink on the desk and said, "If I say the bottle is black and white, and you say it is orange, it is black and white." The statement was not made in a threatening manner, nor did it have anything to do with raising health and safety issues or any specific inspection activities.

Mr. Hendrickson's Questions

9. Almost from the beginning of his participation in training classes Mr. Hendrickson would interrupt classes by raising generic issues and questions, based on his work at the Washington Public Power Supply System (WPPSS) nuclear project in Washington, which had little or no relevance to Comstock's scope of work at Perry. Rather than listen and cooperate in training sessions so that he could become knowledgeable, he spent time arguing and repeating questions. His instructors and supervisors concluded that he was either not able, or not interested in, learning and adapting to Comstock's program.

One of the purposes of our training program, and of the standard 90-day evaluation period, is to decide whether individuals have the required competence and attitude to perform well as an inspector.

10. During Mr. Hendrickson's first or second week on the job, during an exchange with an instructor, he asked the instructor why steel used in Comstock's program was not individually marked for material traceability purposes, and why Comstock's steel was not separated in the yard (i.e., prior to installation) according to safety classification. He referred to American Society of Mechanical Engineers (ASME) standards, and to his experience at WPPSS. His instructor explained to him that Comstock's scope of work at Perry was covered by the American Welding Society (AWS) Code, and not by the ASME Code, showing Mr. Hendrickson the applicable Comstock and CEI project procedures. The instructor further explained that the AWS Code does not separate steel into various classes, as does the ASME Code; that all of Comstock's steel received and accepted for use at the site is purchased to the same requirements; and that, in contrast to requirements applicable to ASME steel, Comstock is not required to individually mark, or physically separate, its steel for material traceability purposes. Mr. Hendrickson did not seem to understand the instructor's explanation. Also, the instructor knew that Mr. Hendrickson had previously raised the same question with other supervisors. After the discussion, the instructor came to my office to

discuss the situation with me and Clarence Hart. Mr. Hart and I then met with Mr. Hendrickson and went through the same explanation he had previously been given. This time, Mr. Hendrickson appeared to understand and accept the explanation. Still, I told him that he was welcome to review applicable documents further if he had questions. Over the next two weeks, there were periodic problems with Mr. Hendrickson arguing with instructors' explanations in a manner that was disruptive to the other trainees who were present.

Sequence Leading To Termination

11. On October 20, 1983, approximately two weeks after my discussion with Mr. Hendrickson, the following occurred. In a welding training class, Mr. Hendrickson raised with the two instructors present the same material traceability question he had raised earlier with me and other Comstock supervisors, continuing to make reference to the ASME Code and his experience at WPPSS. Even after the instructors attempted to carefully explain that the ASME Code, and the situation at WPPSS, did not apply, Mr. Hendrickson was not satisfied and continued to press the subject and disrupt the class, which was being held to train personnel in a particular Comstock procedure. At this point, because Mr. Hendrickson kept referring to the ASME Code, one of the instructors asked Mr. Hendrickson in a straightforward manner if he was able to define the differences between Class I, II and III piping under the ASME Code. Mr.

Hendrickson replied belligerently that the instructor was "intimidating" him. To avoid a confrontation, the instructor immediately left the room and came to me to discuss the situation. After the first instructor left, Mr. Hendrickson stated to the other instructor and the other members of the class that if he could not fit into the program he would like to be terminated. After discussing Mr. Hendrickson's conduct with Mr. Hart and both instructors, and based on Mr. Hendrickson's conduct during the first three weeks of his evaluation period, I concluded that Mr. Hendrickson was unable or unwilling to be trained in Comstock's program and that he should be terminated. As supervisors, we must have confidence that our inspectors can understand and properly implement their responsibilities. In Mr. Hendrickson's case, we simply lost confidence in his abilities and attitude.

12. After deciding to terminate Mr. Hendrickson, I instructed my secretary to draw up the necessary termination forms, and I asked one of Mr. Hendrickson's instructors to find Mr. Hendrickson and escort him to my office. A short time after the instructor left, and before the instructor contacted Mr. Hendrickson, Mr. Hendrickson came to my office stating that he had just been "intimidated" by his instructor in a training class, and that he wanted to discuss the "intimidation" with the NRC. This was the first mention Mr. Hendrickson made to me of wanting to contact the NRC. Clarence Hart and Mr. Hendrickson's instructor came to my office shortly after Mr.

