

GOVERNMENT ACCOUNTABILITY PROJECT

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 U. S. Nuclear Regulatory Commission
 1717 H. Street, N.W.
 Washington, D. C. 20555

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PROD. & QUALITY

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Dear Commissioners:

On behalf of the Mothers for Peace, this submission formally presents 12 additional affidavits in support of their March 1, 1984 petition to defer any further licensing decisions on the Diablo Canyon nuclear power plant, until completion of a comprehensive reinspection, management audit, and audit of design verification efforts to date. The 12 affidavits represent the views of six current and six former employees, out of 47 interviewed in the Government Accountability Project's ongoing investigation to date.

In the March 1 petition six national organizations joined the Mothers for Peace. Due to time constraints, there has not yet been sufficient opportunity to review this disclosure with those parties. If the Commission or the staff demonstrates a good faith intent to seriously review the issues, counsel will organize them into 215 new allegations, as well as significant supporting documentation for previous charges. The 215 allegations include 51 charges of falsified documents, including 32 cases of material false statements in documents reviewed by the staff prior to its March 19, 1984 recommendation to let the plant go critical.

Seven of the 12 witnesses have submitted previous affidavits. They are supplementing the record, because the staff refused their repeated requests for followup interviews to raise additional issues, and expose false or misleading statements in 1984 PG & E rebuttals to the NRC. In one case, the staff had never even bothered to make initial contact with a witness who disclosed severe hardware effects from ongoing Quality Assurance (QA) violations.

The staff's aloof posture over the last month explains why the Commission will vote Monday on the basis of a record that is deliberately incomplete and deviates severely from reality. The staff refused to receive evidence that would have rendered untenable its March 19 recommendation. The staff's misconduct violates the Commission's own claimed policies, abdicates its public trust, and reneges on commitments made to employees who risked -- and in some cases sacrificed -- their careers in an attempt to uphold their professional ethics and defend the public safety. Unfortunately,

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the staff wasn't interested. The analysis below summarizes the staff's recent deception to the whistleblowers and the Commission, as well as a few illustrative highlights from the evidence the staff didn't want to hear. The affidavits are enclosed as Attachments 1 through 12.

I. BACKGROUND

The NRC staff recommendation is based on a significant shift in Commission policy toward the nuclear labor force. The staff decided to adopt the common industry tactic of smearing whistleblowers who voice serious public safety concerns, instead of seriously investigating their evidence and eyewitness accounts of illegality. In November 1981 the NRC announced to the Udall Committee that the agency would work more closely with nuclear workers to doublecheck the accuracy of utility records and statements, especially to assure the quality of construction. On March 19, 1984 the staff announced that in the future they would only commit to reading whistleblower affidavits and allegations.

The NRC is reneging on its commitment, because the workers at Diablo Canyon exposed more serious problems than the Commission was able or willing to address. The staff explained its reluctance to deal with 130 employee charges raised on March 2, because it would take two to three months to resolve the issues. As a result, the NRC will not even commit to talk with them except at whim.

The new policy represents a break with tradition, as well as the agency's formal position. Traditionally, NRC inspectors have used the intensity and flow of employee allegations as a rough indicator of the plant's condition. In 1982 at Zimmer, when the allegations came in faster than the staff could investigate, the Commission wisely suspended construction to learn the full effects of a quality assurance breakdown. By contrast, when the employee reports of quality assurance (QA) violations and shoddy hardware at Diablo Canyon came in faster than the NRC could investigate, the staff decided to stop talking to employees. Instead, the staff accepted at face value the utility denials that anything is wrong.

The staff justified its refusal to stop pursuing new evidence by trashing the whistleblowers. In effect, the NRC officials told the Commission that it wasn't worth the time and money to talk with witnesses anymore. This was a shameful tactic that has cost the NRC its credibility with the nuclear labor force. Government Accountability Project (GAP) immediately recommended to its clients that they should no longer communicate with the NRC, except pursuant to subpoena. The reason is that it is not in their best interest to cooperate with a coverup. All clients have agreed enthusiastically. Some explained that they would not have talked further with the NRC in any event after what happened.

