



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

OFFICE OF THE
COMMISSIONER

July 12, 1982

(129) 1/3

NOTE FOR: Mr. Cummings

FROM: Lil, OCM *Lil*

The attached is forwarded to you for
your information at Mr. Ahearne's request.

Attachment
Memo to Comm from OCA dtd
July 9, 1982, Subj: Zimmer
Investigation, w/attach

7/14/82
all 6
file
81-39

8505290494 841227
PDR FOIA
BAUSER84-415 PDR



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

July 9, 1982

MEMORANDUM FOR: Chairman Palladino
Commissioner Gilinsky
Commissioner Ahearne
Commissioner Roberts
Commissioner Asselstine

FROM: Carlton Kammerer, Director
Office of Congressional Affairs

SUBJECT: ZIMMER INVESTIGATION

The attached documents were provided to our office by Henry Myers of the staff of the House Interior Subcommittee on Energy and the Environment. They were received from anonymous sources at the Zimmer construction site and appear to be examples of document alteration/falsification and other QA-related matters. Copies of these documents have already been provided to Region III by our office.

The Subcommittee has held hearings on the Zimmer situation and is particularly interested in the course of our investigation there. Through its staff, the Subcommittee has a number of independent channels of information from the site. Based on the information which he has received from the site, Dr. Myers says there is still a perception onsite that the NRC is not fully committed to the investigation. This is despite the recent address given by Region III Administrator Keppler to about 600 Zimmer project personnel about the importance of QA efforts and Dr. Myers belief that Mr. Hunter, who heads the NRC investigative efforts, is sincere in his commitment to get to the bottom of things.

Dr. Myers is concerned about the adequacy of commitment at the highest levels of the Commission, i.e., beyond the Regional level. He notes that (1) the Commission itself does not receive regular reports from the Region on the status of the investigation; (2) that it has assigned what he feels to be minimal or inadequate resources to the Zimmer investigation; and (3) that it has not given those NRC officials actually responsible for the investigation a formal directive stating its clear and unambiguous support to pursue the investigation thoroughly regardless of the consequences.

Attachment:
As stated

cc: OI (J. Fitzgerald)
OPE
OGC
EDO
SECY
REGION III (J. Keppler)

8405290129

32pp

ZIMMER NUCLEAR FACILITY

- 1) THE USE OF UNQUALIFIED WELDING PROCEDURES
- 2) THE FALSIFICATION OF WELD PROCEDURES
- 3) THE USE OF UNQUALIFIED WELDERS"
- 4) THE FALSIFICATION OF WELDER QUALIFICATIONS
- 5) INDEQUATE OR MISSING TEST REPORTS (STATE & ASME)
- 6) THE LACK OF VERIFICATION ON INSPECTION & WELD TEST REPORTS
- 7) THE INADEQUATE OR LACK OF IDENTIFICATION ON ALL WELDERS (STAMPS)
- 8) ALTERATIONS ON INSPECTION & QUALIFICATION RECORDS
- 9) ALTERATIONS//FALSIFICATION OF N.D.T. TESTING RECORDS
- 10) A COMPLETE BREAKDOWN OF THE RADIOGRAPHY PROGRAM
THROUGH THE HEAVY CONSTRUCTION YEARS ON THE PROJECT.
- 11) QUALIFICATION OF Q.A. PERSONNEL?
- 12) SHREDDING OF FALSIFIED DOCUMENTS

WELDER WELD PROCEDURE SPECIFICATION IS

DOCUMENTATION & RECORDS

(J. GILHOOLY)

GLADSTONE/ FILE NO.	DEVIATION	KEI/ FILE NO.	DEVIATION
AD. 2-852.	WORK SHEET ?		WORK SHEET?
P.P.M. 3-1-1	MATL. CERTs, ETC.	S.P.P.M. 3-1-1	MATL. CERTs, ETC.
NONE	INSPECTION ?		
P.P.M. 3-1-2	NO FILE	S.P.P.M. 3-1-2	TEST REPORTS?
AD. 2-711	WORK SHEET		
P.P.M. 3-1-3	TEST REPORTS	S.P.P.M. 3-1-3	TEST REPORTS?
AD. 2-681	INSPECTION		
P.P.M. 3-1-4	" " "	S.P.P.M. 3-1-4	" "
AD. 2-756			
P.P.M. 3-1-5	WORK SHEET/MATL. CERTS	S.P.P.M. 3-1-5	WORKSHEET
AD. 2-862	INSPECTION		
P.P.M. 3-1-6	" " "	S.P.P.M. 3-1-6	WORKSHEET
AD. 2-862	" " "		
P.P.M. 3-1-7	" " "	S.P.P.M. 3-1-7	" "
AD. 3-348	" " "		
P.P.M. 3-1-8	" " "	S.P.P.M. 3-1-8	" "
AD. 3-343	" " "		
P.P.M. 3-1-9	" " "	S.P.P.M. 3-1-9	NO. GLADSTONE RECORDS.
AD. 3-422	" " "		
P.P.M. 3-1-10	" " "	S.P.P.M. 3-1-10	WORK SHEET ETC.,
AD. 3-465			
P.P.M. 3-1-11	N/A. (AWS.)	S.P.P.M. 3-1-11	N/A. AWS.
AD. 3-516	IMPACTS		IMPACTS
P.P.M. 3-1-13	WORK SHEET	S.P.P.M. 3-1-13	WORK SHEET
AD. 3-934	ETC.		WITNESS ETC.,
P.P.M. 3-1-14	" " "	S.P.P.M. 3-1-14	WORK SHEET
AD. 3-456			MATL. CERTS. ETC.
P.P.M. 3-1-15	N/A. AWS	S.P.P.M. 3-1-15	AWS//IMPACTS
AD. 4-184	IMPACTS		
P.P.M. 3-1-18	TEST FIGURES	S.P.P.M. 3-1-18	TEST FIGURES
AD. 4-184			
P.P.M. 3-1-19	" "	S.P.P.M. 3-1-19	" "
AD. 4-750	" "		
P.P.M. 3-1-21	GLADSTONE//UNION	S.P.P.M. 3-1-21	" "
AD. 4-184			
P.P.M. 3-1-24	WORK SHEET	S.P.P.M. 3-1-24	NO RECORDS
AD. 4-201			
P.P.M. 3-1-28	TEST FIGURES	S.P.P.M. 3-1-28	TEST FIGURES
AD. 4-269			
P.P.M. 3-1-38	WORK SHEET	S.P.P.M. 3-1-38	WORK SHEET
AD. 9-221			
P.P.M. 3-1-80	OK		OK

KAISER ENGINEERS

AUDIT REPORT NO. 9Type of Audit Internal ManagementAudit Date July 22, 23, 24, 1975Organization Audited ZimmerAuditor A. Billy/E. KnoxActivity Audited Configuration Control - QAP #3Control of Special Processes - QAP #10Follow up Audit of Audit #7 dated 1/20/75Documentation Reviewed: Zimmer-Quality Assurance Procedures Manual
Zimmer QA Construction Method & Instruction ManualIndividuals Contacted: H.R. Good, C. Makowsky, W.J. Friedrich, V. Cech, J.H. Wagner
J. Shively, W.W. Schwiers - CG & Z. R.P. Ehas - CG & E

Audit Results/Noted Deficiencies

1. This internal management audit includes performing a follow-up of Audit No. 7 dated January 20 through 23, 1975. Corrective actions have been implemented for all items except Item IA7a, IA8b(1) and IA8b (2).
2. Results and noted deficiencies of this audit of QAP #3 and QAP #10 are shown on attached checklist. Corrective action is required as noted.
3. The following additional deficiencies related to welding and NDE operations were noted and require corrective action.
 - 3.1 SPPM 8.C/R1 Para. 3.3.2 stipulates that the construction welding Engineer reviews and approves the CIP. No evidence of such approval found on CIP's reviewed.
 - 3.2 Issuance and control of welders I.D. stamps is the responsibility of the Construction Welding Engineer per SPPM 3.2-R2 Para. 8. No evidence available to substantiate. No evidence of documented control of returned welders cards and stamps on termination.
 - 3.3 Electrode Ovens in the welders test building are partially exposed to the elements. No calibration sticker on one electrode oven in electrode disbursement building near pipe fabrication shop - Harry Hollenbach.

