

J.M.

A F F I D A V I T

My name is James L. McDermott. I am submitting this affidavit freely and voluntarily to Mr. Thomas Devine, who has identified himself to me as the legal director of the Government Accountability Project and who serves as my attorney for disclosures to the Nuclear Regulatory Commission. I have instructed Mr. Devine to add my name to the petition submitted by Mr. Timothy O'Neill on July 27, 1984 with Mr. O'Neill's permission, which he has supplied. This affidavit is in support of the joint petition. My own case provides a clear illustration of the need both for reinspections and systematic retraining of all personnel at Diablo Canyon.

On Saturday, July 28, I was laid off from my job as a welder for Pullman Power Products at Diablo Canyon, two days after I refused to sign three statements certifying my participation in retraining programs on various matters. I refused because I would have been engaging in a false statement if I had signed. In one case, I was asked along with others to sign a blank form ^{certifying my participation in an unidentified training session that had never occurred} To show how badly things have deteriorated, 15 other employees signed the form.

Since January 1984 I have been a witness in the ongoing Nuclear Regulatory Commission (NRC) investigation at Diablo Canyon. During that time I have submitted five affidavits and

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met with the NRC on three occasions, including twice with the Office of Investigations (OI). Earlier this month I settled a Department of Labor lawsuit which had charged retaliation in an earlier layoff. I was a confidential witness, until the NRC technical staff blew my cover by turning over a copy of my affidavit to Pacific Gas and Electric (PG&E). Although my name was whited-out, the issues in my statement were traceable back to me since I had challenged the same violations on-site. PG&E promptly published my name in a licensing brief. With my cover already blown, there was no reason to hold back and my wife began serving as a public spokesperson for the Consumers in Defense of Energy Safety (CODES). PG&E claimed that my continued employment at Diablo Canyon helped rebut charges of harassment for NRC whistleblowers. PG&E's licensing brief is enclosed as Exhibit 1.

The events surrounding my layoff began last Thursday, July 25, when four handouts were distributed to personnel in the shop. Each handout was for retraining through the "Steps to Prevent Recurrence" (STPR) corrective action program. We were all supposed to sign that we had been retrained on each problem, after studying each handout. I signed one of the forms but I had to refuse to sign three others. The other three STPR forms involved problems with -- 1) flowmeters to control the release of gas in Gas Tungsten Arc Welding (GTAW); 2) falsified traceability records for certain plates; and 3) cutting of crushable bumpers.

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The STPR on flowmeters contained the crudest falsification. It is enclosed as Exhibit 2. In essence we were asked to sign a form certifying our attendance in a retraining program that was never conducted. The form was blank^{JM^c} for all the spaces describing the retraining, including "Nature of Instruction", "Date", "Time", and "Instructor". Further, our signatures certified that we had participated in discussions and reviewed additional information. The discussions never occurred and the referenced information was not included in the handout. Fifteen people signed anyway. I talked with several people about why they signed a blank check. As one explained, he didn't want to have trouble.

This phoney retraining program concerned a generic deficiency highly significant to plant safety. The flow of gas keeps out undesirable atmosphere during the welding process. Too much or too little gas can lead to unacceptable quality such as oxidation, ^{JM^c}porosity^{JM^c}, cracking, embrittlement and excessive cost. The fraudulent retraining program means that the shoddy welding probably will continue for the thirteenth year in a row.

The STPR on traceability of plates concerned falsified purchase order identification records. It is enclosed as Exhibit 3. I could not sign the form, because the referenced procedures and quality assurance (QA) records were not included.

I had raised this same issue near the end of June with the production foreman. He said that maybe I should remove the phoney Purchase Order^{JM^c} NUMBER FROM THE PLATE, ^{JM^c} Before that happened, however, a QC

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inspector identified the problem and wrote a Deficient Condition Notice (DCN). The inspector suffered severe harassment for writing the report, including a public dressing down from the craft superintendent and construction workers who shook their fists in his face. Based on his experience, I believe that my initiative in raising the same issue to a foreman helped lead to my layoff.

The third STPR concerned the improper cutting of crushable bumpers, which are thin-gauged tubing welded to resemble square honeycombs. They are used to absorb the impact in the event of a ruptured pipe. The STPR is enclosed as Exhibit 4. I could not sign this form, because the referenced procedure was not attached.

The training continues to be inadequate on a generic basis. For example, the recent "training" on harassment basically was to pass out a memo saying that we could be disciplined up to termination if we harassed QC. The memo itself was a signal that management was pulling its punches: harassment would not necessarily cost a worker his job if he were caught. There were not any classes, or even discussions about a problem that has been getting out of control.

In other cases the handouts were inadequate as retraining documents, because the craft workers had never been trained sufficiently the first time to understand the terms in the QA reports. I know, because various welders asked me what the documents meant. They came, because I was a former QC inspector.

On Thursday, July 26th, after reviewing the STPR handouts, I sought out the QC inspector. I told him this was bull, because we would be signing for documents and events that were not there. He agreed and said he would notify the Resident Inspector.

At the end of the shift, the foreman asked me to sign the STPR forms. I refused on three out of four. He asked me to point out to him what was the matter, which I did. He said he saw my point and agreed with me that a good training program should have begun 13 years ago.

Despite his agreement with my criticisms, the foreman said that the superintendent would still want me to sign. He also said that maybe we should fill in the blanks on the training form for flowmeters. I said maybe we shouldn't. I believe that raising this problem of false statements internally, refusing to participate, and refusing to cooperate with a coverup contributed to my layoff.