The staff relied on false statements -- both its own to the Commission, and PG&E's to the staff -- as the basis to reject employee charges. Last Monday the staff assured the Commissioners that a program of followup interviews with whistleblowers had verified the accuracy of the inspectors' findings. In theory, these interviews would assure that the NRC understood the issues prior to resolution, and would help catch any inaccuracies in PG&E's responses. Unfortunately, the staff did not meet with the whistleblowers again, except in isolated instances. Over a two week period prior to the Commission vote, the staff refused to speak with the whistleblowers. During that period GAP explained with increasing urgency that the employees had found numerous, significant false statements in the PG&E answers to the whistleblowers' original charges. The staff said they didn't have time to talk with the employees until after the March 19 meeting. On March 19, the staff announced that the employees were wrong and not worthy of further interviews.

A review of just a few highlights from the evidence that the staff refused to consider leads to only one conclusion: on March 19 the staff tarnished its own credibility, not the whistleblowers'.

II. EVIDENCE OF MATERIAL FALSE STATEMENTS

The evidence summarized below illustrates a much larger problem at Diablo Canyon: false or misleading statements. Some of the statements are false by omission; i.e., they don't include facts that would change the conclusion. Other statements flatly contradict internal records at the plant. Still others are so incomplete that they are meaningless. GAP has obtained evidence of false statements on the seismic design review; construction quality assurance for the Pullman; Atkinson and Foley contractors; and inaccurate weld symbols on drawings throughout Diablo Canyon, that effectively left the welders and inspectors trying to follow instructions in the technical equivalent of a foreign language.

The seven examples below highlight false statements concerning the quality of work by the Pullman Corporation at Diablo Canyon back to 1972, the period when critical safety equipment was first installed. The false statements were contained in internal files reviewed by the NRC, or in letters received by the NRC during February. Whatever the context, the staff accepted the data at face value. As a result, the Commission has been duped again.

1) 90 day welders log

In Report 83-37 the staff drew the following conclusion: "The inspector examined the 90 day welders log and found that no void existed between 8/72 and 12/72." The staff used this as the basis for a finding that a Nuclear Services Corporation (NSC) audit was wrong on that point. Somehow the NRC was hoodwinked. An April 1978 internal Pullman memorandum on the same subject concluded the opposite:

"There is a void in the 90 day weld log from August 1972, to December, 1972." (Attachment 2, p. 8.)

2) Qualifications of quality control personnel

Pullman and PG&E contend that "Nondestructive Examination" (NDE) personnel have been qualified since at least 1974 under the requirements of the relevant professional code, the American National Standards Institute (ANSI). Specifically, PG&E claims to have met the standards in ANSI N 45.2.6. NDE personnel conduct the x-rays, magnetic particle, ultrasonic and other tests to learn the quality of the hardware.

In fact, an internal May 13, 1975 Pullman (then called W.W. Kellogg) memorandum revealed, "It should be noted that it is virtually impossible to comply totally to N 45.2.6 because of experience requirements. We cannot hire personnel to meet the experience requirements based for the salary scale we offer." (Id., Exhibit 10.) As late as July 30, 1982 Pullman QA/QC Manager Harold Karner rejected an internal audit finding that Pullman did not meet the requirements of ANSI N 45.2.6 with the following comment: "P.G.E. has not stated in writing that Pullman must comply with ANSI N 45.2.6....We are not in violation of PGE specifications or our own procedures ESD 235 and 237." (Id., Exhibit 9.)

In other words, even by 1982 reality had not caught up with the "official" record. How much confidence can the public have in test results from Pullman's bargain basement NDE staff? On October 13, 1977 Pullman's QA Manager explained what N.S.C. concluded after looking at the files: "N.S.C. felt that personnel should have had more prior experience before training and qualification for N.D.E. or field inspection. They did not like using ex-mechanics for N.D.E. --personal opinion."

3) Backup data for NDE qualifications

The staff accepted at face value PG&E and Pullman's claim that adequate backup data exists to demonstrate that NDE personnel are qualified based on training and experience.