Corrective Action Commitments

Date 7/31/75

Auditor's Signature

A. Knox 7/31/75
Robert Billy 7/31/75

- 3.4 No documented evidence summarizing rejected welds and corresponding welder reject history to detect consistent poor welders.

No evidence of radiographic subcontractor weekly reports (as required by SPPM 8.0-R1 para 6.2) being forwarded to construction welding engineer. Only feed back to construction welding engineer on weld disposition appears to be KEIA weld form and daily reports.

~~CONFIDENTIAL~~ INTEROFFICE MEMORANDUM

#41

TO : R. L. McMahon
AT : 124 Grand - 4

DATE : October 26, 1973

FROM : V. P. McMahon

VPMcMahon

COPIES TO

AT : 124 Grand - 4

JOB NO.

SUBJECT

INTERNAL MANAGEMENT AUDIT - ZIMMER

As discussed you are to perform a quality assurance audit of the Zimmer Project at Cincinnati on November 5 through November 7, using a pre-established audit plan. Upon completion of the audit, you are to hold an exit interview with

W. Friedrich - Site QA Manager
C. Gray - Construction Manager
D. McSparrin - Project Manager

and prepare an audit report on your findings including the corrective plan that the site personnel commit to. Copies of the audit report are to be submitted to

V. P. McMahon
D. H. Williams
T. A. Bedford

The following are a list of specific items that were noted on Audit Reports Nos. 41 and 42. You are requested, as a part of your audit, to make a follow-up check on these items to assure that corrective action has been taken.

1. Weld filler metal control - unused electrode and electrode stubs were not properly disposed.
2. Welders certification records were not current.
3. Radiographic film station numbers and identifying letters were not reading from same side. All weld irregularities were not marked on film or noted on reader sheets.
4. Pipe welding error - pipe spool was installed reversing welds 1-2 and 3-4.
5. Site Organizational Charts were not up to date.
6. Procedure changes acknowledge receipts were delinquent.

INTEROFFICE MEMORANDUM

TO V.P. McMahon
AT 124 Grand - 4

DATE 21 August 1973

FROM W.J. Dodson
T.E. Stephens *TS*

COPIES TO T.A. Bedford
D.H. Williams

AT 124 Grand - 4

JOB NO. 7070

SUBJECT Internal Management Audit - Zimmer

Attached for your information are audit Report Numbers 41 and 42, covering the audits performed by T.E. Stephens and W.J. Dodson of the Zimmer Construction Project.

Several deficiencies were noted and are tabulated in the attached standard audit forms. The following deficiencies are considered more consequential and are listed below for your information.

1. A piping section was reversed and was welded into the system with ends mark numbers 1 - 3 and 2 - 4 joined instead of 1 - 2 and 3 - 4. Apparently there is no mechanism of check-off of weld ends prior to welding. The KE Weld 1 form will be modified to provide for a check off of this feature when checking welding preparations.
2. Weld Engineering had not provided the document center with up-to-date records of qualified welders. This was discussed with all parties involved and it was agreed that a correct weekly list would be provided.
3. Poor practice in marking and identifying radiographs was noted. Requested immediate action and all responsible parties were informed of this requirement.
4. One pallet of fabricated pipe was found in the warehouse quarantine area that was not tagged for identification. All material in the quarantine area will be tagged in the future.

While not a deficiency to the Quality Assurance Manual, it was noted that the Design Document Change (DDC) forms are handled in a very poor manner which should be corrected at the earliest possible date. The present system calls for KEI to review a revised drawing which has been revised by Sargent and Lundy and determine which DDC's have been incorporated in that revision. Remaining DDC's, if any, are then listed by KEI on the drawing as still being outstanding. The organization in the best position to identify the DDC's that have been incorporated in a revised drawing is the one that actually revises the drawings -- Sargent and Lundy. This can easily be done by simply listing in the revision box on the drawing the DDC's that have been incorporated. This was an AEC requirement on LOFT and worked quite well. If this isn't corrected at the present time when the number of DDC's is small it can lead to serious problems later in the project when many DDC's are being issued.

(See reverse side for instructions & responsibilities)

Welding Procedure No. 3.1.51 422#821
ISO DWG No. 5398A 401151
To SA PT-1035 Nom. Pipe Size 34 Nom. Wall Thick. 34 MK# 34 Sub H. 129
Welding Procedure No. 3.1.51 Special Instructions FULL PENETRATION Project Spec. 11-2171-71250
Covered - Size 3/32 1118/1018 401151 Size 110 1118/1018 AN 74292
No. 1 Backing Ring NA 1118
CFH NA Torch Purge NA CFH NA Ref. Clp/Weld No./Hanger No. 1
1/1" 135al

This procedure shall not be used for welding to plating.

Min Interpass Temp. Req. 70 °F Min Post Weld Heat. NA Procedure

Requirements:

Item	Stamp	OA	Date	AI	Hold Pts	Record/Remarks	Instructions:	Item	Stamp	OA	Date	AI	Hold Pts	Record/Remarks
X	11	20	9-6-80			Record MK No. to MK No.	(1) NDE: FINAL RT/UT	X	11	20	9-4-80			
X	11	21	9-6-80				(2) Verify welds I.D. on weld joint. (record welder's symbol)	X	11	21	9-4-80			
X	11	20	9-6-80				(3) Tack	X	11	20	9-4-80			
MT PT RT Other	NA						Synthesized							
MT PT RT Other	NA					Verify Preheat Temp. <u>> 70°</u>	(4) Verify Ferrite Content. (where applicable)							
MT PT RT Other	NA					Verify Interpass Temp.	(5) 1st Repair Ref. WELD No. <u>7</u>							
MT PT RT Other	NA					Visual Per SPPM 4.0 II	(6) 2nd Repair Ref. WELD No. <u>1</u>							
MT PT RT Other	NA					Attach Time/Temp. Recordings	(7) 3rd Repair Ref. WELD No. <u>1</u>							
MT PT RT Other	NA						Ref. WELD No. <u>1</u>							
MT PT RT Other	NA													

APPROVALS:
Welding Eng. W. P. Sullivan 7-30-80
WELD/NDT (QA) ENGR. W. P. Sullivan 7-30-80

WM. H. ZIMMER NUCLEAR POWER STATION - 1965
(See reverse side for instructions & responsibilities)

[illegible]

150
 DWG No. S-496-24 Line No. 12/02

Product Spec. 11-2171-112256

Fillet Size _____

FROM FRONT & DIV. DISTILLERIES

100

AND HEAT CURS

77/C

Ref. Clip/Weld No./Hanger No.