On Friday the QC inspector told the NRC's Resident Inspector, Mavin Mendonca, of the STPR problems.

On Friday Tim O'Neill also filed his petition and held a press conference. Tim is a friend of mine, which was well-known

on-site. We ate lunch together regularly, where in plain view I often reviewed or helped him to prepare reports of QA violations. We ate lunch together on Tuesday, July 24, the day Tim resigned. I believe that my layoff the day after his press conference in part was further retaliation due to guilt by association.

On Saturday, July 28 I was laid off, along with one other welder out of around 15 in our shop. The other employee was a traveler -- a member from another local outside of this union's jurisdiction, with a travel card. Although it is not a formal rule, travelers usually are laid-off first. In fact, another brother said to me that he should of been laid off because he was a travelcard holder and that I was a local member.

I believe that my layoff was retaliatory for three reasons: 1) The time lag was two days after I refused to sign three false statements and one day after my friend Tim went public on a series of QA violations including some which I had openly helped him to prepare at the job site. 2) Over half the rest of the crew were travelers. 3) Two of the travelers were welders hired about two weeks earlier. They had only passed the basic gate, or entry, test. By contrast, I had been certified to unlimited thickness after passing the heavy wall test. In fact, I had just trained these two welders, to replace me as it turned out.

When I was laid off the foreman said that it was not just his decision; that management also was involved. He denied that

there were any "politics" involved, however. A Bechtel supervisor told me that he was sorry to see me go, because I never missed anytime, was always working and was better qualified as a welder than those who kept their jobs. He said that didn't make sense from an economic standpoint. He added that he had made the same point to Pullman and Bechtel management, without any success.

I am familiar with the conclusions in the 1977 Nuclear Services Corporation (NSC) audit about a quality assurance breakdown. I can state without question that it is continuing without letup. If there has been corrective action, the effects have been invisible. The QA breakdown continues, because those of us who try to uphold the NRC laws are either ignored; harassed until they resign as with Tim; or laid-off like myself. I am joining Tim's petition, because the NRC must crack down to restore respect for its rules at Diablo Canyon. If the Commission licenses the plant instead, it will be a clear message that the Atomic Energy Act no longer is worth the paper it is written on.

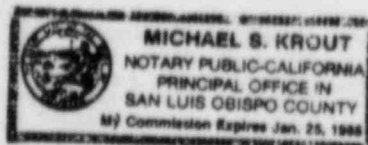
I have read the above 7 page affidavit, and it is true, accurate and complete to the best of my knowledge and belief.

James L. McDermott
James L. McDermott

STATE OF California
COUNTY OF San Luis Obispo

ON 30 July 1980
before me, the undersigned, a Notary Public in and for said State, personally appeared
James L. McDermott
known to me by satisfactory evidence
to be the person whose name is subscribed to this within instrument,
and acknowledged to me that he executed the same.

WITNESS my hand and official seal.



ACKNOWLEDGMENT—General—Notarys Form 681—Rev. 3-64

Michael S. Krout
Notary Public in and for said State.

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION
3 BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD
4
5

6 In the Matter of)

7 PACIFIC GAS AND ELECTRIC COMPANY)

8 (Diablo Canyon Nuclear Power)
9 Plant, Units 1 and 2))

Docket Nos. 50-275 O.L.
50-323 O.L.

10 APPLICANT'S REPLY TO JOINT INTERVENORS'
11 MOTION FOR PROTECTIVE ORDER

12 The Joint Intervenors, by motion dated June 11,
13 1984, have sought a protective order for Exhibits 3, 4, 7,
14 and 10 which were submitted in support of their reply to
15 PGandE and Staff responses to the Joint Intervenors' latest
16 motion to reopen.

17 Neither the Staff nor PGandE were served copies of
18 those exhibits, and the Joint Intervenors by their motion
19 have requested that access to the substance of the exhibits
20 be denied to the Staff and PGandE (JI motion pp. 5-6). It
21 is PGandE's understanding that this Board has received such
22 exhibits but in an edited form with the names of affiants
23 and other identifying material removed. On receipt of the
24 motion for a protective order, this Board issued an order
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1 requesting response to the motion and certain questions by
2 June 19, 1984.¹

3 I. DISCUSSION

4 Joint Intervenors' motion for a protective order
5 is predicated on two points. The first is that the informa-
6 tion given in each subject exhibit is conditioned by the
7 affiant that it not be released to the Staff or the Appli-
8 cant. The second is that the withholding of the substance
9 of the exhibits is necessary to protect the anonymity of the
10 affiants.²

11
12 ¹The order requested Staff and PGandE to answer the
13 following:

- 14 (1) What documents were served on the applicant and the
15 staff as joint intervenors' reply?
16 (2) If the same documents, in the same form, as those
17 served on the Appeal Board were received by the
18 applicant and the staff, is there any need for a
19 protective order?
20 (3) Is the Commission's policy statement of August 5, 1983,
21 48 Fed. Reg. 36,358, applicable to joint intervenors'
22 request for a protective order? If so, with what
23 result?
24 (4) If the Commission's policy statement is not applicable,
25 is the protective order sought by joint intervenors
26 appropriate in the circumstances presented?
27 (5) If the protective order sought by joint intervenors is
28 not appropriate, is a less encompassing order suitable?