In fact, a September 22, 1977 Pullman corporate review of 95 inspector and NDE files found "generic records deficiencies" for data to prove experience and qualifications. (Id., Exhibit 11)

Reviewing the file for Pullman's NDE supervisor -- the leader of the program -- reveals the magnitude of the bluff. His records say he passed the three Magnetic Particle exams with flying colors -- a score of 98%. But records on the three specific exams record the following results for the supervisor: "_____, _____, [and] _____." There are no grades recorded for his performance on individual tests. (Id., Exhibit 12)

4) Whether inspections occurred

In 1976 Pullman reported that the same NDE supervisor allayed concerns about 1200 suspect weld attachments by reinspecting 314 with magnetic particle tests in four days. That represents 78.4 tests per day. All passed. (Id., Exhibit 17.) Unfortunately, the maximum possible number of magnetic particle exams that an inspector can perform in a day is around 50 and even that is for the simplest versions of the test. (Id., p. 6-7)

5) Rewriting history through backdated documents

On September 25, 1980 an internal Pullman audit admitted that two technicians were certified for advanced ("Level II") responsibilities, despite "letters in their personnel files stating they are not qualified to perform Level II functions...." (Id., Exhibit 3.) Pullman's question? Remove the first letters and have the same NDE supervisor backdate letters to July 24, 1980 that said the opposite -- that the technicians were qualified. Rewriting history is no way to solve quality problems.

6) Xeroxing signatures

The signatures on weld process sheets -- which insure the work was done in an ad hoc manner -- were phoney. A blank sheet was signed and then xeroxed. This is evident from a review of multiple weld process sheets -- the signatures are too perfectly identical. The phenomenon has been confirmed with engineers from the early years. (Id., p. 8 .)

In short, we do not quarrel with the staff's finding that PG&E and its contractors discovered their own QA violations internally. But it is not enough to find the problems unless you fix them. The worst defense is to be aware of the violations and then cover them up. That is what happened at Diablo Canyon.

7) Cracked welds on component cooling water system

PG&E defended Pullman's practice of welding on water-filled pipes, which can cause cracks in the welds and in the pipes themselves, by claiming that the primary cause of cracking would be the presence of hydrogen, which PG&E then asserted was minimized.

In fact, PG&E intentionally overlooked the major cause of cracking when welding on water-filled lines, namely the water itself, which quenches the weld and can cause cracks in the weld and "under-side" cracking in the piping itself. (Attachment 7, at p. 3)

The above represent only a few of the many false statements for which the NRC staff refused to receive evidence over the last month. It hardly illustrates the scope of the staff's own coverup, however. Some of the crudest examples involve the issues screened out of the staff's inspections as not sufficiently significant. For instance, had the staff looked it would have learned that until 1978 Pullman's corporate audits did not follow the legal quality assurance standards of 10 CFR 50, Appendix B. The early audits were crude, informal efforts, where construction personnel "audited" themselves on occasion. They were no substitute for a minimally-acceptable, professional program. (Id., p2-5)

At least until 1982 Pullman's program for pipe supports and rupture restraints -- the subject of the current seismic design review -- did not honor 10 CFR 50, Appendix B. It is ironic that the staff was not interested: 10 CFR 50, Appendix B represents the heart of the NRC's regulatory program for quality assurance.

III. CONDITION OF THE PLANT

Through the previous two petitions whistleblowers described the effects of the quality-assurance breakdown on the condition of the plant -- an uncontrolled welding program that resulted in "pathetic" welds, as well as braces for the electrical system that were so loose they could be moved by hand. Unfortunately, the staff would not even accept a whistleblower's offer to point out examples of the shoddy hardware, let alone require a reinspection.

The QA violations above similiary were not mere technicalities. The consequences could threaten public health and safety. For example, PG&E has overlooked the fact that cracks are actually occurring in the field for welding on water-filled lines. Welders have said that when they weld on the water-filled pipes, their weld freezes on contact, showing that cracking is likely. Surface cracks have already been observed. (Attachment 3, at 2-3.)