Hendrickson arrived, and joined the discussion. I told Mr. Hendrickson in a friendly manner that he was more than welcome to meet with the NRC, but that the Resident Site Inspector was on vacation and that there were no other NRC site representatives at the site that day. We discussed his conduct in the class that day, and his previous conduct, and I told him that we had decided to terminate him because of his inability to adapt to Comstock's program at Perry. I told him he was free to discuss any matter with the NRC or CEI, and offered to call in the CEI Construction Quality Section Electrical Unit Supervisor, Jim Kerr. Mr. Hendrickson said he did want to talk to Mr. Kerr, who then came to my office at my request. Mr. Kerr discussed with Mr. Hendrickson, Mr. Hart, the instructor, and me, the steel traceability issue, and the exchange that had occurred in the training class that day. Mr. Kerr explained to Mr. Hendrickson that Comstock was not violating requirements by not individually marking, and segregating, its steel. Mr. Kerr also stated that he did not believe there was intimidation involved in the classroom incident, based on the facts presented by Mr. Hendrickson and his instructor concerning their exchange. At the conclusion of this meeting, I reviewed with Mr. Hendrickson the termination forms which had been prepared, and discharged Mr. Hendrickson at that time. Prior to leaving my office, Mr. Hendrickson indicated to me that he planned to complain to the NRC about the matters we had discussed (and presumably about his termination).

13. The newspaper article states that Mr. Hendrickson was terminated for asking questions, and because he asked to see the NRC. Neither is true. His request to see the NRC had nothing to do with his termination. The termination decision was made prior to any statements by Mr. Hendrickson about contacting the NRC. Mr. Hendrickson was encouraged to talk to the NRC. He was not fired for asking questions to understand his job, but because he was unable or unwilling to make the necessary effort to learn Comstock's program, and because his disruptions in classes were interfering with instruction of other inspector trainees.

The Allegation Regarding Poor Morale

14. The newspaper story quotes Mr. Hendrickson as saying that Comstock inspector morale was poor. No specifics are given. To my knowledge Mr. Hendrickson did not complain to management about poor morale (either his own, or that of other inspectors) while at Perry. I strongly disagree with the allegation. I also disagree with the charge that Comstock treats its inspectors "like tools." I don't think the facts, as discussed in this Affidavit, support that charge. I want to stress that Mr. Hendrickson was at the site a very short time and never performed an inspection. As the senior Comstock quality manager at the Perry site, I do everything possible to encourage open communications and to make sure that inspectors are well treated. As with any job, I hear many criticisms and

suggestions from individual inspectors about a wide variety of topics, ranging from salary and benefits, to difficulties with procedures and personalities on the job. I make every effort to respond to all questions, as do the supervisors under my direction. While each of my inspectors is, I'm sure, not perfectly happy with all aspects of his or her job, I don't think this is unusual on a job as large as ours. It is certainly not unusual to have terminated employees criticize the management that terminated them. In any case, we take all criticisms seriously, whether made by present or former employees. In answer to the generalizations about "poor morale," there are not, based on my daily contacts with inspectors, any widespread morale problems among Comstock inspectors. This matter is further addressed in ¶20 of my Affidavit.

Gene F. Mathis

15. OCRE's motion attaches an article from The Plain Dealer, dated November 23, 1983, discussing an interview with Mr. Mathis. Mr. Mathis is quoted in the article as making the following allegations: (1) that a cable tray, "filled with garbage, electrical wiring and welding materials," which he photographed, represented "a typical problem"; (2) that work was done "that did not relate to engineering drawings"; (3) that the drawings "are all wrong" (referring to cable trays); (4) that "pressure from CEI to keep the job on schedule causes work to be done without proper quality control checks,

and then requires the work to be redone after problems are found," that there is "daily harassment from production," and that "quality control concerns were ignored if they slowed construction"; (5) that "[t]his is one of the worst jobs for morale and turnover," and that "the best inspectors tend to leave or get fired out of frustration"; and (5) that "procedures were changed without reason." These allegations are not justified, for the following reasons.

