

CASE

(CITIZENS ASSN. FOR SOUND ENERGY)

October 24, 1983

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Dallas, Texas

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USNRC

214/946-9446

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Administrative Judge Peter B. Bloch
U. S. Nuclear Regulatory Commission
4350 East/West Highway, 4th Floor
Bethesda, Maryland 20014

Dr. Walter H. Jordan
881 W. Outer Drive
Oak Ridge, Tennessee 37830

Dr. Kenneth A. McCollom, Dean
Division of Engineering, Architecture
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Oklahoma State University
Stillwater, Oklahoma 74074

Gentlemen:

SUBJECT: In the Matter of
Application of Texas Utilities
Generating Company, et al. for
An Operating License for
Comanche Peak Steam Electric Station
Units #1 and #2 (CPSES)
Docket Nos. 50-445 and 50-446

Illegal Firing of QC Inspector
at Comanche Peak;
and
Adequacy of Emergency Sirens

In the October 21, 1983, telephone conference call, Mr. Reynolds (attorney for the Applicants) advised the Board and parties that he had learned on October 20 that the Department of Labor in Wichita Falls, Texas, had issued a ruling Wednesday that an inspector had been terminated unlawfully; in response to an inquiry, he stated that the name of the inspector was William Dunham.

In newspaper articles on October 22, quotations attributed to the DOL's ruling indicated that the extent of the problem was far more serious than might have appeared from the scant information supplied by Mr. Reynolds. The articles indicated that the DOL stated that Mr. Dunham was terminated:

"because he was vocal in his opposition to intimidation, harassment and threats made by management to the QC inspectors."

After reading the newspaper articles, I attempted unsuccessfully to contact Board Chairman Bloch, then contacted Judge McCollom. He instructed me to send the attached articles to the Board. CASE will be pursuing this further.

I am also attaching a copy of a 9/23/83 article regarding the emergency sirens which I believe the Board should be aware of.

Respectfully submitted,

CASE (Citizens Association for Sound Energy)

Juanita Ellis
(Mrs.) Juanita Ellis, President

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Dallas Times Herald

SATURDAY, OCTOBER 22, 1983

FRONT PAGE

25 Cents

Labor Department rules Comanche Peak firing illegal

By JACK BOOTH
Staff Writer

The U.S. Department of Labor has ruled that a quality control inspector was illegally fired from the Comanche Peak nuclear plant because he strongly opposed harassment of inspectors by management.

The ruling in favor of former in-

spector William A. Dunham marks the second time this year the department has found that a Comanche Peak inspector was illegally fired. In June, the department said Charles A. Atchison was improperly fired.

In addition, the U.S. Atomic Safety and Licensing board that is overseeing Comanche Peak's construction said last month it suspects

that a third inspector, Robert L. Hamilton, was fired because he submitted unfavorable inspection reports.

Allegations of inspector harassment have become key issues in the licensing hearings for the plant near Glen Rose.

Licensing board Chairman Peter A. Bloch said last week that the board may postpone its licensing

decision until U.S. Nuclear Regulatory investigators complete an investigation in March of possible widespread inspector intimidation at the plant.

During a telephone conference Friday, Bloch told the participants in the licensing hearings that the board may want further proof — perhaps in the form of a consultant's study — that the plant was

built safely even if inspectors were harassed. The inspectors make the final checks of completed work.

The timing of the licensing ruling could be important, since the utility says the price of the plant will go up if radioactive fuel is not loaded in the first reactor by the end of the year.

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U.S. questions N-plant firing

By Bill Lodge

Staff Writer of The News

The Dallas Morning News

Saturday, October 22, 1983

The firing of a third construction inspector at the Comanche Peak nuclear power plant at Glen Rose has been questioned by the U.S. Department of Labor.

The department has ruled already that one inspector was fired incorrectly and that the Atomic Safety and Licensing Board has questioned the dismissal of another inspector and plans to review that incident.

In an Oct. 18 letter to plant builder Brown & Root Inc., officials of the Fort Worth office of the Labor Department said William A. Dunham was dismissed by the company "because he was vocal in his opposition to intimidation, harassment and threats made by management to the QC (quality-control) inspectors."

The letter does not describe the accusations of intimidation, harassment or threats.

Brown & Root has five days from receipt of the letter to appeal the decision to an administrative law judge in Washington.

Carmen Goldthwait, spokeswoman for Brown & Root's Houston office, said Friday, "We disagree vehemently with the Department of Labor." She said she had no details on Dunham's dismissal and had not been able to reach company attorneys to determine whether an appeal will be filed.

Frank Shants, spokesman for primary plant owner Texas Utilities Co., said Brown & Root officials will appeal. Texas Utilities Co. manages the project and frequently acts as spokesman for Brown & Root on the Comanche Peak project.

Attempts to reach Dunham Friday were unsuccessful.

Shants said Dunham was a paint inspector who was fired Aug. 26 for insubordination.

In their Oct. 18 letter, Labor officials said that Brown & Root must reinstate Dunham and pay him all wages he would have earned since his firing.