Similarly, on February 24, 1984 the integrity of the plant's containment was breached when one of the main containment airlock doors blew open. Workers were sucked from outside into the inside of the containment building by the force. Maintenance crews explained that the hinges for the fourteen-year-old door were worn out before the plant began operation.

The NRC and PG&E scoffed at the incident, explaining that the door was closed in three minutes. That misses the point. How secure is the containment if a few workers can manually override a mechanical safeguard system? Apparently the staff was not concerned.

Under the plant's safety technical specifications (tech specs), prior to fuel loading and periodically thereafter a surveillance procedure must be performed to assure containment integrity. 10 CFR 50, Appendix J, section (b)(i) calls for the airlocks to be tested prior to fuel loading. The surveillance and test process is designed to pre-

vent precisely the type of situation that occurred in February -- safety-related structures that are worn out before the plant even operates. A thorough search of the public documents room in San Luis Obispo, California failed to identify any description of relevant surveillance or tests performed. In short, either the surveillance and tests did not occur, or they were inadequate. How many other structures and components are worn out already and represent dormant safety hazards missed by the surveillance and test program? Again, the staff was not interested.

IV. GHOST ALLEGATIONS

The staff has not interviewed any witnesses concerning the 131 allegations the witnesses presented on March 1, 1984 through the Mothers for Peace. On Monday, March 19, 1984 the staff announced that it was not necessary, because the allegations were "similar" to others raised previously. The excuse would be irrelevant, even if it were accurate. "Similar" QA violations could represent independent causes for an accident, a possibility the staff casually dismissed. Furthermore, in many cases the "similar" allegations greatly increased the significance, and analytical and evidentiary development, of earlier issues.

In fact, the staff's rationalization has the same degree of accuracy as some of PG&E's denials -- next to none. The list below illustrates some of the issues introduced on March 1:

- 1) circumvention of QC inspection criteria, QA reporting requirements and formal design criteria through the "Quick Fix" program -- an uncontrolled after-the-fact "trial and error" approach to design, in which field engineers could veto the approved design at whim, without calculations.
- 2) a December 28, 1983 procedural modification to ESD-223, which instructs QC inspectors to accept welds that were not required by the design, and to accept the absence of welds that were required by the design -- in other words, to accept anything that does (or does not) exist -- as long as the deviation is identified on an as-built drawing.
- 3) abuses in the engineering review of the as-built drawings that supposedly catch the errors funnelled into Quick Fix and out of QA/QC, such as approval of suspect design deviations without any basis in supporting documents of engineering calculations.
- 4) continuing discrepancies between the drawings relied on by operators, and the as-built condition of the plant, for such critical items as the location of valves.
- 5) another Department of Labor decision finding that an employee was dismissed for writing an internal quality-control report challenging the lack of QC coverage in the weld qualification test booth.

6) Bechtel pressure for employees who resign to sign a "see no evil" form saying that they are unaware of any code, design or QA violations. This illegally places the employee in a Catch-22 situation, since the statement is obviously false. If later questioned by the NRC, the employee must choose between denying the obvious or repudiating a signed statement to Bechtel. The former option risks criminal prosecution; the latter risks industry blacklisting.


PG&E's response to the last statement is almost humorous -- the company said that the gag form was an attempt to learn what the problems are at Diablo Canyon, by having employees sign a form stating that there aren't any problems. As one whistle-blower still on site explained to counsel in disgust, "If they wanted to know about problems, why didn't they just give us blank paper and ask us to start writing?"

The staff's response was less amusing. They ignored all these issues. These issues effectively vanished from the NRC's regulatory program, although if correct certain of the violations would establish landmarks in quality-assurance abuse.

In short, the staff obliterated the quality of its own factual record. If the NRC were a utility, it would have violated the First Commandment of its own quality-assurance rules. 10 CFR 50, Appendix B, Criterion I prohibits utilities from sacrificing quality for cost and schedule concerns. Unfortunately, 10 CFR 50 Appendix B no longer appears relevant for Diablo Canyon, if it ever was.

This disclosure is offered to the Commission in the hope that information, evidence and public safety are all still relevant for licensing decisions under the Atomic Energy Act.

Respectfully submitted,


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Attachments
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