The Reasons For Mr. Mathis' Termination

16. Gene Mathis began working for Comstock at Perry on February 22, 1982, and was terminated on October 14, 1983. During his tenure at Perry, Mr. Mathis worked as a Level II inspector primarily in the areas of cable tray and conduit installation. Mr. Mathis demonstrated good technical proficiency as an inspector. However, as mentioned in the newspaper article, "his temper was a problem." Mr. Mathis' temper problem was noted on all three written performance evaluations which Mr. Mathis received while at Perry (the evaluations are issued every six months), and was the subject of disciplinary action in September and November 1982, well before Mr. Mathis was terminated. After a series of incidents involving temper flare-ups with other workers, and with a security guard, Mr. Mathis was warned in writing in November 1982 that he would be terminated for any further incidents involving serious losses of temper or fighting with other employees. Mr. Mathis'

termination followed two incidents on October 14, 1983, neither of which had anything to do with quality concerns being ignored. The first involved Mr. Mathis' losing his temper and becoming belligerent toward several records clerks who Mr. Mathis felt were slow in retrieving some documents he was requesting. Mr. Hart and one of Mr. Mathis' supervisors met with Mr. Mathis after his temper outburst and told him that his lead inspector would assist him with any records request problems, and that he should refrain from fighting with the records clerks or any other workers. Later the same day, a craft supervisor personnel came to Mr. Hart's office complaining about a disagreement involving Mr. Mathis on another matter. Mr. Hart called Mr. Mathis to his office to try to settle the disagreement, but after a brief conversation Mr. Mathis became very hostile toward Mr. Hart, saying he did not like working for Comstock and that Mr. Hart could fire him because he could find another job. Because of these incidents, and previous incidents of a similar nature (about which he was warned), Mr. Mathis was terminated.

The Cable Tray Filled With Garbage

17. The cable tray photographs mentioned in the article are attachments to a nonconformance report (NR) generated by Mr. Mathis on October 10, 1983. The NR has been closed out. The cable tray in question was in an area of the plant in which an unusual amount of construction was occurring, and was not

"typical" as stated in the article. One of Mr. Mathis' functions as a raceway inspector was to identify raceway areas containing excessive debris, which is exactly what he did in the instance discussed in the article.

Work Not Relating To Drawings,
And Drawings Problems

18. The November 23, 1983 newspaper article quotes Mr. Mathis as saying that there were problems with "work that was done that did not relate to engineering drawings," and that "the drawings are all wrong," with reference to cable trays. No specifics are given. There appear to be two issues raised. The first, that there was work done that did not comply with the drawings, is a fact at Perry and every other nuclear plant. Such nonconforming work is supposed to be identified by the inspectors. Mr. Mathis properly identified on inspection reports and on NRs instances involving work that did not relate to engineering drawings. Again, it was Mr. Mathis' job as an inspector to identify and document just such conditions. As to the suggestion that drawings were "all wrong," Mr. Mathis and other inspectors formally identified and documented various problems with the design drawings. These problems were primarily related to translating details and cross-references from master drawings to individual layout drawings used by Construction and QC personnel in the field. Such problems are not uncommon in the nuclear electrical area, due to the quantity and complexity of information contained on the drawings. In

response to findings of Mr. Mathis and other inspectors, a series of reviews of drawings problems was performed by Comstock QA/QC management between April and September 1983, and corrective actions were implemented.