29 ²Although Joint Intervenors claim the informers
30 privilege, this Board has previously acknowledged that the
31 privilege may be claimed only by the government. Houston
32 (Footnote Continued)

1 Joint Intervenors seek to reopen the record based
2 in part on new affidavits, the substance of which they seek
3 to keep from Applicant. Fundamental to the acceptance of
4 such affidavits as evidence upon which this Board may rely
5 is the underlying truthfulness and veracity of the affiants
6 and the factual basis for establishing that the affiants
7 possess the necessary expertise to offer opinion testimony.
8 By the requested terms of their motion for a protective
9 order, Joint Intervenors attempt to restrict this Board in
10 its function by not allowing the substance of the affidavits
11 from seeing the light of day. Such a process, if allowed,
12 would be extremely prejudicial to Applicant and approaches a
13 trial in absentia.³

14
15 (Footnote Continued)

16 Lighting and Power Company (South Texas Project Units 1 and
17 2), ALAB-639, 13 NRC 469, (1981), footnote 26 at 478. See
18 Roviaro v. United States, 353 U.S. 53, 59 (1957). In this
case, rather than advancing the interest of the government
in its investigation of the truth, Joint Intervenors seek to
use the privilege to thwart such investigation.

19 ³With this unexamined evidence, Joint Intervenors claim
20 that a "cloud" hangs over the adequacy of the safety-related
21 design and construction at Diablo Canyon citing Commonwealth
22 Edison Company (Byron Nuclear Power Station Units 1 and 2)
23 ALAB 770. That case is distinguishable from the instant
24 proceeding. First, the "cloud" there was not
25 unsubstantiated claims which had not even been examined, but
rather the Licensing Board's findings made after hearing and
Staff determinations over a period of years. In this case,
Joint Intervenors seek to manufacture a "cloud" with
anonymous affidavits which they refuse to expose to
Applicant or Staff. The uncertainty that existed in Byron
was that which was the result of findings, not merely

(Footnote Continued)

1 s to the first point, every citizen has an
2 obligation to provide evidence, when necessary, to further
3 the system of justice. Consumers Power Company (Midland
4 Plant, Units 1 and 2) ALAB 764, Slip Opinion March 30, 1984.
5 Houston Lighting and Power Company (South Texas Project,
6 Units 1 and 2) ALAB 639, 13 NRC 469, 473 (1981). Wright v.
7 Jeep Corp., 547 F.Supp. 871, 875 (E.D. Mich. 1982). See
8 Branzburg v. Hayes, 408 U.S. 665, 688 (1972), Roviaro v.
9 United States, 353 U.S. 53, 59 (1957). Since every citizen
10 has such a duty which arises from his citizenship, he
11 cannot, on his own, condition his civic obligation. Thus,
12 affiants cannot tell this Board that they will give it
13 information only if the Board agrees, contrary to
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15
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17 (Footnote Continued)

18 unsubstantiated allegations in support of a motion to
19 reopen. Second, this is not a case where there has not yet
20 been a hearing on the Applicant's verification program as
21 was the case in Byron. Here, an extensive hearing on Design
22 Quality Assurance and the adequacy of the verification
23 program which was established pursuant to Commission order,
24 has already been held. In Byron, Applicant argued that a
25 hearing was not necessary even while the verification
26 program was not complete. The Appeal Board remanded the
case to take evidence on the completed verification program.
Here the verification program has been completed and has
been already subjected to hearing. Finally, in Byron, the
Appeal Board found a hearing was necessary because one of
the principle deficiencies that existed was the established
absence of adequate certification procedures for quality
control personnel. Such fundamental absence of proper
certification is not present here.

1 requirements of law, not to relay it to a party whose rights
2 or duties are being litigated.⁴

3 As to the second point, Joint Intervenors claim
4 that because of inadequate editing of prior affidavits by
5 the NRC Staff, Applicant was able to identify three of the
6 anonymous alleged. As to these three alleged, they claim
7 in an unsupported allegation that, "Since February 16, all
8 three individuals have been laid off or suffered harassment
9 on-site" (6/7/84 Devine Aff. at 3). Curiously, the docu-
10 ments executed by the anonymous alleged which disclosed
11 identifying material were not released to Applicant until
12 April 26, 1984. No person was laid off or harassed as a
13 result of his allegations (Exhibit 1, attached). As a part
14 of normal reductions of force, two of the three were laid
15 off earlier this year, but each was rehired by April 9,
16 1984, prior to the date of release of the affidavits to
17 Applicant. All three are currently employed at the site,
18 and there have been no reports of harassment by any of these
19 individuals from any source whatsoever. Consequently the
20

21 ⁴While GAP and Joint Intervenors may consider
22 themselves as chartered to ensure that the NRC satisfies its
23 statutory duties, they cannot sua sponte substitute
24 themselves for the governmental body which Congress charged
25 with the duty to regulate, investigate, and license nuclear
26 power plants. Consequently, the investigative arm of the
Commission, its staff, cannot be deprived of the substantive
information contained in Exhibits 4, 5, 7, and 10 or the
names of the informers.

1 pivotal grounds for the request for the protective order are
2 based, at best, a misleading affidavit.⁵

3 As acknowledged by this Board in the case of
4 Consumers Power Company (Midland Units 1 and 2) ALAB-764,
5 supra., the informer protection extends only to the identity
6 of the informer and not to the substance of the information
7 provided.⁶ See Roviaro v. United States, supra. at 60.

8 Applicant has no other means of access to the
9 allegations which are contained in Exhibits 3, 4, 7, and 10.
10 It is the substance of those allegations and not the identi-
11 ty of the allegers which is of importance to Applicant,
12 Staff, and this Board.