531010010157

[illegible]

procedure shall not be used for welding to piping.

— 3 —

11

Req.	Stamp	Date	Hold Pts.	Record/Remarks
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11A

[illegible][illegible][illegible]

② Local Layers

③ Intermediate Layers

1. ☐ **Yes**
 2. ☐ **No**
 3. ☐ **Don't know**
 4. ☐ **Refuse to answer**
 5. ☐ **Other**

[illegible]

①	Final
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③

Symbol	Symbol
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[illegible]

2011

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Note: If you indicate "acceptable," refer to

Review Panel Action,
Attach Copy NP.

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10:30

100

21592

REPLACES FORM #3233E 31-9

Wm. H. ZIMMER NUCLEAR POWER STATION

Weld No. 114

Line AZ-168 MKS C-A To 114-1 Project Spec 11-2174

ISO UWG No. 5402 Nom. Pipe Size 3.151 Welding Procedure No. 3.151 Special Instructions PARTIAL PENETRATION AND FILET WELD

ISA P1 To SA P1 Base/Covered Size 3/32 ITT/LOH Size 1/0 ITT/LOH Size 5/32 ITT/LOH

Material Requirements: E7018 Base/Intert NA ITT No. NA Backing Ring NA ITT NA Ref. Cwp/Veld No./Hanger No. NA

Welding Procedure No. 3.151 Torch Pumps NA CFI NA This procedure shall not be used for welding to piping.

Treat Requirements: 70 °F Min Interpass Temp. 70 °F Min Post Weld Temp. NA Procedure

Heat Temp Req. 70 °F Min Interpass Temp. 70 °F Min Post Weld Temp. NA Procedure

Up-Installation / NDE Requirements:

Instructions:	Req.	QA Stamp	Date	AI Hold Pts.	Record/Remarks	Instructions:	Req.	QA Stamp	Date	AI Hold Pts.	Record/Remarks
Verify, proper weld procedure, welders qualif., proper filler mat'l., proper C.I./B.H.	W					① NDE: FINAL HT/UT					
Verify proper levels, details for, cleanliness, damage, Verify Mark No.'s	W				Record MK No. in MK No.	② Verify welders I.D. on weld joint, (welded welder's symbol)					
Verify proper fit-up, Insp. tack welds.	W					③ Tack Symbol					
NDE: Examine weld edge preparation surface	MT PT HT Other	NA			Verify Preheat Temp.	④ Root Layers Symbol					
ROOT PASS (visually examine I.D. surface where accessible)	MT PT HT Other	NA			Verify Interpass Temp.	⑤ Final Symbol					
NDE: INTERPASS	MT PT Other	NA			Visual Pur	⑥ Verify Final Content, (where applicable)					
NDE: FINAL PASS Prior to PWHT.	MT PT UT Other	NA	8.0.10.2		Visual Pur	⑦ 1st Repair J. Ref. WELD No.					
NDE: RT prior PWHT	RT	NA			Attach Time/Temp. recordings	⑧ 2nd Repair Ref. WELD No.					
POST WELD HEAT TREAT Verify Record Time/Temp.	NA					⑨ 3rd Repair Ref. WELD No.					

Notes: If 3rd repair is not acceptable, refer to Review Board Action, Attach Copy H.N.

Weld No. 144
-IR-144-

type E7018 Base/Covered - Size 3/32 11H/Lot# 11H/Lot# Size 5/32 11H/Lot#
 Backing Filing NA 11H
 Tack Pledge 11H CPH
 Ref. Clip/Weld No./Hanger No.

[illegible]

Record Time/Temp.					
TIME	11				
TEMP	11				
APPROVALS:					
A. P. Davis, Jr. 10/10/50 11:30 AM					

Date 9-16-74

WELD PROCEDURE QUALIFICATION TEST

KE Procedure Specification No. S.P.P.M 3.1.40 For Carbon Steel Pipe Open-ButtWelding Process GTAW & GMAW Position 6GProcedure: Multiple Passes

Material Specification

SA 106 GrB to SA 106 GrB ASME P Number 1 ASME P Number 1Pipe ☒ Plate ☐ Base Material Thickness 1 1/8 Qualified for Thickness 3/16" to 2 1/4

Filler Metal or Electrode

Filler Metal Group F F6/F4 Weld Metal Analysis A A-1Filler Metal Analysis if not Included in Table Q112, QN112 N/AConsumable Insert Material N/A Type N/AFiller Wire - Diameter 3/32" & 1/8" Trade Name

Flux or Atmosphere

Underside of Weld

Flux N/A Backup Ring N/AInert Shielding Gas Argon Consumable Insert N/AShielding Gas Flow Rate 15 CFH TIG Root Pass YesPurging Gas Flow Rate 3-8 CFH Purging Gas ArgonHeat Treatment: Preheat Range 300 Min°F Time N/AInterpass Temp. Max. °F Post Heat °F Time N/AFerrite Content (Schaeffler) N/A Ferrite Content (Severn) N/A

REDUCED SECTION TENSILE AND GUIDED BEND TEST RESULTS

Specimen No.	Diameter	Area	Ultimate Tens. Load	PSI Ult. Unit Str.	Fracture	Elongation At Fracture %
M	--	.505	.200	14,700	73,500	Outside Weld 22.0
N	--	.505	.200	14,250	71,300	Outside Weld 20.5
Bend # & Type	Result			Bend # & Type		
1-Side	Satisfactory			3-Side	Satisfactory	
2-Side	Satisfactory			4-Side	Satisfactory	

Charpy V-Notch Impact Tests Conducted at 0 °F

Test No.	#1	#2	#3	Average
Base Metal	18	34	37	29.7 ft. lbs.
Heat Affected Zone	124	159	20.5	101.1 ft. lbs.
Weld Metal	126	101	134	120.3 ft. lbs.

Welder's Name William Holtkamp Clock No. 9-101 Stamp K-B-JWe have conducted the above tests by F. L. SimpsonLab Test No. 74-194

Who, by virtue of these tests, meets the performance requirements we certify that the statements in this record are correct and that the test welds were prepared, welded and tested in accordance with the requirements of this code.

E. E. Winters
E. E. Winters, Industrial EngineerSigned KAISER ENGINEERS, INCBy HR Good ManufacturerDate 9-24-74

NOTE: See essential variables in addition to those shown shall be recorded

WELD PROCEDURE QUALIFICATION TEST

KE Procedure Specification No. 1.21 For Carbon Steel PipingWelding Process GTAW/SAWPosition 6GProcedure: Multiple Passes

Material Specification

SA 106 Gr B. to SA 106 Gr B.ASME P Number 1ASME P Number 1Pipe ☒ Plate ☐ Base Material Thickness 6" Sch. 80 (.432") Qualified for Thickness 3/16" to .864

Filler Metal or Electrode

Filler Metal Group F 6 & 4Weld Metal Analysis A SFA 5.18 & SFA 5.1Filler Metal Analysis if not included in Table Q112, Q112 E70S-2 & E7018Consumable Insert Material Compatible to P 1 Type GrinnellFiller Wire - Diameter 3/32", 3/32" & 1/8" Trade Name Linde

Flux or Atmosphere

Flux N/A

Underside of Weld

Backup Ring N/AInert Shielding Gas ArgonConsumable Insert YesShielding Gas Flow Rate 15 CFHTIG Root Pass YesPurging Gas Flow Rate 3-8 CFHPurging Gas Argon