Production Pressure

19. Mr. Mathis states in the article that there is "daily harassment from production," and that "quality control concerns were ignored if they slowed construction." I do not agree. The inspection workload has been heavy during Mr. Mathis' employment at Perry. There has also been a special effort to reduce the inspection backlog in the electrical area. However, Mr. Mathis' inspection records show that he actively identified nonconformances throughout his time at the plant. Mr. Mathis was never discouraged from documenting quality problems. In fact, in his February 1983 performance evaluation his supervisors complimented him for doing an "excellent" job in the area of nonconformance documentation. A review of Mr. Mathis' inspection reports indicates that he initiated approximately 68 nonconformance reports while at Perry. The number and type of NRs Mr. Mathis generated demonstrates that he was adequately identifying and documenting quality problems in his areas. I know of no situation in which production pressure, or heavy inspection schedules, have interfered with the ability of Mr. Mathis or other inspectors to identify and document quality problems. Since November 1981, Comstock's QA department has

issued twelve stop work notifications. This is one measure of our commitment to take the necessary steps to fix quality problems, regardless of cost and schedule implications.

Bad Morale And Turnover

20. Mr. Mathis is quoted as saying that morale and turnover were unusually bad. The largest turnover experienced by Comstock's QA department during Mr. Mathis' employment was in the fall of 1983, when there was a particularly heavy competition from other nuclear plants for qualified nuclear electrical inspectors. Between September 1983 and November 1983, 14 inspectors left Comstock, out of a total of 51 inspectors employed during that period. Of these, seven were recruited away to work at other nuclear plants (Marble Hill, Midland, and the South Texas Project), which were heavily recruiting for electrical inspectors and offering special salaries and benefits. Another three inspectors voluntarily quit during this period because they and their spouses wanted to move to other parts of the country. One inspector left because he was unhappy with his salary. Three inspectors -- Mr. Hendrickson, Mr. Mathis, and one other -- were terminated. Other than this exceptional period, Comstock's turnover has not been excessive. It is undeniable that, during the time Mr. Mathis worked at Perry, many of Comstock's inspectors were upset with the NRC's and CEI's criticisms of their QA/QC effort following the NRC's electrical investigation in 1981 and 1982, and the issuance of

the 81-19 Report. Also, Comstock's inspection program has been subjected to an unusual degree of scrutiny by CEI and the NRC since that time. The 81-19 issues, and the Comstock issue in the NRC licensing hearings, have also received negative media attention. All this increased attention has, from time to time, adversely affected morale; and perhaps, has contributed to turnover.

Procedures Changed Without Reason

21. Finally, the article quotes Mr. Mathis as alleging that "procedures were changed without reason." I do not know whether Mr. Mathis had specific procedures in mind when he made the statement to the reporter. In general, procedures are often changed because of engineering considerations unrelated to the QA/QC program. To the extent the QA department participates in drafting procedures, this is done by quality engineers, not inspectors. Mr. Mathis and the other inspectors have been encouraged to give input, and have in fact given input. However, the inspectors do not have responsibility for writing, amending, or approving procedures.

Steve E. Balazs

22. OCRE's letter to the Licensing Board attaches an article from The Plain Dealer, dated November 28, 1983, discussing an interview with Mr. Balazs. Mr. Balazs is quoted in the article as making the following allegations: (1) that "serious electrical problems have not been repaired" and that "he was

prevented from writing reports on the deficiencies"; (2) that "he found exposed wires in the motor control cabinets, plus a maze of unidentified wiring from the reactor to the control room and hundreds of improperly installed lugs in electrical panels in the diesel generator rooms"; (3) that, by his estimate, "16 inspectors have been fired, quit or transferred in the last two months"; and (4) that he and other inspectors "got pushed out because we tried to do their job right." The allegations are not justified, for the following reasons.

Mr. Balazs' Resignation

23. Steve Balazs was employed by Comstock at Perry from September 29, 1981 until September 28, 1983, at which time he voluntarily left his employment with Comstock. While at the plant, Mr. Balazs primarily worked as a Level II inspector in the area of electrical terminations. In notifying Comstock of his resignation, Mr. Balazs made general statements about "safety concerns," and not being able to write nonconformance reports. He mentioned nothing about "a maze of unidentified wiring from the reactor to the control room," as was mentioned in the newspaper article. Mr. Balazs also did not complain that he, or other inspectors, were being "pushed out," as was stated in the article. After Mr. Balazs notified Comstock management that he was quitting, and that he had safety concerns, Mr. Balazs' supervisor and I, on separate occasions, requested Mr. Balazs to provide us with specifics, and asked Mr. Balazs

to document any nonconforming conditions or safety concerns prior to leaving Comstock. He did not document specific concerns in response to our requests. The only two issues he verbally identified at the time of his resignation relate to alleged deficiencies in diesel generator control panels and in motor control cabinets, which are both mentioned in the November 28, 1983 newspaper article.