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15 ⁵This pivotal allegation should give the Board cause to
16 question the veracity and forthrightness of Joint
17 Intervenors' allegations. While the allegation in the
18 affidavit is that the three individuals were either laid off
19 or suffered harassment since February 16, 1984, it is clear
20 that the layoffs were not related to their affidavits and
21 that the individuals involved were even reemployed prior to
22 the release of their affidavits. It is also clear that
23 there is an absence of harassment as a result of their
24 allegations. Given such inclination to stretch the facts,
25 this Board must scrutinize all claims of Joint Intervenors.

26 ⁶As in the Consumers Power case ALAB 764 supra., there
is no issue of privilege involved here. Any confidentiality
that may have existed between Thomas Devine, affiant, and
the anonymous allegers was clearly breached when disclosure
was made to Joint Intervenors and their counsel. While
Thomas Devine has acted, in other matters, on behalf of
Mothers for Peace, one of the Joint Intervenors, he is not
counsel of record on behalf of all Joint Intervenors in this
action.

1 Accordingly, should the Board be able to determine
2 qualification of the affidavits, the Board should release
3 Exhibits 3, 4, 7, and 10 in the form they have without a
4 protective order.

5 II. RESPONSE TO BOARD CERTIFIED QUESTIONS

6 A. As indicated above, PGandE did not receive
7 Exhibits 3, 4, 7, and 10 with Joint Intervenors' reply. If,
8 in fact, it is the case that this Board received the exhib-
9 its without the names or other identifying material as
10 edited by anonymous allegers, it would appear that consis-
11 tent with protection of informers' interest, this Board
12 could release the substance of the exhibits to the Staff and
13 Applicant, and no protective order would be necessary.

14 B. Applicant does not see that the Commission
15 policy statement of August 5, 1983 (48 Fed.Reg. 36358),
16 applies since the subject information is not in the pos-
17 session of or originated by the Staff in its ongoing inves-
18 tigation or inspection.

19 C. The protective order sought by Joint
20 Intervenors far exceeds what is required to protect the
21 interest of the anonymous informants and if granted as
22 requested would prejudice Applicant and Staff and interfere
23 with the Board's obligation to ascertain the truth of the
24 matters placed before it.

25 E. As acknowledged by the Board in Consumer
26 Power Co. (Midland Units 1 and 2) ALAB 764 supra., a

1 protective order which provides for deletion of names and
2 other identifying material is appropriate for protection of
3 informers' interests.

4 Applicant would suggest, however, that the Board
5 should be presented with unedited versions of the Exhibits
6 in camera so that it can ascertain that the affidavits are,
7 in fact, of persons other than those who have previously
8 provided affidavits. Thereafter, upon qualification of the
9 affidavits, the Board should determine if the edited version
10 protects the informers identity or whether, on weighing of
11 the interests of the parties, a further modification should
12 be made prior to release to Staff and the Applicant.⁷

13 Alternatively, if the Board determines that the affidavits
14 cannot be accepted, then they should be rejected outright.

15 Applicant would like to point out that while Joint
16 Intervenors are seeking extraordinary relief from this
17 Board, they do not approach the Board with altogether "clean
18 hands." The allegations they submit, beyond being repeti-
19 tious, have been tortiously dragged through the licensing
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22 ⁷If Exhibits 4, 5, 7, and 10 contain new materials,
23 obviously Applicant should be afforded the opportunity to
24 respond since they constitute a new motion and not a reply
25 to Applicant's prior response to Joint Intervenors Motion to
26 Reopen. Applicant is in the process of responding, inter
alia, to the new material contained in the June 11, 1984,
"Reply" of Joint Intervenors and will submit its responses
to the Board by June 29, 1984.

1 process over in excess of six months time. Affiant
2 Thomas Devine has stated under oath that "for the previous
3 seven months," he has "been conducting an investigation of
4 alleged illegal or improper practices at the Diablo Canyon
5 nuclear powerplant" (6/7/84 Devine Aff. at 1). It is not
6 inconceivable that Joint Intervenors and their associated
7 representatives would continue this pattern of conduct over
8 the next several months even though they have been inves-
9 tigating the matter for over at least six months. Applicant
10 would submit, therefore, that if Joint Intervenors seek
11 equity, they must do equity. That should certainly extend
12 to providing the substance of their claims.

13 III. CONCLUSION

14 Applicant submits that consistent with due process
15 and in the interest of fair play and justice, it is vitally
16 necessary that it have access to the substance Exhibits 3,
17 4, 7, and 10. Applicant requests that Exhibits 3, 4, 7, and
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1 10 be released to Staff and Applicant, or alternatively be
2 rejected by the Board if they fail to meet minimal
3 requirements for affidavits.

4 Respectfully submitted,

5 ROBERT OHLBACH
6 PHILIP A. CRANE, JR.
7 RICHARD F. LOCKE
8 DAN G. LUBBOCK
9 Pacific Gas and Electric Company
10 P. O. Box 7442
11 San Francisco, CA 94120
12 (415) 781-4211

13 ARTHUR C. GEHR
14 Snell & Wilmer
15 3100 Valley Bank Center
16 Phoenix, AZ 85073
17 (602) 257-7288

18 BRUCE NORTON
19 Norton, Burke, Berry & French, P.C.
20 P. O. Box 10569
21 Phoenix, AZ 85064
22 (602) 955-2446

23 Attorneys for
24 Pacific Gas and Electric Company

25 Dated: June 18, 1984

26 By


Bruce Norton

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)

PACIFIC GAS AND ELECTRIC COMPANY)

(Diablo Canyon Nuclear Power)
Plant, Units 1 and 2))

Docket Nos. 50-275
50-323

(Construction Quality Assurance)

AFFIDAVIT OF D.A. Rockwell

STATE OF CALIFORNIA)