Heat Treatment:

Preheat Range 60 °F

Time

Interpass Temp. Max. N/A °FPost Heat none °F

Time

Ferrite Content (Schaeffler) N/AFerrite Content (Severn) N/A

REDUCED SECTION TENSILE AND GUIDED BEND TEST RESULTS

Photograph of Bend Test Results - Page 1A

Specimen No.	Dimensions		Area	Ultimate Tens. Load	PSI Ult. Unit Str.	Fracture	Elongation At Fracture %
	Width	Thickness					
✓ Q-6 T1	.757	.376	.285	22,075	77,500	O.W.	E-23.0 ✓
✓ T2	.739	.333	.246	19,150	77,800	O.W.	E-23.5 ✓
Bend # & Type	Result			Bend # & Type			
Q-7 1 side	Pinhole W/L			3 side		Pinhole W/L	
2 side	Pinhole W/L			4 side		No Defects	

Charpy V-Notch Impact Tests Conducted at 0 °F

Test No.	#1	#2	#3	Average
Base Metal	18	34	37	29.7 ft. lbs.
Heat Affected Zone	124	159	20.5	101.1 ft. lbs
Weld Metal	126	101	134	120.3 ft. lbs

Welder's Name Bernard HutzelClock No. 9-106Stamp K-C-DTest conducted by Gladstone LaboratoriesLab Test No. 4-230

Who by virtue of these tests meets welder performance requirements we certify that the statements in this record are correct and that the test welds were prepared, welded and tested in accordance with the requirements of this code.

Signed KAISER ENGINEERS, INC
ManufacturerDate 5-10-74 VBy HR Good

NOTE: Any essential variables in addition to those above shall be recorded.

KAISER ENGINEERS FORM Q-1
WELD PROCEDURE QUALIFICATION TEST

Date _____

KE Procedure Specification No. 3.1.28 For Carbon Steel Piping

Welding Process shielded metal arc Position (2G)

Procedure: Multiple Passes

Material Specification

SA -106 GR. B to SA -106 GR. B ASME P Number 1 ASME P Number 1

Pipe ☒ Plate ☐ Base Material Thickness 6" sch. 80 (412) Qualified for Thickness 3/16" to .864"

Filler Metal or Electrode

Filler Metal Group F 4 - (E-7018) Weld Metal Analysis A - 1. SFA 5-1

Filler Metal Analysis if not Included in Table Q112, QN112 N/A

Consumable Insert Material N/A Type N/A

Filler Wire - Diameter 3/32" & 1/8, 5/32" Trade Name ---

Flux or Atmosphere

Flux N/A

Inert Shielding Gas N/A

Shielding Gas Flow Rate ----

Purging Gas Flow Rate N/A

Underside of Weld

Backup Ring Flat

Consumable Insert No

TIG Root Pass N/A

Purging Gas N/A

Heat Treatment: Preheat Range 60 °F Time ----

Interpass Temp. Max. N/A °F Post Heat none °F Time ----

Ferrite Content (Schaeffler) N/A Ferrite Content (Severn) N/A

REDUCED SECTION TENSILE AND GUIDED BEND TEST RESULTS

Specimen No.	Dimensions		Area	Ultimate Tens. Load	PSI Ult. Unit Str.	Fracture	Elongation At Fracture %
	Width	Thickness					
T1	.747	.351	.262	17,825	68,000	O.W.	E=20.0
T2	.749	.363	.272	19,750	72,600	O.W.	E=25.5
Bend # & Type	Result			Bend # & Type			
1 side <u>Q-7.1</u>	no defects			3 side	no defects		
2 side	no defects			4 side	no defects		

Charpy V-Notch Impact Tests Conducted at 0 °F

Test No.	#1	#2	#3	Average
Base Metal	18	34	37	29.7 ft. lbs
All Weld Metal	142	112	114	122.6 ft. lbs
Heat Affected Metal	124	159	20.5	101.1 ft. lbs

Welder's Name Oscar Baxter Clock No. KE 9-223 Stamp K-D-D

Test Conducted By Gladstone Laboratories Lab Test No. 4-186

Who by virtue of these tests meets welder performance requirements we certify that the statements in this record are correct and that the test welds were prepared, welded and tested in accordance with the requirements of this code.

Signed KAISER ENGINEERS, INC

Date 5-10-74

By W. R. Good

NOTE: Any essential variables in addition to those above shall be recorded.

WELD PROCEDURE QUALIFICATION TEST

Date _____

KE Procedure Specification No. 3.1.28 For Carbon Steel PipingWelding Process shielded metal arc Position 5G UPProcedure: Multiple Passes

Material Specification

SA -106 GR.B to SA-106 GR.B ASME P Number 1 ASME P Number 1Pipe ☒ Plate ☐ Base Material Thickness 6" sch. 80 .432" qualified for Thickness 3/16" to .864"

Filler Metal or Electrode

Filler Metal Group F 4 - (E-7018) Weld Metal Analysis A-1. SFA 5.1Filler Metal Analysis if not Included in Table Q112, Q112 N/AConsumable Insert Material N/A Type N/AFiller Wire Diameter 3/32" 1/8, 5/32" Trade Name _____

Flux or Atmosphere

Flux N/A

Underside of Weld

Backup Ring Yes - Flat TypeInert Shielding Gas N/AConsumable Insert N/AShielding Gas Flow Rate N/ATIG Root Pass N/APurging Gas Flow Rate N/APurging Gas N/A

Heat Treatment:

Preheat Range 60 °F

Time _____

Interpass Temp. Max N/A °F Post Heat None °F Time N/A

Ferrite Content (Schaeffler) _____

Ferrite Content (Severn) _____

REDUCED SECTION TENSILE AND GUIDED BEND TEST RESULTS

Specimen No.	Dimensions		Area	Ultimate Tens. Load	PSI Ult. Unit Str.	Fracture	Elongation At Fracture %
	Width	Thickness					
Q-6							
T1	.751	.352	.264	17,750	67,200	O.W.	E=27.5
T2	.720	.327	.235	17,350	73,800	O.W.	E=25.5
Bend # & Type	Result			Bend # & Type			
1 side	pinhole - w/1			3 side		no defects	
2 side	pinhole - w/1			4 side		no defects	

Charpy V-Notch Impact Tests Conducted at 0 °F

Test No.	#1	#2	#3	Average
Base Metal	78	34	37	29.7 ft. lbs
All Weld Metal	142	112	114	122.6 ft. lbs
Heat Affected Zone	124	159	205	101.1 ft. lbs

Welder's Name Oscar BaxterClock No. KE 9-223Stamp K-D-DTest Conducted By Gladstone LaboratoriesLab Test No. 4-184

Who by virtue of these tests meets welder performance requirements and certifies that the statements in this record are correct and that the test welds were prepared, welded and tested in accordance with the requirements of this code.

Signed KAISER ENGINEERS, INC
ManufacturerDate 5-10-74By [Signature]

NOTE: Any essential variables in addition to those above shall be recorded.