Motor Control Cabinet Wiring Issue

24. Mr. Balazs' first concern, described in the newspaper article as "exposed wires in the motor control cabinets," was documented by a Comstock inspector other than Mr. Balazs, and was properly handled. The problem arose in October 1982, in connection with some electrical testing that was performed by the Project Organization within the motor control cabinets. In conducting the tests, some wires had to be moved to provide access to different internal sections of the motor control cabinets. When the wires were moved, some of the wires became exposed. The exposed wires were identified on three Comstock inspection reports, all dated October 4, 1982. The physical work to correct these items was completed in November 1982. Two of the inspection reports were closed on November 11 and November 12, 1982, respectively. The third inspection report was closed on February 4, 1983. Thus, the matter was appropriately identified and corrected.

25. The November 28, 1983 newspaper article quotes Mr. Balazs as saying, in connection with the motor control wiring issue, that "he wanted to write a report about the problem and was told to leave it alone." The articles states "NRC inspectors found the problem three months ago and Balazs was blamed for having approved it in the first place." I have checked with Mr. Balazs' previous supervisors, and can find no evidence to support these statements. In any case, as I have indicated, the matter was adequately documented and reviewed.

Diesel Generator Control Panel Electrical Problems

26. In the November 28, 1983 newspaper article, Mr. Balazs is quoted as saying that "he discovered hundreds of lugs were installed improperly in the diesel generator areas," and that all the lugs "should be replaced because they could cause a fire or cause equipment to malfunction." He is also quoted as saying that "it was five months before this was written as a nonconformance report and then only after the problem was found by an official working for CEI." The statements are inaccurate and misleading. The facts are as follows.

27. The diesel generator control panels mentioned by Mr. Balazs were supplied to CEI by General Electric. After the panels had been placed at their location within the plant, General Electric, not Mr. Balazs, identified workmanship deficiencies with the lugs located in the panels. General Electric subcontracted Comstock to perform the necessary repair

work on the lugs, and provided Comstock with two engineering change documents describing the lug deficiencies and prescribing the repair work to be performed by Comstock. General Electric instructed Comstock's QA/QC management that, if Comstock inspectors identified any concerns with the panels that fell outside the scope of the repair work being performed on the lugs, these were to be documented on inspection reports and submitted to General Electric for their QA/QC and engineering evaluation. This was explained to Mr. Balazs, who was assigned the QC inspection task of verifying the adequacy of the lug repair work.

28. While performing his inspections in February 1983, Mr. Balazs identified various items in the panels, other than the lugs being repaired, which Mr. Balazs believed were deficient. The items of concern were not associated with the GE-subcontracted repair work, and were technically under GE's QA/QC responsibility. It had been previously agreed that Comstock would document such concerns for GE's review and consideration. Therefore, Mr. Balazs was told by his management to document his concerns on inspection reports. This was done on February 24, 1983. Comstock then held a number of meetings with General Electric regarding the inspection criteria to be used in evaluating whether the items of concern constituted nonconformances. Comstock also discussed the issue with Project Organization CQS personnel. Based on the discussions between Comstock and GE, and after discussions between Comstock

and the Project Organization, Comstock and the Project Organization jointly concluded that the conservative approach would be to write nonconformance reports, and these were issued under Mr. Balazs' signature on April 5, 1983. The NRs have not been closed out, but are being reviewed and tracked by the Project Organization, which has the responsibility for corrective action with regard to these items.

29. In short, Mr. Balazs' concern was with items he identified outside the area of the control panel lugs, not with the lugs themselves, which were previously identified by General Electric as being deficient and requiring repair. Mr. Balazs' concerns were all documented on inspection reports. The delay in drafting nonconformance reports, which Mr. Balazs has criticized, is explained by the fact that the items technically fell under General Electric's design and QA/QC jurisdiction, not Comstock's; and General Electric's and Project Organization's input was required before deciding on the appropriate QA/QC disposition of the items. However, the items were properly identified and reviewed in accordance with Comstock's QA/QC program.

