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UNITED STATES OF AMERICA '84 MAR 16 AIO:35  
NUCLEAR REGULATORY COMMISSIONBEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

TEXAS UTILITIES GENERATING  
COMPANY, et al.(Comanche Peak Steam Electric Station  
Station, Units 1 and 2)Docket Nos. 50-445 and  
50-446CASE'S MOTION FOR DISCOVERY  
REGARDING "T-SHIRT" INCIDENT

Pursuant to 10 CFR 2.740, 2.740b, 2.741, and 2.742, CASE (Citizens Association for Sound Energy), Intervenor herein, files this, its Motion for Discovery Regarding "T-Shirt" Incident. The incident in question is set forth in the attached three newspaper articles, and are relevant to these proceedings under CASE's Contention 5, specifically insofar as it pertains to possible harassment, intimidation, and/or threatening of QC Inspectors at Comanche Peak.

It is not CASE's understanding that discovery has been closed regarding the intimidation matters. However, whether or not discovery were still open regarding intimidation matters, this most recent incident certainly would fall under the heading of new and significant information and therefore discoverable. It is obvious that when eight electrical Quality Control Inspectors are held in a room under guard for several hours while their desks, lockers, and personal belongings are searched and documents and personal items confiscated by management officials, this constitutes harassment at a minimum, and perhaps (as CASE believes) indicates a much more serious pattern of intimidation and harassment by management at Comanche Peak.

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Following telephone calls and off-the-record conference calls between CASE, other parties, and the Board on Friday, March 9, 1984, Judge Bloch asked that the Applicants cooperate by working with CASE on an informal basis to provide the documents and information CASE sought. However, later Friday afternoon, CASE was informed by Applicants that they could not cooperate on an informal basis regarding this matter and that CASE would have to file something officially in writing. On Monday morning, March 12, 1984, CASE initiated an off-the-record telephone conference between CASE, other parties (with the exception of the State of Texas, whose representative was not available at that time), and the Board Chairman to pursue this matter.

One of CASE's primary concerns was that the documents, tape recordings, etc. regarding this matter should be preserved in the form they were in at the time they were confiscated or recorded, so that CASE could see or hear them in that form. During the conference call Monday, March 12, Judge Bloch ordered the Applicants to preserve the documents, tape recordings, etc. as they were at the time of the conference call. It is CASE's understanding from a later telephone conversation with Applicants' counsel Bill Horin that this has now been done.

CASE was told to file a written request for discovery regarding this matter, with the Applicants to respond after the hearing presently scheduled for March 19-23. We ask that the Board set a date certain for the filing of Applicants' response and that it be made by expedited delivery.

As discussed previously, CASE's primary concern at this time regarding the "T-Shirt" Incident is insofar as it pertains to the question of intimidation, harassment, and/or threatening of QC inspectors at Comanche Peak. In its 12/28/83 Memorandum and Order (Scheduling Matters), the Licensing Board specifically stated that CASE shall have the opportunity to present testimony concerning its allegations of intimidation of quality assurance and craft (page 4, item 11); further, in that same Order the Board specifically reopened discovery with respect to certain other matters and stated that parties shall be permitted a reasonable period of discovery (page 3, item 7). As far as CASE is aware, discovery is still open regarding the intimidation issue and there has not even been any indication from the Board that discovery regarding this matter is about to be cut off. (Certainly that is the assumption under which CASE has been operating. We do anticipate that we will have further discovery requests on this issue. Our primary concern and the reason for our haste regarding the "T-Shirt" Incident was that we have an opportunity to view the documents and hear the tapes, etc. in their original form.)

It is obvious that CASE does not and cannot at this time know exactly what the documents and tapes, etc. contain. However, it is clear under NRC regulations that:

"... parties are entitled to discover all matters not privileged that tend to support or negate the allegations in the pleadings, or which are reasonably calculated to reveal such matters."