WELD PROCEDURE QUALIFICATION TEST

KE Procedure Specification No. 3.1.18For Carbon Steel PipeWelding Process GTAW/SMAWPosition 2G

Procedure: Multiple Passes

Material Specification

SA 106 6" Sch. 80 to SA 106 6" Sch. 80

ASME P Number 1ASME P Number 1Pipe ☒ Plate ☐ Base Material Thickness .432"Qualified for Thickness 3/16 to .864

Filler Metal or Electrode

Filler Metal Group F 6/4Weld Metal Analysis A -1

Filler Metal Analysis if not Included in Table Q112, Q112

N/AConsumable Insert Material N/AType N/AFiller Wire - Diameter 3/32, 1/8 & 5/32Trade Name -

Flux or Atmosphere

Flux N/A

Underside of Weld

Backup Ring N/AInert Shielding Gas ArgonConsumable Insert N/AShielding Gas Flow Rate 15 CFHTIG Root Pass YesPurging Gas Flow Rate 3-8-CFHPurging Gas Argon

Heat Treatment:

Preheat Range 60 °FTime -Interpass Temp. Max. N/R °FPost Heat N/R °FTime N/RFerrite Content (Schaeffler) N/AFerrite Content (Severn) N/A

REDUCED SECTION TENSILE AND GUIDED BEND TEST RESULTS

Specimen No.	Dimensions		Area	Ultimate Tens. Load	PSI Ult. Unit Str.	Fracture	Elongation At Fracture %
	Width	Thickness					
T1 ✓	.745	.385	.287	20,475	71,300	O.W.	25.5
T2 ✓	.749	.385	.288	20,425	70,900	O.W.	27.5
Bend # & Type	Result			Bend # & Type			
1 Side	No Defects			3 Side		No Defects	
2 Side	No Defects			4 Side		Pinhole W/L	

Charpy V-Notch Impact Tests Conducted at 0 °F

COPY

Test No.	#1	#2	#3	Average
Base Metal	118	34	37	29.7 ft. lbs.
Heat Affected Zone	124	159	(20.5)	101.1 ft. lbs.
Weld Metal	126	101	134	120.3 ft. lbs.

Welder's Name Oscar BaxterClock No. KE-9-223Stamp KDDTest Conducted By Gladstone LabsLab Test No. 4-18-74

Who by virtue of these tests meets welder performance requirements we certify that the statements in this record are correct and that the test welds were prepared, welded and tested in accordance with the requirements of this code.

Signed KAISER ENGINEERS, INC
ManufacturerBy HR GoodDate 5-10-74

IMAGE EVALUATION
TEST TARGET (MT-3)

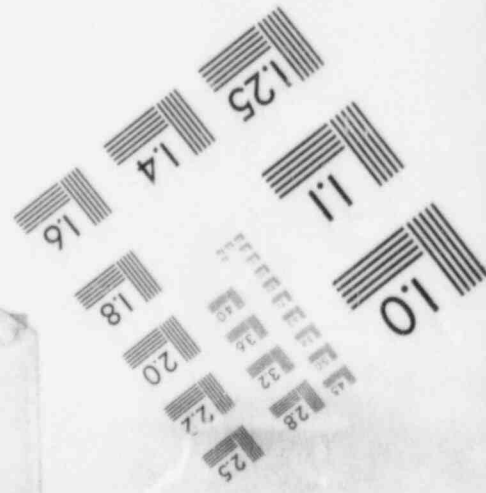
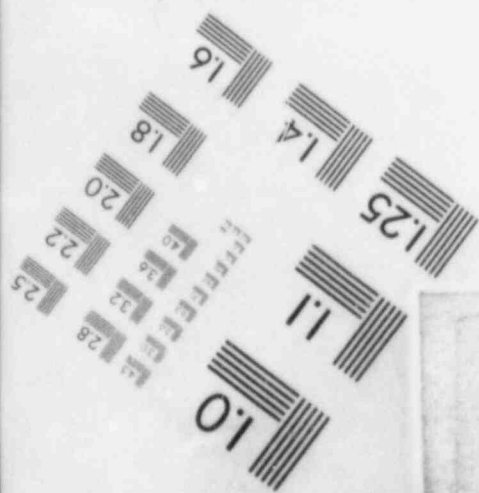
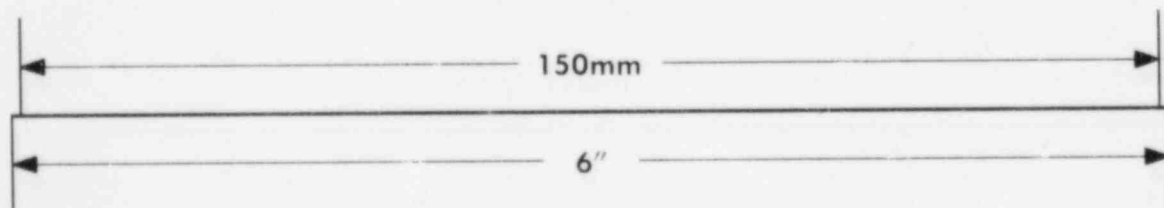
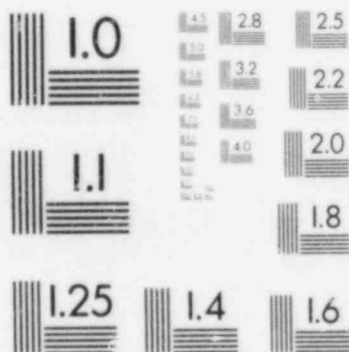
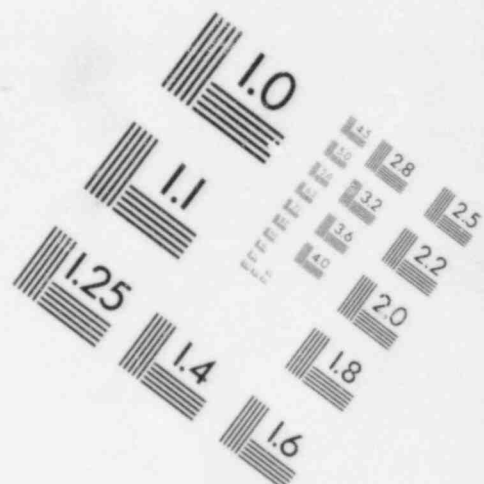
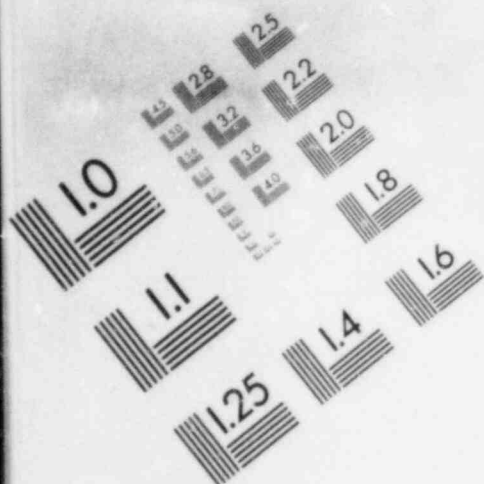
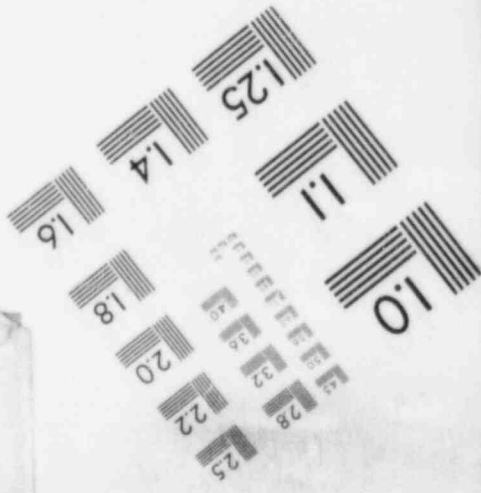
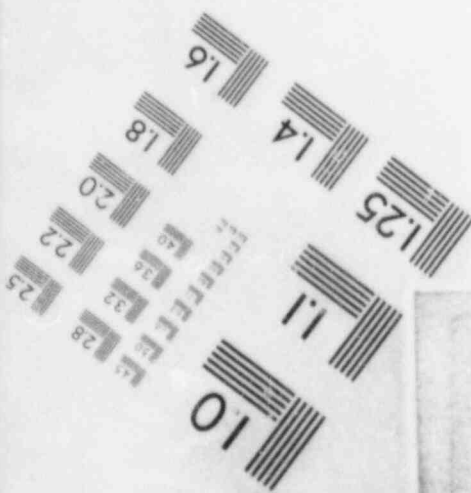
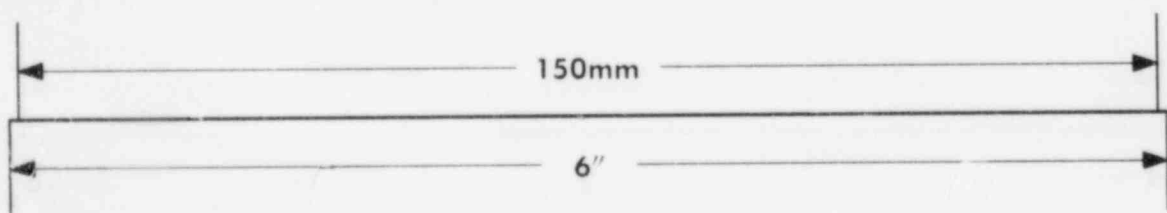
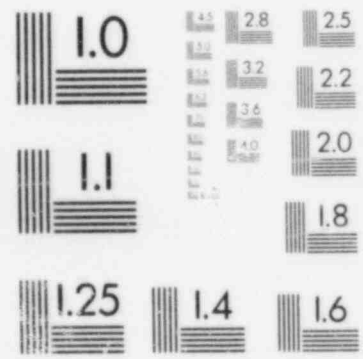
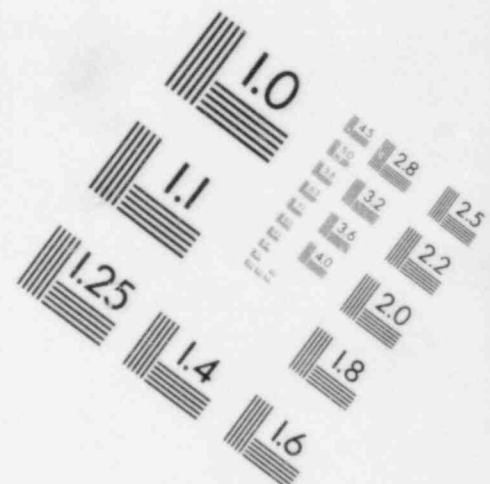
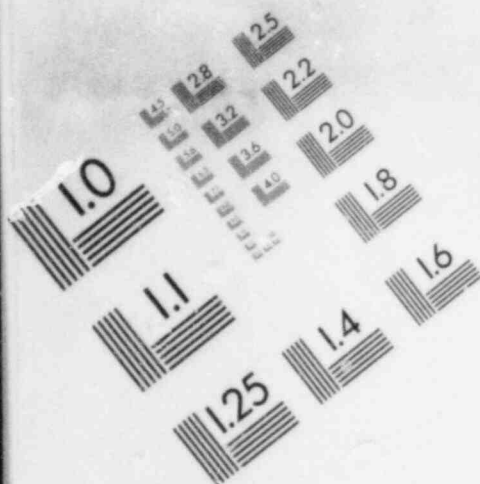