CITY & COUNTY OF SAN FRANCISCO)

ss

The above, being duly sworn, deposes and says:

I, D.A. Rockwell, am Special Projects Engineer for the Pacific Gas and Electric Company at the Diablo Canyon Nuclear Power Plant. In such capacity, I work directly with management of Pullman Power Products and the H.P. Foley Company who are contractors on site at the Diablo Canyon Nuclear Project. In such capacity I am informed of personnel shifts and force changes of each organization. I have caused that the employment files be reviewed of the three individuals who were identified in the May 17, 1984 submittal of PGandE: Mr. J. McDermott, Mr. T. O'Neal, and Mr. J. Phillips. I have also investigated the possibility of the existence of any claims of harassment made by any of these three individuals as a result of the affidavits. Contrary to the representation of Thomas Devine, no harassment or reprisal by PGandE or its contractors against any of the three individuals has resulted from their anonymous allegations.

Mr. J. McDermott was hired by Pullman on May 13, 1983. In a scheduled force reduction on January 13, 1984, Mr. McDermott was let go by Pullman. He was rehired by Pullman on April 9, 1984. He currently works for Pullman.

Mr. J. Phillips was originally hired by PTGC on March 31, 1983 and, as part of a scheduled force reduction, was let go on March 23, 1984. His ranking in March 1984 was 143 out of 147. Subsequent to his layoff by PTGC he was hired by Pullman on April 9, 1984. He currently works for Pullman.

Mr. T. O'Neal was hired by Pullman as a QC inspector on July 5, 1983 and currently is working for Pullman in that capacity.

The two individuals who were laid off were let go as a result of legitimate reduction of force, and not as the result of any allegation or affidavit they may have signed. Both were let go prior to April 26, 1984, the date when NRC first released the affidavits to PGandE.

Investigation has revealed no reports of harassment by any of these three individuals as a result of their allegations. There have been no reports to their supervisors. There have been no hot-line reports, and there have been no reports by union representatives regarding these individuals.

Mr. T. O'Neal did for the first time come to my office on June 12, 1984, the day after the Joint Intervenors motion was filed, to speak to me about his alleged quality concerns. He demanded my written response to his concerns.

He did not inform me of any physical threats, social harassment or reprisals of any kind resulting from his allegations.

Dated: June 19, 1984

D.A. Rockwell

Subscribed and sworn to
before me this 19th day
of June, 1984

Nancy J. Lemaster,
Notary Public in and for the
City and County of San Francisco
State of California.
My commission expires
April 14, 1986.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
PACIFIC GAS AND ELECTRIC COMPANY) Docket No. 50-275
) Docket No. 50-323
Diablo Canyon Nuclear Power Plant,)
Units 1 and 2)
_____)

CERTIFICATE OF SERVICE

The foregoing document(s) of Pacific Gas and Electric Company has (have) been served today on the following by deposit in the United States mail, properly stamped and addressed:

Judge John F. Wolf
Chairman
Atomic Safety and Licensing Board
US Nuclear Regulatory Commission
Washington DC 20555

Judge Glenn O. Bright
Atomic Safety and Licensing Board
US Nuclear Regulatory Commission
Washington DC 20555

Judge Jerry R. Kline
Atomic Safety and Licensing Board
US Nuclear Regulatory Commission
Washington DC 20555

Mrs. Elizabeth Apfelberg
c/o Betsy Umhoffer
1493 Southwood
San Luis Obispo CA 93401

Janice E. Kerr, Esq.
Public Utilities Commission
State of California
5246 State Building
350 McAllister Street
San Francisco CA 94102

Mrs. Raye Fleming
1920 Mattie Road
Shell Beach CA 93449

Mr. Frederick Eissler
Scenic Shoreline Preservation
Conference, Inc.
4623 More Mesa Drive
Santa Barbara CA 93105

Mrs. Sandra A. Silver
1760 Alisal Street
San Luis Obispo CA 93401

Mr. Gordon Silver
1760 Alisal Street
San Luis Obispo CA 93401

John Phillips, Esq.
Joel Reynolds, Esq.
Center for Law in the Public Interest
10951 W. Pico Blvd. - Suite 300
Los Angeles CA 90064

David F. Fleischaker, Esq.
P. O. Box 1178
Oklahoma City OK 73101

Arthur C. Gehr, Esq.
Snell & Wilmer
3100 Valley Bank Center
Phoenix AZ 85073

Bruce Norton, Esq.
Norton, Burke, Berry & French, P.C.
P. O. Box 10569
Phoenix AZ 85064

Chairman
Atomic Safety and Licensing
Board Panel
US Nuclear Regulatory Commission
Washington DC 20555

Chairman
Atomic Safety and Licensing
Appeal Panel
US Nuclear Regulatory Commission
Washington DC 20555

Secretary
US Nuclear Regulatory Commission
Washington DC 20555

Attn: Docketing and Service
Section

*Lawrence J. Chandler, Esq.
Henry J. McGurren
US Nuclear Regulatory Commission
Office of Executive Legal Director
Washington DC 20555

Mr. Richard B. Hubbard
MHB Technical Associates
1723 Hamilton Avenue Suite K
San Jose CA 95125

Mr. Carl Neiberger
Telegram Tribune
P. O. Box 112
San Luis Obispo CA 93402

Michael J. Strumwasser, Esq.
Susan L. Durbin, Esq.
Peter H. Kaufman, Esq.
3580 Wilshire Blvd. Suite 800
Los Angeles CA 90010