Turnover

30. Mr. Balazs' statement in the November 28, 1983 newspaper article regarding recent turnover of Comstock inspectors is answered in ¶ 20 of this Affidavit.

Richard L. Bower
Richard L. Bower

Subscribed and sworn to before me
this 19th day of December, 1983.

Joanne Kline
NOTARY PUBLIC

My Commission Expires:

11-13-1988

A REMINDER

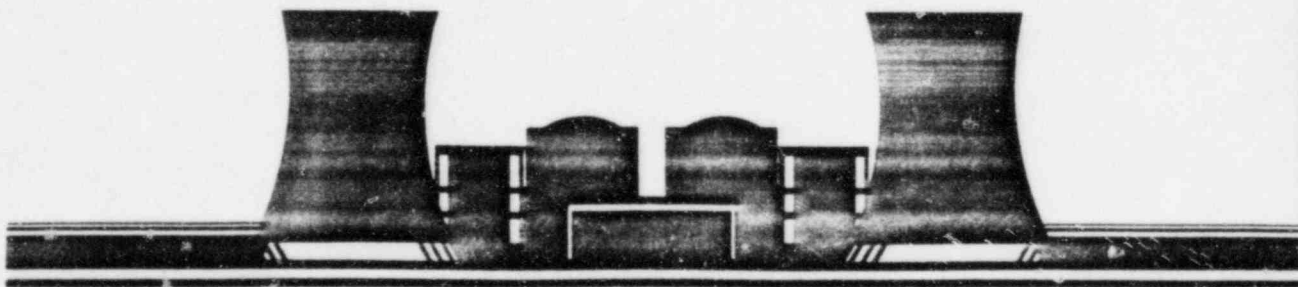
Any employee having a concern about an activity that could adversely affect plant safety is urged to contact his or her employer, or if the employee prefers, to directly contact the Nuclear Regulatory Commission.

Contacts can be made to your supervisor, to the Quality Assurance Department of the Illuminating Company, or to Senior Management of the Illuminating Company.

Contacts to the NRC can be made, anonymously if desired, to the Resident Inspector at 259-3610, or to the Region III Office of the NRC at (312) 932-2500. Region III will accept collect calls.

Reporting all safety concerns is essential to assure the safe construction and operation of the Perry Nuclear Power Plant.

The Illuminating Company





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

NOTICE TO EMPLOYEES

YOUR EMPLOYER'S RESPONSIBILITY

Your employer is required to—

1. Apply these NRC regulations and the conditions of his NRC license to all work under the license.
2. Post or otherwise make available to you a copy of the NRC regulations, licenses, and operating procedures which apply to work you are engaged in, and explain their provisions to you.
3. Post Notices of Violation involving radiological working conditions, proposed imposition of civil penalties, and orders.
4. Refrain from discriminatory acts against employees who provide information to NRC.

YOUR RESPONSIBILITY AS A WORKER

You should familiarize yourself with those provisions of the NRC regulations, and the operating procedures which apply to the work you are engaged in. You should observe their provisions for your own protection and protection of your co-workers.

WHAT IS COVERED BY THESE NRC REGULATIONS

1. Limits on exposure to radiation and radioactive material in restricted and unrestricted areas.
2. Measures to be taken after accidental exposure.
3. Personnel monitoring, surveys and equipment.
4. Caution signs, labels, and safety interlock equipment.
5. Exposure records and reports.
6. Options for workers regarding NRC inspections.
7. Identifies "protected activities" that employees may engage in.
8. Prohibits discrimination against employees who engage in these protected activities.
9. Identifies the Department of Labor as a source of relief in the event of discrimination, and
10. Related matters.

REPORTS ON YOUR RADIATION EXPOSURE HISTORY

1. The NRC regulations require that your employer give you a written

report if you receive an exposure in excess of any applicable limit as set forth in the regulations or in the license. The basic limits for exposure to employees are set forth in Section 20.101, 20.103, and 20.104 of the Part 20 regulations. These Sections specify limits on exposure to radiation and exposure to concentrations of radioactive material in air.