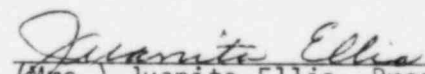
-- In the Matter of Pennsylvania Power & Light Company and Allegheny Electric Cooperative, Inc. (Susquehanna Steam Electric Station, Units 1 and 2), Docket Nos. 50-387 and 50-388, Appeal Board Decision, September 23, 1980, page 24

See also 10 CFR 2.740, 2.740b, 2.741, and 2.742, especially 2.740(b)(1), which states, in part:

"Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the proceeding . . . It is not ground for objection that the information sought will be inadmissible at the hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence."

For the reasons discussed herein, CASE hereby moves that the Board grant its request for discovery, as set forth in CASE's Seventeenth Set of Interrogatories and Requests to Produce to Applicants (which is attached to this pleading). We also move that the Board set a date certain for the filing of Applicants' response and that it be made by expedited delivery.

Respectfully submitted,

  
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# Fort Worth

Friday, March 9, 1984

## Star-Telegram

### Shirts spell trouble at Comanche Peak

By BRUCE MILLAR  
Star-Telegram Writer

Eight quality control inspectors at the Comanche Peak nuclear power plant were detained four hours Thursday and sent home early because plant managers didn't like the message on their T-shirts.

The silver and black shirts said "Comanche Peak Nitpickers. We are in the business of picking nits." The slogan is a reference to a January 1983 incident in which a former plant supervisor warned inspectors to stop "nitpicking" or he would fire them.

"We put the shirts on as kind of a joke," said a quality control employee who requested anonymity.

A spokesman for plant owners said officials were concerned that the T-shirts, which he called "inflammatory," would provoke fights between workers and the inspectors

who review their work.

A source said the inspectors were told that craft workers had threatened "to beat them up and rip the shirts off their backs."

George Hedrick, spokesman for Texas Electric Service Co., one of six utilities that own the plant under construction near Glen Rose, defended the action of plant managers. "We take quality control seriously and don't condone foolishness," he said.

Bill Clements, nuclear operations vice president for Texas Utilities Generating Co., said he ordered the inspectors kept out of view because of concerns about violence.

But a plant employee said fears of violence were unfounded. None of the inspectors had been threatened, and more than 30 craft workers had asked Thursday where they could. Please see Inspectors' on Page 2

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1984 FORT WORTH STAR-TELEGRAM

FRIDAY MORNING, MARCH 9, 1984

## Inspectors' T-shirts spell trouble at plant

Continued from Page 1

obtain similar T-shirts, he said.

At 1:30 p.m. the eight inspectors were ushered to the plant gates and told that they could return Friday — without the T-shirts. Seven are employed by prime contractor Brown & Root Co., and the eighth works for subcontractor Ebasco Services Inc. Their names were not available, Hedrick said.

Although sources said the men

were held by a security guard for Brown & Root while being interviewed by plant officials, Clements said he did not know whether they were guarded.

"There might have been a guard there to make sure that they did not roam around," he said.

Paul Check, deputy administrator at the U.S. Nuclear Regulatory Commission's regional office in Arlington, said the agency approved of the plant managers' action because

T-shirts "could be considered provocative."

Check said plant managers told the NRC on Thursday that they were investigating the inspectors' performance and were concerned that they might have done damage or been disruptive during their inspections.

"We listened and drew a tentative judgment that (the managers) seemed to be acting responsibly and that they seemed to be investigating

responsibly," Check said.

While the inspectors were detained, Brown & Root supervisors and top managers searched their files and personal belongings. Brown & Root officials were seen leaving the inspectors' office with a cardboard box filled 2½ feet high with documents and personal items, sources said.

"We did take the opportunity to look through the files for unauthorized material and documents,"

Hedrick said.

A source contended that detaining the inspectors was a pretext for searching their files for documents that would discredit the plant's quality control program. Plant officials were looking for documents alleging that construction deficiencies had not been reported, he said.

The inspectors have opposed a new Brown & Root quality control procedure that eliminates some inspections for bad wiring and broken

electrical termination blocks. They contend that the streamlined measure overlooks an important safety check of electrical work.

Utility officials said the junction boxes in question already have been inspected, and dropping the procedure eliminates duplicated effort.

The plant 45 miles southwest of Fort Worth is four years behind schedule. Officials estimate its cost will reach \$3.89 billion by completion in early 1985.