IMAGE EVALUATION
TEST TARGET (MT-3)



WELD PROCEDURE QUALIFICATION TEST

Date _____

Weld Procedure Specification No. 3.1.18 For Carbon Steel Pipe
 Welding Process GTAW/SAW Position 5G

Procedure: Multiple Passes

Material Specification

SA 106 6" Sch 80 to SA 106 6" Sch 80 ASME P Number 1 ASME P Number 1
 (Gr B) (Gr B)
 Pipe ☒ Plate ☐ Base Material Thickness .432" Qualified for Thickness 3/16 to .864

Filler Metal or Electrode

Filler Metal Group F 6/4 Weld Metal Analysis A-1
 Filler Metal Analysis if not Included in Table Q112, QN112 N/A
 Consumable Insert Material N/A Type N/A
 Filler Wire - Diameter 15 CFH Trade Name Yes

Flux or Atmosphere

Underside of Weld

Flux N/A Backup Ring N/A
 Inert Shielding Gas Argon Consumable Insert N/A
 Shielding Gas Flow Rate 15-25 CFH TIG Root Pass Yes
 Purging Gas Flow Rate 15-25 CFH Purging Gas Argon

Heat Treatment: Preheat Range 60 °F Time _____
 Interpass Temp. Max. N/R °F Post Heat N/R °F Time N/R
 Ferrite Content (Schaeffler) N/A Ferrite Content (Severn) N/A

REDUCED SECTION TENSILE AND GUIDED BEND TEST RESULTS

Specimen No.	Dimensions		Area	Ultimate Tens. Load	PSI Ult. Unit Str.	Fracture	Elongation At Fracture %
	Width	Thickness					
T1	.745	.369	.275	20,550	75,700	O.W.	31.5
T2	.741	.374	.277	20,750	74,900	O.W.	29.0
Bend # & Type	Result			Bend # & Type			
1 Side	No Defects			3 Side	No Defects		
2 Side	No Defects			4 Side	No Defects		

Charpy V-Notch Impact Tests Conducted at 0 °F

Test No.	#1	#2	#3	Average
Base Metal	18	34	37	29.7 ft. lbs.
Heat-Affected Zone	124	159	20.5	101.1 ft. lbs
Weld Metal	126	101	134	120.3 ft. lbs

Welder's Name Oscar Baxter Clock No. KE-9-223 Stamp KDD
 Test Conducted By Gladstone Labs Lab Test No. 4-18-74

Who by virtue of these tests meets welder performance requirements we certify that the statements in this record are correct and that the test welds were prepared, welded and tested in accordance with the requirements of this code.

Signed KAISER ENGINEERS, INC
 Manufacturer

Date 5-10-74By HR Good

RECOMMENDED FORM Q-1G MANUFACTURER'S RECORD OF WELDER PERFORMANCE QUALIFICATION TESTS ON GROOVE WELDS

Welder Name R. Patterson Check No. 9-1744 Stamp No. MBL

Welding Process GTAW/SMAN

Position (If vertical state whether upward or downward) 6G 117
(Flat, horizontal, vertical, or overhead; see Para. 4 Figs. Q-1 to Q-3, or QN-1 to QN-3)

In accordance with Procedure Specification No. 3-1-21

Material-Specification A106 to A106 of P-No. 1 to P-No. 1

Diameter and Wall Thickness (if pipe) otherwise Joint Thickness 6" Sch. 80 (.432")

Thickness Range this qualifies 3/16" to .864"

FILLER METAL

Specification No. SFA 5. 18/SFA 5. 1 Group No. F 6/1

Descriptive Filler Metal if not included in Table Q-22 or QN-11.3 E70S-2/E7018

Is Backing Strip used? No

FOR INFORMATION ONLY

Filler Metal Diameter and Trade Name 3/32 & 1/8" Plus for Submerged Arc or Gas for Electrode Shielded Arc

Welding _____

GUIDED BEND TEST RESULTS (Figs. Q-7.1, Q-7.2, QN-7.1, QN-7.2, QN-7.3)

Type and Figure No.	Results	Type and Figure No.	Results
4 SIDE BENDS	Satisfactory		

Radiographic Results For alternative qualification of groove welds by radiography in accordance with Para. Q-24(a) and Q-24(b) and QN-24(a) and QN-24(b): _____

Test Conducted by Taiser Engineers, Inc. Laboratory-Test No. TEI-3538

per Holtkamp/Jefferis Peabody Testing _____

We certify that the statements in this record are correct and that the test welds were prepared, welded and tested in accordance with the requirements of Section IX of the ASME Code.