Maurice Axelrad, Esq.
Lowenstein, Newman, Reis, and
Axelrad, P.C.
1025 Connecticut Ave. NW
Washington DC 20036

*Judge Thomas S. Moore
Chairman
Atomic Safety and Licensing
Appeal Board
US Nuclear Regulatory Commission
Washington DC 20555

*Judge W. Reed Johnson
Atomic Safety and Licensing
Appeal Board
US Nuclear Regulatory Commission
Washington DC 20555

*Judge John H. Buck
Atomic Safety and Licensing
Appeal Board
US Nuclear Regulatory Commission
Washington DC 20555

Commissioner Nunzio J. Palladino
Chairman
US Nuclear Regulatory Commission
1717 H Street NW
Washington DC 20555

Commissioner Frederick M. Bernthal
US Nuclear Regulatory Commission
1717 H Street NW
Washington DC 20555

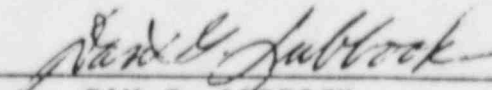
Commissioner Victor Gilinsky
US Nuclear Regulatory Commission
1717 H Street NW
Washington DC 20555

Commissioner James K. Asselstine
US Nuclear Regulatory Commission
1717 H Street NW
Washington DC 20555

Commissioner Thomas M. Roberts
US Nuclear Regulatory Commission
1717 H Street NW
Washington DC 20555

Date: June 18, 1984

*Via Sky Courier Network


DAN G. LUBBOCK

TRAINING SHEET

NATURE OF INSTRUCTION: ESD 201, PARA 3.2; QAT 152 PAR 11.5;
+ KFP-10 par 10.15 E

REF: 7-04-84

DATE: _____

INSTRUCTOR: _____

ATTENDED BY:

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OFFICIAL RECORD

NO TEST PKG 1 OK

DATE: 6-29-84 COL/LINE: ELEV: 10 MAG 5000

REMARKS: ON 6-29-84 AT APPROXIMATELY 11:00 A.M. I NOTICED A PECULIARITY ON SOME 1" THICK PLATES LYING ON DUNNAGE INSIDE THE NORTH END OF THE

SHIP SHOP AT AREA 10 - CONT. - K. Christy

TIME: 6:28.84 TAG: 96-059

FIELD NUMBER: 76-82

RECOMMENDED DISPOSITION: DISRICT APPROPRIATE OR AT AND OF INSPECTORS AS TO THE NEARLY BUT E.S.D. REQUIREMENTS

DATE: 7-22-84

FIELD CA/CO NUMBER: 1000000000

APPROVED BY RECOMMENDED: ☒

COMMENTS: 3

FOR CRAFT STOPS

CONTROLLED COPY

DATE: 7/22/84

FIELD CA/CO NUMBER: 1000000000

REMARKS: NOT LATER THAN: 11:00

REMARKS: 96-059

REMARKS: 96-059

REMARKS: 96-059

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REMARKS: 96-059

REMARKS: 96-059

REMARKS: 96-059

DCN 96-059

2 OF 3
PLUS ATTACHMENTS

ONE OF THE PLATES WAS MARKED "RR" IN BLUE SPRAY PAINT, A METHOD COMMONLY USED IN 1964 TO PER DEVOTING MATERIALS TO BE USED FOR RUPTURE RESTRAINTS ONLY. ON THE SAME PIECE OF PLATE THE NUMBER 14423 WAS MARKED WITH NISSEN METAL MARKER. THE 14423 MARKING WAS MARKED ON SEVERAL OF THE PLATES IN A MANNER WHICH WOULD NORMALLY INDICATE THAT THE NUMBER WAS DESIGNATING A PURCHASE ORDER NUMBER. I RECOGNIZED 14423 AS A PURCHASE ORDER NUMBER FOR 1" X 16" TYPE A-36 CARBON STEEL AS WELL AS THE OTHER SIZES AND TYPES OF STEEL, NONE OF WHICH WOULD NORMALLY BE USED FOR RUPTURE RESTRAINTS. PLEASE NOTE THE ATTACHED FIELD REQUISITION, PURCHASE ORDER, AND RECEIVING REPORT DOCUMENTS.

THERE WERE NINE PLATES TOTAL AND THEY ARE DESCRIBED AS FOLLOWS:

- 1.) ONE PLATE 1"X16"X4'0"
MARKINGS — 14423 (ON THE EDGE) — "RR" IN BLUE SPRAY PAINT NEAR ONE EDGE
- 2.) ONE PLATE 1"X16"X4'0"
MARKINGS — 14423 (ON THE EDGE) — "RR" IN BLUE SPRAY PAINT
- 3.) FOUR PLATES 1"X16"X16"
MARKINGS — NONE
- 4.) ONE PLATE 1"X16"X16"
MARKINGS — 14423 — CLASS I, STANDS
- 5.) ONE PLATE 1"X16"X16"
MARKINGS — 14423 (ON ONE EDGE)
- 6.) ONE PLATE 1"X16"X16"
MARKINGS — 14423

THE MATERIAL HAD BEEN FRAUDULENTLY MARKED WITH THE 14423 P.O. #. THE MATERIAL SHOULD HAVE BEEN MARKED FOR

DCN 96-059

3 OF 3
PLUS ATTACHMENTS

CLASS E USE ONLY. ESD VIOLATIONS
INCLUDE 201 3.2 AND 277 5.0 (AS APPLICABLE).
PLEASE FIND THE NIGHT SHIRT PPA CC.
INSPECTORS NOTES AS TO HIS KNOWLEDGE
CONCERNING THIS MATTER.