In August, the staff of the U.S. Nuclear Regulatory Commission recommended a \$40,000 fine against Texas Utilities after Labor officials ruled that former welding inspector Charles Atchison was fired by Brown & Root in 1982 because he reported construction problems.

The NRC staff said Texas Utilities should have prevented Atchison's dismissal. Brown & Root is appealing the Labor decision to the 5th U.S. Circuit Court of Appeals, and the utility is appealing the \$40,000 fine to NRC officials in Washington.

Last month, a three-member panel of the U.S. Atomic Safety and Licensing Board said they do not believe former paint inspector Robert L. Frohilton was dismissed in 1982 merely for refusing to conduct an inspection at a height of 105 feet without a special safety rig.

LOCAL / STATE

Star-Telegram

SATURDAY, OCTOBER 22, 1983

2nd inspector ordered rehired at nuclear plant

By **BRUCE MILLAR**
Star-Telegram Writer

A quality control inspector at the Comanche Peak nuclear power plant who was fired last summer for insubordination has become the second plant inspector ordered reinstated by the U.S. Department of Labor.

The U.S. Atomic Safety and Licensing Board last month formally criticized the firing of a third inspector, Robert Hamilton, as an "extraordinary reaction" by utility officials, but it did not order his reinstatement.

Labor Department officials in Fort Worth this week ordered former Brown & Root Co. paint inspector William Dunham, 30, reinstated with full back pay, legal expenses and compensation for the period he was looking for another job. Brown & Root is the general contractor on the plant near Glen Rose.

According to an Oct. 16 letter by Curtis L. Poer, area director for the Labor Department in Fort Worth, the Aug. 26 firing of Dunham was illegal. Utility officials were given

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Nuclear plant ordered to reinstate another

Continued from Page 21

until Monday to file an appeal with the department's chief administrative law judge.

A spokesman for Texas Electric Service Co., a part owner of the \$3.44 billion plant, Friday defended Dunham's firing.

"We strongly disagree with the findings by the area director of the Department of Labor," said spokesman George Hedrick. "The individual was terminated lawfully, and Brown & Root is requesting a formal hearing."

Hedrick was unable to provide details of Dunham's dismissal. He said Dunham worked at the plant for 21 months.

The Labor Department ruling says Dunham was protected by "whistleblower" regulations designed to prevent punishment of workers who report improprieties.

Department spokesman Lynn Ligon said federal regulations forbid him to discuss an open case. But he said that typically a letter of determination states that an employee has been discriminated against and orders the employer to rehire him or face further litigation.

Officials said Dunham has moved to Bay City. He could not be reached for comment.

Earlier this year, the Labor Department ruled that the 1982 firing of former welding inspector Charles Atchison was improper. An administrative judge ordered Atchison reinstated, but that ruling was reversed by Labor Secretary Raymond Donovan after Atchison admitted falsifying his resume.

Instead, Donovan ordered utility officials to pay Atchison two months back salary plus legal expenses and to remove the firing from his personnel record.

The U.S. Nuclear Regulatory Commission staff last month recommended a \$40,000 fine against Texas Utilities for what it termed failure to maintain an adequate quality control program. Texas Utilities is another part owner of the plant.

Utility officials have appealed the Labor Department's decision in that case to the U.S. Fifth Circuit Court of Appeals in New Orleans. Atchison is seeking \$10 million against

Brown & Root, contending he was wrongfully fired.

Hamilton was fired for refusing to conduct an inspection he considered unsafe, but the board has questioned the "true motivation" for his dismissal. His firing may have related to a supervisor's statement to Hamilton and other paint inspectors to "stop nitpicking" or to Hamilton's penchant for firing unproductive quality assurance inspectors, the board said.

Warning sirens fail to wail loudly

By JACK BOOTH

Staff Writer

The Comanche Peak nuclear plant's emergency siren system was tested Thursday for the first time since the system received \$125,000 in improvements.

But a number of people inside Glen Rose office buildings didn't hear the \$325,000, 65-siren system, which is supposed to alert residents in Hood and Somervell counties to an emergency at the plant.

Grover C. Gibbs, the town's postmaster, learned of the 10:30 a.m. test from his radio. "They probably will make it more adequate to hear as time goes on, but right now we couldn't hear it," he said.

Federal guidelines say only that the sirens must be heard outdoors within a 10-mile radius of the plant. The guidelines were drawn on the assumption that people inside the average home would hear the sirens.

The sirens became an issue during licensing hearings in Fort Worth in May when members of a U. S. Atomic Safety and Licensing Board expressed concern over a letter from Somervell County Judge George R. Crump. Crump said he was unable to hear the sirens in his office during a January test.

In a second test June 15, one-fourth of the sirens failed to sound because of defective controls at the Somervell County Sheriff's Department. Many other sirens did not sound as loudly as they were supposed to.

The plant added 25 more sirens, at \$5,000 apiece. All but one worked properly Thursday, said Tom Gosden, a spokesman for the Texas

Utilities Generating Co., the consortium that owns the plant.

Gosden said federal rules recognize that not everyone will hear the sirens. Those who don't will learn about an emergency by radio or television broadcasts, or by word of mouth, he said.

Crump could not be reached for comment Thursday. The licensing board will rule later on the sirens' adequacy.