

July 24, 1984

Nunzio J. Palladino, Chairman
Thomas Roberts, Commissioner
James Asselstine, Commissioner
Frederick Bernthal, Commissioner
Lano Zeck, Commissioner
U. S. Nuclear Regulatory Commission
1717 H Street, N. W.
Washington, D. C. 20555

My name is Richard D. Parks. This letter is to express my concerns over the way the NRC has handled the allegations of mismanagement in the TMI-2 clean-up. The NRC staff mastered the art of obfuscation. In the process the staff overlooked the obvious implications of my allegations for assessing the character and competence of General Public Utilities (GPU) management in the TMI-1 restart proceeding. By seemingly investigating the example utilized to convey concerns about management integrity (i.e., the Reactor Building Polar Crane), the staff failed to fully analyze the implications of a broader scope. While the Office of Investigations (OI) evaluated the forest, the technical staff limited its self to looking at one of the trees.

I have not fully reviewed all documents generated during the NRC investigation into issues raised by myself, Larry King and Ed Gischel. However, I am performing an exhaustive review and will detail all my concerns in a future affidavit. However, I have reviewed a sufficient quantity of reports, letters, and documents to support the conclusions in this letter.

On March 23, 1983 I submitted an affidavit detailing a chronology of events related to the Reactor Building Polar Crane (RBPC) to the NRC and to the Department of Labor (DOL). The reason I submitted my statement to the DOL was the harassment, intimidation and retaliation I suffered due to my role in the RBPC Refurbishment Program. I submitted my affidavit to the NRC as a means of providing an example of just how incompetent and irresponsible GPU management had been. The RBPC program was not the issue, so much as an example. On numerous occasions I made that point in public statements.

The result of my affidavit was an intensive NRC investigation, culminating in three significant reports. (1) The September 1983 interim report from OI regarding Safety

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Related Modifications and QA Procedures (H-83-002 OI Report) which reads in part--"(R)ead as an inspection report, it documents that the procedure control allegations were true. As an investigation, it adds testimony regarding the attitudes and decisions that resulted in the aforementioned non-compliance." Cite: (OI Report, cover letter pg. 1) "(T)he allegations were not only substantiated, but we found them to be illustrative rather than exhaustive." (Id., at p.2) The report continues,..."(B)echtel, a non-licensee with limited experience of NRC operating plant requirements, was essentially given operational responsibility for the recovery project. Senior licensee management was continually advised by TMI Quality Assurance and in-house management of Bechtels noncompliance with applicable procedures and safety misclassifications. The failure of senior licensee management to responsibly monitor Bechtels work and hold Bechtel accountable is the underlying cause of the TMI-2 procedural problems." (Id. at page D-10)

Included in the September 1983 OI report was a memo from Fred Clemenson (NRR) to R. Fortuna of OI. The subject of this memo was: "Final Draft of my report on Parks' Technical Allegations Regarding the TMI-2 Polar Crane." In this report, Mr. Clemenson itemized my "Polar Crane Allegations" as he perceived them. In item #17 he concurred with my charge that the February-March 1983 work on the Polar Crane constituted an unresolved safety question. He further concluded under item #18, "Consequences of a Local Drop," that the information available to him at the time was inconclusive. In other words, the licensee had failed to produce enough documentation to draw an opinion. That means from a safety standpoint, the quality remained indeterminate. The significance of a comprehensive program breakdown is clear for management: it means a comprehensive breakdown in organizational leadership, as well.

The argument has been made that the management breakdown in Unit 2 is largely irrelevant for Unit 1, since the personnel were separate. That is incomplete. Messrs. King, Gischel and myself fully informed Mr. Phil Clark, the entire Board of Directors, and Mr. Kuhns, respectively. In Mr. Clark's case, he was informed before any public scandal. He could have prevented it. INSTEAD by inaction or outright endorsements, Unit 1 management embraced the indefensible conduct of the clean-up.

I take exception to a second document which I have reviewed, SFCY-84-36--" Staff Review and Response to OI Report on TMI-2 Cleanup Allegations." In my opinion, this report is another instance of collusion between the NRC staff and TMI-2 management. The report states in part..(T)he staff

found that there was no evidence of deliberate circumvention of administrative procedures to avoid technical requirements." Since OI found that the same collusion was a cause for the QA breakdown in the first place, this response was predictable and deserves little weight.

A cursory review of the evidence from myself, Ed Gischel and Larry King would provide evidence that the procedural violations were intentional. Numerous times we, and others, identified to TMI-2 officials (Kanga, Barton, Thiesing, Freerman, etc.) the violations involved. The course management chose to pursue was to view us as the problem and to continue the illegal practices. I am presently preparing a detailed response to the Commissioners on the SECY report. To date, my review suggests that the document is a misleading one, at best. Basically, it should be viewed like one defendant's case in a conspiracy trial.

A third and final report on which I would like to comment is the May 23, 1984 OI briefing to the NRC Commissioners. In this report and briefing, OI concluded that Bechtel/GPU had retaliated illegally against Larry King and Ed Gischel. It adopted identical Labor Department findings with respect to myself.

These offenses violated the post-TMI amendments to the Atomic Energy Act and 10 CFR 50.7, among other offenses. As Congress explained,

These new penalties were not placed in the Atomic Energy Act as window-dressing. The Congress provided for criminal penalties for utility failures to obey NRC safety rules for a very important reason: the public health can be endangered by nuclear crimes just as surely as it can by street crimes.

(Opening statement of Representative Toby Moffett at December 14, 1981 Congressional hearings which he chaired.) Yet to this date the NRC has taken no corrective or other enforcement action against those responsible. It was only through our sense of dedication to the industry that we were driven to the extreme measure of publicly attacking our industry. To a man -- and a woman in Joyce Wenger's case, which inexplicably has been ignored by the entire NRC -- we knew that what was happening at TMI was wrong and violated our professional responsibility and legal duty to protect the health and safety of the general public.

Due to my naivete, I felt the NRC would not turn a blind eye to practices at TMI that violated the public trust. With respect to the NRC staff, apparently I still am wrong. SECY-84-36 proves how clearly its bias remains. That bias at the scene of the last accident is an invitation for another.

Since February 1983 the Commissioners have stood idly by and witnessed the nuclear careers destroyed for three men who believed strongly in the principles of protecting the public and doing it by the book, safely, the first time. Even though the NRC's investigative team found in our favor, the Commissioners so far have failed to act against criminal harassment. By its lack of involvement, the Commission has encouraged acts of this nature at other nuclear plants. Workers who care and take pride in their responsibility, especially those in senior positions, are the utilities' greatest asset and as such are the NRC's first line of defense against accidents. Design can only be as good as the people who oversee and participate in the daily dealings of the plant.

I would appreciate a prompt personal response from the Commission on the issues discussed in this letter. Further, I request that the Commission forward this letter and its reply to the licensing board.

Sincerely,

Richard D. Parks

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