RCM 1/96

FOR INFORMATION

97

SWING
6.28.84

CRAIG

CONCERNING plates ON THE FLOOR AT THE NORTH
END OF FAB SHOP, THAT YOU HAVE A HOLD TAG ON.
ON SWING 6.27-84 ONE OF THE NEW HIRES WAS
CUTTING BASE PLATES FOR: PULLMAN MATERIAL STORAGE AREA
STANDS. HE LOCATED THE plate IN THE CLASS E STORAGE
AREA, THE plate HE GOT WAS plate THAT HAD LOST
TRACEABILITY NO POS HTS STAMPS etc. THE FOREMAN
HAB HAD A TALK TO HIM AND, TOLD HIM HE SHOULD
HAVE WRITTEN CONSTRUCTION AD ? SCRAP ON
THEM, HOPE THIS HELPS YOU ^{ANY M.T.D.M.} SO IT DOES NOT
HAVE TO GO ~~ANY~~ FURTHER

JOHN EDGETON

FOR INFORMATION
ONLY

INTEROFFICE CORRESPONDENCE

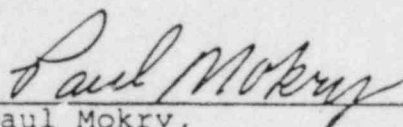
5946

EXHIBIT 3

DATE July 21, 1984
TO PPP Superintendents
FROM Paul Mokry
SUBJECT Craft STPR's on DR 5946

Discuss with your Craft about flow meters and their proper use.
Cover the information contained on the attached sheet.

After this information has been discussed, the Superintendents
are to sign the memo and attached training sheet and return to Carolee
at Trailer 61 or return to Tim Roberts box in the Main Office. Please
do not return with the daily time sheets as this will cause unnecessary
delay in the processing of the DCN's and DR's.



Paul Mokry,
General Construction Superintendent

M. Andrews	B. Madron
D. Buhanan	H. Reed
J. Callahan	E. Jorden
J. Rowley	C. Bolinger
C. Borra	B. Parmley
R. Martin	L. Bailes
F. Impastato	
L. Longo	
S. Tucker	
T. Justen	
J. Williams	

TRAINING SHEET

5946

NATURE OF INSTRUCTION: _____

DATE: _____

TIME: _____

INSTRUCTOR: _____

ATTENDED BY:

1. Steven Mallory
2. Paul Mallory
3. ~~James M. Mallory~~ 1301
4. ~~Paul Mallory~~ 546
5. ~~Walter D. Edger~~ 2408
6. ~~David Jones~~ 2811
7. ~~J. Brown~~ 230
8. ~~L. Waiter~~ 261
9. ~~Felix Johnson~~ 1728
10. ~~Robert Brown~~ 3847
11. ~~W. Huff~~ 3607
12. ~~M. F. Brown~~ 2158
13. ~~Curtis Brown~~ 2978
14. ~~Rick Johnson~~ 2716
15. ~~J. F. Miller~~ 2603
16. _____
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PG&E GULF POWER PRODUCTS
 REVIEWED
 DATE 7/14/84

DISCREPANCY REPORT

D.R. No. 5946
 Iss. No. 1
 Unit No. 1
 Code No. 1
 Submit 7-12-84
 DATE 7-14-84
 INSPECTOR

Project: Gas & Electric
 Location: Big Bend Canyon
 Job No. 7177
 Date 7-14-84
 Inspector

During weld monitoring, the following conditions were noted:

1. Flowmeters were in use which are not permitted in ESD-213 and ESD-219. These ESDs permit only the Linde L-32 (20 psi inlet type). The following additional devices are in use:
 - A. Linde L-32 (50 psi inlet) - This device is identical to the L-32 (20 psi inlet) except it is designed for an inlet pressure of 50 psi.
 - B. Victor FM 371: This device is similar in appearance to the Linde L-32. It is designed for an inlet pressure of 25 psi.

Continued - Page 2

- INDICATE APPROVAL BY CIRCLING THE APPROPRIATE "RECOMMENDED DISPOSITION"
- ☒ A) Revise ESD-213 & ESD-219 to permit the use of the additional types of flowmeters.
- ☒ B) Revise ESD-213 to delete regulator calibration requirements.
- ☒ A) Withdraw all types of flowmeters from use which are not permitted in ESD-213 and ESD-219.
- ☒ B) Revise ESD-213 to delete regulator calibration requirements;

3) PG&E to disposition. ACCEPT AS IS: REVISE ESD 213 & 219 AS DIRECTED BY UNIT II DR #8657. (SEE MEMO FROM J. MILLER TO K. MEREDITH / G. THOMAS DATED 7-10-84. CLOSE DR UPON SUBMITTAL OF REVISED ESD'S TO PG&E FOR REVIEW & APPROVAL.)
 Date 6/20/84 Customer Out now Date 7-14-84

AL DISPOSITION: ☐ In Accordance With Above ☐ Other (specification and approval required)
 Completed Inset: _____ Date: _____ Work Completed Inset: _____ Date: _____

EXPLANATION (IF NECESSARY): Added statement on page 2 per PG&E request. 6/14/84

Field C.A. Manager _____ Date _____ Customer _____ Date _____

IS TO PREVENT RECURRENCE ☐ Not Applicable

RAFT QC weld monitoring to be instructed to monitor for flowmeter conformance.