2. If you work where personnel monitoring is required pursuant to Section 20.202:
 - (a) Your employer must give you a written report of your radiation exposures upon the termination of your employment, if you request it, and
 - (b) your employer must advise you annually of your exposure to radiation, if you request it.

INSPECTIONS

All activities under the license are subject to inspection by representatives of the NRC. In addition, any worker or representative of workers who believes that there is a violation of the Atomic Energy Act of 1954, the regula-

STANDARDS FOR PROTECTION AGAINST RADIATION (PART 20), NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS, INSPECTIONS (PART 19), EMPLOYEE PROTECTION⁽¹⁾

The Nuclear Regulatory Commission (NRC) in its Rules and Regulations, Part 20 has established standards for your protection against radiation hazards from radioactive material under license issued by the NRC. Part 19 has established certain provisions for the options of workers engaged in NRC licensed activities. Parts 30, 40, 50, and other parts containing provisions related to employee protection.

POSTING REQUIREMENTS Copies of this notice must be posted in a sufficient number of places in every establishment where activities licensed by the NRC are conducted, to permit employees to observe a copy on the way to or from their place of employment.

tions issued thereunder, or the terms of the employer's license with regard to radiological working conditions in which the worker is engaged, may request an inspection by sending a notice of the alleged violation to the appropriate United States Nuclear Regulatory Commission Regional Office (shown on map below). The request must set forth the specific grounds for the notice, and must be signed by the worker or the representative of the workers. During inspections, NRC inspectors may confer privately with workers, and any worker may bring to the attention of the inspectors any past or present condition which he believes contributed to or caused any violation as described above.

PROTECTION OF INSPECTORS

The amended Atomic Energy Act, section 235, provides criminal penalties against any individual who kills, forcibly assaults, resists, opposes, impedes, intimidates or interferes with any person who performs any inspections which (1) are related to any activity or facility licensed by the Commission, and (2) are carried out to satisfy requirements under the Atomic Energy Act or under any other Federal law covering the safety of licensed facilities or the safety of radioactive materials. The acts described above are criminal not only if taken against inspection personnel who are engaged in the performance of such inspection duties, but also if taken against inspection personnel on account of such duties.

EMPLOYEE PROTECTION

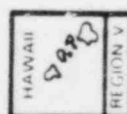
If an employee believes that discrimination has occurred due to engaging in the "protected activities" said employees may, within 30 days of the discriminatory act, file a complaint with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor shall conduct an investigation.

SABOTAGE OF NUCLEAR FACILITIES OR FUEL

The amended Atomic Energy Act, section 236, provides criminal penalties against any individual who intentionally and willfully destroys or causes physical damage, or attempts to do so, to any production, utilization, or waste storage facility licensed under the act or any nuclear fuel or spent fuel (regardless of location).

UNITED STATES NUCLEAR REGULATORY COMMISSION REGIONAL OFFICE LOCATIONS

A representative of the Nuclear Regulatory Commission can be contacted at the following addresses and telephone numbers. The Regional Office will accept collect telephone calls from employees who wish to register complaints or concerns about radiological working conditions or other matters regarding compliance with Commission rules and regulations.



Regional Offices

REGION	ADDRESS	TELEPHONE
I	U.S. Nuclear Regulatory Commission Region I 831 Park Avenue King of Prussia, PA 19406	215 337 5000
II	U.S. Nuclear Regulatory Commission Region II 101 Marietta St., N.W. Suite 3100 Atlanta, GA 30303	404 221 4503
III	U.S. Nuclear Regulatory Commission Region III 798 Rossaville Road Glen Ellyn, IL 60137	312 932 2500
IV	U.S. Nuclear Regulatory Commission Region IV 531 Ryan Plaza Drive, Suite 1000 Arlington, TX 76012	817 465 8100
V	U.S. Nuclear Regulatory Commission Region V 1450 Maria Lane, Suite 210 Walnut Creek, CA 94596	415 943 3700

NRC FORM 3
(6/82)