## Comanche Peak officials defend new procedures

By JACK BOOTH

Staff Writer

Comanche Peak nuclear plant officials confirmed Friday that eight quality control inspectors showed up for work Thursday wearing an "inflammatory" message on their T-shirts in an apparent protest of changes in inspection procedures.

Utility spokesman Dick Ramsey also said plant officials seized a boxful of documents that had been gathered by the inspectors, but he refused to comment on reports that the workers assembled the records to show that construction defects were going unreported.

Ramsey said the inspectors were incorrect in thinking that a recent change in inspection procedures eliminated important checks of electrical components at the plant near Glen Rose.

A public interest group involved in the plant's licensing hearings said it will ask a federal licensing board to order the utility to turn over the documents that were seized.

Juanita Ellis, the president of the Citizens Association for Sound Energy, said the incident stemmed from concerns about the plant's quality control program.

The eight inspectors were sent home after appearing at work with T-shirts bearing the message. "We're in the business of picking nits." All were back on the job Friday, and no disciplinary action was taken, Ramsey said.

Ramsey said the phrase on the shirts was a reference to an incident in January 1983 in which a supervisor told a group of inspectors: "If you guys don't stop your nitpicking, we're going to come behind you with a magnifying glass and pull your certificates."

In a ruling last October, the U.S. Labor Department said a quality control supervisor was fired illegally for complaining to his superiors about the "nitpicking" incident and other alleged harassment of inspectors.

Charges that inspectors were intimidated have become key issues in the plant's licensing hearings, which resume the week of March 19 in Fort Worth. Members of the U.S. Atomic Safety and Licensing board that oversees Comanche Peak say the quality of the plant's construction could be in doubt if widespread harassment occurred.

Ramsey said Brown & Root, the main contractor at the plant, recently changed an inspection procedure to eliminate some inspections for bad wiring and broken parts. He said the change was made to avoid duplications of inspections that have already been done. He denied that procedures have been weakened.

Clyde Wisner, a spokesman in the Arlington office of the U.S. Nuclear Regulatory Commission staff, said: "We feel that so far as we know the situation, they (plant officials) have acted responsibly."

When told of Wisner's statement, Stuart Treby, an NRC lawyer in Washington, D.C., said: "I'm not sure that's an accurate statement."



## N-plant officials find T-shirt slogan objectionable, send 8 workers home

By Walter Borges

Staff Writer of The News

You may be able to say it, but you can't display it at the Comanche Peak nuclear-power plant.

Eight quality-control inspectors at the plant near Glen Rose in Somervell County were sent home from work Thursday because they wore T-shirts bearing slogans referring to allegations of an intimidation incident, a spokesman for plant owner Texas Utilities Electric Co. said.

The inspectors' T-shirts bore the words "Comanche Peak" on one side and a slogan on the other that

referred to an alleged intimidation attempt last year, spokesman Dick Ramsey said.

The U.S. Nuclear Regulatory Commission recommended in December that a utility subsidiary managing the project be fined \$40,000 for an incident in which a supervisor allegedly told inspectors to stop "nit-picking" during inspections or else lose their certifications. The utility has denied the allegation and appealed the fine, claiming that the supervisor used a poor choice of words.

"The T-shirts said something like 'It's my job to nit-pick' or 'I'm

an expert at picking nits,' " Ramsey said. "We took them off the job because we take our commitment to quality assurance very seriously and those T-shirts did not seem to be proper in light of that commitment."

The utility will not dock the pay of the eight inspectors for being sent home, Ramsey said. The workers will be required to leave the T-shirts at home when they report for work Friday and will be interviewed by a company official from Dallas to see if they have any complaints about the company, Ramsey said.

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NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

TEXAS UTILITIES GENERATING  
COMPANY, et al.

(Comanche Peak Steam Electric Station  
Station, Units 1 and 2)

Docket Nos. 50-445 and  
50-446

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of  
CASE's Motion for Discovery Regarding "T-Shirt" Incident

have been sent to the names listed below this 12th day of March, 1984,  
by: Express Mail where indicated by \* and First Class Mail elsewhere.

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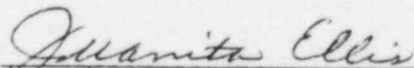
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