Additional info on STKs (attached) 7-16-84 Field C.A. Manager 6/14/84 KE

Resolution: ☒ Master C.A. File ☒ Audit Trail ☒ Engineering Cost ☐ Other
☒ Customer ☐ Receiving ☐ Field Inspector

ORIGINAL

ON NO. 5946 Page 2
ISS NO. 712
UNIT NO. 7
CODE NO. 7

Pacific Gas & Electric

SPEC NO.

8711

DATE 6-25-84 BY SGT. J. J. P. L.

Diablo Canyon

ISS NO.

7177

INSPECTOR W. J. J. P. L.

EXPLANATION OF DISCREPANCY (Continued from Page 1)

- C. Victor HRF 2325: This is a similar flowmeter with a built-in pressure regulator.
- D. Victor AF 250: This is a regulator with the low pressure gauge graduated in CFH. This device is not a true flowmeter.

All of the flowmeters will accurately measure gas flow rates provided proper inlet pressures are used. The AF 250 will be accurate if the outflow of gas is not restricted.

2. L-32 and Victor flowmeters were being used with the AF 250 regulator. Neither device will read accurately in this instance. It is impossible to determine the inlet pressure to the L-32 or Victor flowmeter. While the flowmeter will restrict the gas flow from the AF 250, ESD-219 does not permit this combination.
3. An L-32 (50 psi inlet type) was being used with an inlet pressure of 15 psi. This is a violation of ESD-219. This same flowmeter was set at 15 CFH, a violation of the WPS. The WPS requires 20 CFH.
4. Regulators were not calibrated as is required in ESD-213.

Added at FG&E request:

The conditions observed occurred on 6-4-84 in Unit II and the Area 10 Fab Shop. (@ Agueda 1-12-84) L.L.E. 7/12/84

1058-070

TO: BEN HANAN EXHIBIT 4

FROM: P. STIEGER

DATE: 7-24-84

This DCN/DR is issued for your STEPS TO PREVENT RECURRENCE only. Do NOT use this document to perform any work. Use training record form to document STEPS.

This form must be completed promptly and correctly with adequate documentation. Return to me by ASAP - Tim Roberts

Box in m.o.

train cee area 10
Lab Shop Personnel
Paul L. [Signature]

1.	_____	26.	_____
2.	_____	27.	_____
3.	_____	28.	_____
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15.	_____	40.	_____

1058-070

TRAINING SHEET

NATURE OF INSTRUCTION: ESD 243 PAR 5.2

DATE: 7-24-84

TIME: _____

INSTRUCTOR: Bulhanan

ATTENDED BY:

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ORIGINAL

NO TEST PKG.

UNIT I II	AREA CONT	ELEV.. VARIOUS	COL/LINE	DATE: 7-12-84	NOTICE NO. 1058-070
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DEFICIENT CONDITION: DURING CUTTING OF CAUSHABLE BUMPERS TO DESIGN LENGTHS PER DC 2-EC-22616 Δ CRAFT CUT BUMPERS SHORT (REF ATTACHED LIST OF APPLICABLE RESTRAINTS AND ACTUAL CUT LENGTHS).

NOTE: DG #2240 DATED 6-27-84 ADDRESSED THIS PROBLEM AND PGFE EVALUATION STATED THAT THE SHORT LENGTHS WERE ACCEPTABLE.

ORIGINATOR'S SIGNATURE:

[Signature]

HOLD TAG APPLIED: NO

TAG # N/A

INITIALS N/A

DATE N/A

RECOMMENDED DISPOSITION:

1. ACCEPT AS IS PER DG #2240 DATED 6/27/84
PERFE EVALUATION WAS ACCEPTABLE.

(OR)

2. PGFE TO DISPOSITION

FIELD ENGINEER

[Signature]

FIELD QC INSPECTOR

[Signature]

CHIEF ENGINEER

[Signature] 7/1/84

LEVEL III

[Signature]

FIELD QA/QC MANAGER

[Signature]

FIELD QA/QC MANAGERS EVALUATION:

☐

APPROVED AS RECOMMENDED

☐

OTHER

☐ NON-CONFORMANCE - D.R.#☐ REPAIR ORDER☐ REWORK/REINSPECT☐ INTERNAL AUDIT☒ OTHER THIS DCN

COMMENTS:

CAUSE CODE

3

CONTROLLED COPY

DATE 7/20/84

FIELD QA/QC MANAGER

[Signature]

CORRECTIVE ACTION REQUIRED BY:

NOT LATER THAN:

STEPS TO PREVENT RECURRENCE:

☐

NOT APPLICABLE

CRAFT SUPERVISOR TO ASSURE RESPONSIBLE PERSONNEL ARE INSTRUCTED TO APPLICABLE REQUIREMENTS AND PROCEDURES, IN PARTICULAR ESD-243 PARA 5.2

7-2084

FOR CRAFT STPR'S

RESPONSIBLE SUPERVISOR

DATE 7/20/84

FIELD QA/QC MANAGER

[Signature]

DEFICIENT CONDITION CLOSED:

DATE

SIGNATURE:

CRUSHABLE BUMPERS

CUT SHORT

DC-2-EC-22616 \triangle

RESTRAINT	BUMPER	DESIGN LENGTH	CUT LENGTH
2-1 RR	E	8 $\frac{5}{16}$ "	8 $\frac{1}{8}$ "
3-11 RR	A	6 $\frac{3}{8}$ "	6 $\frac{5}{16}$ "
6-1 RR	C	6 $\frac{1}{4}$ "	6 $\frac{1}{8}$ "
6-1 RR	E	9 $\frac{3}{16}$ "	9 $\frac{1}{16}$ "
2046-ERT	7	3 $\frac{9}{16}$ "	3 $\frac{1}{2}$ "