RESUME

RICHARD L. BOWER

CLASSIFICATION

Quality Control Manager

EDUCATIONWilliam Byrd High School
Vinton, VA - 1965Roanoke County Vocational School
Sales, VA - 1964 - 1965

National Technical Schools - 1975 - 1976

U.S. Air Force - 9/65 - 3/69
Aircraft Technical School (C-130)
Aircraft Maintenance (C-130)
Aircraft Crew Chief (C-130)EXPERIENCEJuly 1982 to
PresentL. K. Comstock Engineering Co., Inc.
Perry Nuclear Power Plant
Perry, OH

Quality Control Manager - responsible for implementation of the site Quality Control program as applicable by contract documents and/or Nuclear Regulatory commission requirements. Review and approve the Quality Control program for completeness and effectiveness and revise as required. Administrative responsibility for the total electrical Quality Control program at the Perry Site representing L. K. Comstock Engineering Co. Inc.

October 1981 to
July 1982Gilbert/Commonwealth
Enrico Fermi II Nuclear Project
Monroe, MI

Quality Control Inspector Level II, Electrical responsible for surveillance and inspection of Startup Electrical Testing. Reviewed completed Test Data records. Participated in the development and review of quality procedures and instructions pertaining to surveillance and inspections.



Resume
Richard L. Bower

October 1980 to
October 1981

Lord Electric Company, Inc.
Everett, WA

Quality Assurance Administrator, Level III - responsible for, but not limited to, the implementation of Lord Electric's Quality Assurance Program and Procedures and revise as required. Perform audits of Lord Electric's Quality Assurance Program and Procedures at the Project Level.

October 1978 to
October 1980

Fischbach/Lord Electric Company, Inc.
WPPSS Nuclear Power Project No. 2
Richland, WA

Lead Field Engineer/Field Engineer - Lead Engineer for inside containment (Drywell). Assignment of work activities to Field Engineers to support construction activities. Responsible for, but not limited to, the following: Design of raceway supports and raceway routing. Review of change notices from client's Engineer and verification that the necessary material to support the construction schedules are approved and available. Assure that the necessary drawings are available for field use to support activities involved. Coordinate with CPM Engineer all schedules which require Engineering input. Coordination and Monitoring of subcontractors who are interfacing with Fischbach/Lord's Construction activities.

March 1975 to
October 1978

Fischbach/Lord Electric Company, Inc.
Hanford No. 2
Richland, WA

Quality Assurance System Status Coordinator Level III - assisted in the development of Quality Assurance/Quality Control procedures utilized at Washington Public Power Supply System Nuclear Project No. 2. Responsible for Quality Assurance Documentation. Maintain Quality Assurance files and records for retrievability and audit purposes. Perform audits within Fischbach/Lord, subcontractors, and vendors. Responsible for the status of equipment and systems. Acting Site Administrator in the absence of the Quality Assurance Site Administrator.



Resume
Richard L. Bower
Continued

March 1975 to
October 1978

Quality Assurance/Quality Control Field Supervisor Level II - responsible for supervision of Quality Assurance/Quality Control Inspectors and for the indoctrination and training of new inspectors. Approve Inspection Reports and initiate Nonconformance Reports and Stop Work Orders as required. Review construction and subcontractor's procedures to insure compliance with contractual requirements. Maintain Quality Assurance files and records in the absence of the System Status Coordinator. Acting Site Administrator.

January 1974 to
March 1975

Brown and Root, Inc.
Brunswick Steam Electric Plant
SouthPort, NC

Quality Assurance Electrical/Instrumentation System Turnover and Acceptance Inspector Level I - inspected systems, components, and documentation of Electrical/Instrumentation Systems for "Release for Test" and "Final Turnover" to client.

1969 to 1974

Piedmont Airlines
Roanoke, VA and Wilmington, NC

Stock Room Supervisor - responsible in setting up stock room shipping, receiving, requisitions, and inventory of all aircraft components, parts, and ground equipment.

1965 to 1969

U.S. Air Force

Crew Chief of C-130 Aircraft - 1967 - 1969

Phase Dock Inspector and Coordinator - 1965-1967.