Date 10/20/76

Signed R. Patterson Engineer
By O. P. Holtkamp

(Detail of record of tests are illustrative only and may be modified to conform to the type and number of tests required by the Code. Recommended Form Q-1G is available for purchase at ASME Headquarters.)

NOTE: Any essential variables in addition to those above shall be recorded.

KAISER ENGINEERS.

RECOMMENDED FORM FOR MANUFACTURER'S RECORD OF WELDER PERFORMANCE
QUALIFICATION TESTS ON GROOVE WELDSWelder Name R. Patterson Check No. 9-1764 LLBWelding Process GTAW/SMWPosition (If vertical state whether upward or downward) 6G up
(Flat, horizontal, vertical, or overhead see Para. 6 Figs. Q-2 to Q-5 or Q-7 to Q-11)In accordance with Procedure Specification No. 3.1.21 HeavyMaterial Specification A106 to A106 of P-No. 1 to P-No. 1Diameter and Wall Thickness (if pipe) otherwise Joint Thickness 5" XX Strong (.750")Thickness Range this qualifies 3/16" to .861"

FILLER METAL

Specification No. SFA 5.18/SFA 5.1 Group No. F 6/1Describe Filler Metal if not included in Table Q-22 or QN-11 770S-2/E7018Is Backing Strip used? No

FOR INFORMATION ONLY

Filler Metal Diameter and Trade Name 3/32 & 1/8" Flux for Submerged Arc or Gas for Taper Gas Shielded Arc

Welding

GUIDED BEND TEST RESULTS (Figs. Q-7.1, Q-7.2, QN-7.1, QN-7.2, QN-7.3)

Type and Figure No.	Result	Type and Figure No.	Result

Radiographic Result For alternative qualification of above welds by radiography in accordance with Para. Q-24(a) and QN-24(a) and QN-24(b) AcceptedTest Conducted by Kaiser Engineers, Inc. Laboratory-Test No. 3746by Gaertner/Schweger Peabody Testing Dirt King

We certify that the statements in this record are correct and that the test welds were prepared, welded and tested in accordance with the requirements of Section IX of the ASME Code.

Date 4/11/79 Signed V. A. C. [Signature]
[Signature] By [Signature]

(Detail of record of tests are illustrative only and may be modified to conform to the type and number of tests required by this Code. Recommended Form Q-1G is available for purchase at ASME Headquarters.)

NOTE: Any essential variables in addition to those above shall be recorded.

KAISER ENGINEERS.

RECOMMENDED FORM Q-1G MANUFACTURER'S RECORD OF WELDER PERFORMANCE
QUALIFICATION TESTS ON GROOVE WELDSWelder Name F. Lloyd Check No. 92547 Stamp No. MBXWelding Process GTAW/SMAYPosition (If vertical state whether upward or downward) 6G up
(Flat, horizontal, vertical, or overhead; see Figs. Q-3 & Q-4, or Q-5 & Q-6)In accordance with Procedure Specification No. 3, 1, 21Material-Specification A106 to A106 of P-No. 1 to P-No. 1Diameter and Wall Thickness (if pipe) otherwise Joint Thickness 6" Sch. 80 (.432")Thickness Range this qualifies 3/16" to .864"

FILLER METAL

Specification No. SFA 5. 18/SFA 5. 1 Group No. F 6/1Describe Filler Metal if not included in Table Q-22 or QN-11.2 E70S-2/E7018Is Backing Strip used? No

FOR INFORMATION ONLY

Filler Metal Diameter and Trade Name 3/32 & 1/8" Plus for Submerged Arc or Gas for Low Gas Shielded Arc

Welding _____

GUIDED BEND TEST RESULTS (Figs. Q-7.1, Q-7.2, QN-7.1, QN-7.2, QN-7.3)

Type and Figure No.	Results	Type and Figure No.	Results
<u>4 side</u>	<u>accept</u>		

Radiographic Results For alternative qualification of groove welds by radiography in accordance with
Figs. Q-24(a) and Q-24(b) and QN-24(a) and QN-24(b) NATest conducted by Kaiser Engineers, Inc. Laboratory-Test No. BI-3677per Holtkamp/Jeffers Peabody Testing NAWe certify that the statements in this record are correct and that the test welds were prepared, welded and
tested in accordance with the requirements of Section IX of the ASME Code.Date 11/30/78
2/16/79Signed Kaiser Engineers
By Q.C. Bell(Detail of record of tests are illustrative only and may be modified to conform to the type and number of tests
required by the Code. Recommended Form Q-1G is available for purchase at ASME Headquarters.)

NOTE: Any essential variables in addition to those above shall be recorded.

RECOMMENDED FOR QUALIFICATION TESTS ON GROOVE WELDS

Welder Name F. Hovd Check No. 9-3547 Stamp No. MAZ

Welding Process GTAW/SPAW

Position (If vertical state whether upward or downward) 6G
(Flat, horizontal, vertical, or overhead see Parts A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z)

In accordance with Procedure Specification No. 3.1.21

Material Specification A106 to A106 of P-No. 1 to P-No. 1

Diameter and Wall Thickness (if pipe) otherwise Joint Thickness 6" Sch. 80 (.432")

Thickness Range this qualifies 3/16" to .864"

FILLER METAL

Specification No. SFA 5.18/SFA 5.1 Group No. F 6/1

Describe Filler Metal if not included in Table Q-12 or QN-11.2 E70S-2/E7018

In Backing Strip used? No

FOR INFORMATION ONLY

Filler Metal Diameter and Trade Name 3/32 & 1/8" Flux for Submerged Arc or Gas for Low Carbon Shielded Arc

Welding _____

GUTDED BEND TEST RESULTS (Figs. Q-7.1, Q-7.2, QN-7.1, QN-7.2, QN-7.3)

Type and Figure No.	Result	Type and Figure No.	Result
4 SIDE BEND	ACCEPTED		

Radiographic Result: For alternative qualification of groove welds by radiography in accordance with Parts Q-14.1 and Q-14.2 and QN-14.1 and QN-14.2 _____

Test Conducted by Kaiser Engineers, Inc. Laboratory-Test No. KEI-3951

per GUTHRIE/Jefferis Peabody Testing N/A

To certify that the statements in this record are correct and that the test welds were prepared, welded and tested in accordance with the requirements of Section IX of the ASME Code.

Date 7/25/79 Sign Kaiser Engineers
By A. O. Felt

(Detail of record of tests are illustrative only and may be modified to conform to the type and number of tests required by the Code. Recommended Form Q-10 is available for purchase at ASME Headquarters.)

NOTE: Any essential variables in addition to those shown shall be recorded.

WELDER PERFORMANCE QUALIFICATION TESTING - GENERAL

SPPM 3.2, R.5

Page 2 of 5

8. Welder Qualification cards as set forth in SPPM 3.2, Fig. 2 will be issued by the Construction Welding Engineer to each welder to demonstrate his qualification status.
9. Each welder will be assigned a unique alpha-numeric number upon passing his first qualification test. Each qualification test assembly shall be identified as to welder position in which test is to be run, and a "T" to designate the tope of the coupon. This may be accomplished by low stress stamps of employees number stamped on test coupons at time of fit up. The welders stamp number shall be included where issued.
10. In the event that low stress stamps are used for identification they shall imprint the welders symbol along side the test assembly weld, but outside the heat affected zone.
11. Issuance and control of welder's identification stamps shall be the responsibility of the Construction Welder Engineer. He will maintain a record of all issued and returned welder stamps.
12. A representative from Weld Engineering or his designee from HJK Company will be present in the Test Lab at all times when weld tests are being performed.

KAISER ENGINEERS
WELDER PERFORMANCE QUALIFICATION TEST RECORD
 (Groove Weld)

Welder Name J. BENNETT 9-155 K-C-J
 Welding Process GTAW
 Position (If vertical, state whether upward or downward) 6G-UP
 (If not, horizontal, vertical, or overhead, see Para. 6.4.1, 6.4.2, 6.4.3, 6.4.4, 6.4.5, 6.4.6, 6.4.7, 6.4.8, 6.4.9, 6.4.10, 6.4.11, 6.4.12, 6.4.13, 6.4.14, 6.4.15, 6.4.16, 6.4.17, 6.4.18, 6.4.19, 6.4.20, 6.4.21, 6.4.22, 6.4.23, 6.4.24, 6.4.25, 6.4.26, 6.4.27, 6.4.28, 6.4.29, 6.4.30, 6.4.31, 6.4.32, 6.4.33, 6.4.34, 6.4.35, 6.4.36, 6.4.37, 6.4.38, 6.4.39, 6.4.40, 6.4.41, 6.4.42, 6.4.43, 6.4.44, 6.4.45, 6.4.46, 6.4.47, 6.4.48, 6.4.49, 6.4.50, 6.4.51, 6.4.52, 6.4.53, 6.4.54, 6.4.55, 6.4.56, 6.4.57, 6.4.58, 6.4.59, 6.4.60, 6.4.61, 6.4.62, 6.4.63, 6.4.64, 6.4.65, 6.4.66, 6.4.67, 6.4.68, 6.4.69, 6.4.70, 6.4.71, 6.4.72, 6.4.73, 6.4.74, 6.4.75, 6.4.76, 6.4.77, 6.4.78, 6.4.79, 6.4.80, 6.4.81, 6.4.82, 6.4.83, 6.4.84, 6.4.85, 6.4.86, 6.4.87, 6.4.88, 6.4.89, 6.4.90, 6.4.91, 6.4.92, 6.4.93, 6.4.94, 6.4.95, 6.4.96, 6.4.97, 6.4.98, 6.4.99, 6.4.100)
 In accordance with Procedure Specification No. 3.1.7-R-2
 Material Specification A53 or A53 of P-No. 1 or P-No. 1
 Diameter and Wall Thickness (if pipe) otherwise Joint Thickness 6" SCH. 40 (.280)
 Thickness Range this qualifies 1/16 to 2T
 Specification No. SFA 5.18 FILLER METAL
 or 6
 Describe Filler Metal if not included in Table Q-22 or Q-23 E70S-2
 Is Backing Strip used? No

FOR INFORMATION ONLY
 Filler Metal Diameter and Trade Name 3/32" Flux for Submerged Arc or Gas for Inert Gas Shielded Arc
None

GUIDED BEND TEST RESULTS (Figs. Q-7.1, Q-7.2, Q-7.3, Q-7.4, Q-7.5)

Type and Figure No.	Result	Type and Figure No.	Result
ALTERNATE RADIOGRAPHIC QUALIFICATION			
+ SATISFACTORY			

Test Conducted by KAISER ENGINEERS INC. Laboratory-Test No. KEI-281
 per CROWLEY/HOLTKAMP

We certify that the statements in this record are correct and that the test welds were prepared, welded and tested in accordance with the requirements of Section IX of the ASME Code.

Signed KAISER ENGINEERS INC.
 Date 9-19-74 By HR [Signature]

(Detail of record of tests are illustrative only and may be modified in conform to the type and number of tests required by the Code. Recommended Form Q-16 is available for purchase at ASME Headquarters.)
 NOTE: Any essential variations in addition to those shown shall be recorded.

KAISER ENGINEERS.

RECOMMENDED FORM Q-1G MANUFACTURER'S RECORD OF WELDER PERFORMANCE QUALIFICATION TESTS ON GROOVE WELDS

Welder Name John Bennett Clock No. 9155 Stamp No. 11CJ

Weld Process G.T.A.W.

Position (if vertical state whether upward or downward) 6 G UP
(Flat, horizontal, vertical, or overhead; see Para. & Fig. Q-2 & Q-3, or Q-2 & Q-3)

In accordance with Procedure Specification No. 3.1.35

Material-Specification A-53 to A-53 of P-No. 1 to P-No. 1

Diameter and Wall Thickness (if pipe) otherwise Joint Thickness 6" SCH 40 (1.280)

Thickness Range this qualifies 1/16 TO .560

FILLER METAL

Specification No. ER 521 Group No. F 1/3

Describe Filler Metal if not included in Table Q-22 or QN-11.2 2 1/4 Cr Mo

Is Backing Strip used? No

FOR INFORMATION ONLY

Filler Metal Diameter and Trade Name 1/16 Flux for Submerged Arc or Gas for Last Gas Shielded Arc

Welding _____

GUIDED BEND TEST RESULTS (Figs. Q-7.1, Q-7.2, QN-7.1, QN-7.2, QN-7.3)

Type and Figure No.	Results	Type and Figure No.	Results

Radiographic Result For alternative qualification of groove welds by radiography in accordance with Para. Q-24(a) and Q-24(d); and QN-24(a) and QN-24(d): ACCEPTABLE

Test Conducted by Kaiser Eng. Inc. Laboratory-Test No. KEI-1951

per BLAZER/CRAWFORD

We certify that the statements in this record are correct and that the test welds were prepared, welded and tested in accordance with the requirements of Section IX of the ASME Code.

Signed Kaiser Engineers Inc.

By W. Friedrich

Date 3/3/77

(Details of record of tests are illustrative only and may be modified to conform to the type and number of tests required by the Code. Recommended Form Q-1G is available for purchase at ASME Headquarters.)

NOTE: Any essential variables in addition to those shown shall be recorded.

This Form (E79) is obtainable from the Order Dept., ASME, 345 E. 57th St., New York, N.Y. 10017

RECOMMENDED FORM Q-1G MANUFACTURER'S RECORD OF WELDER PERFORMANCE QUALIFICATION TESTS ON GROOVE WELDS

Welder Name B.F. Mitchell Check No. 50-216 Stamp No. MOZ

Welding Process SMAW

Position (if vertical, state whether upward or downward) 3G UP
(If horizontal, manual, or automatic, see Para. 1.4.1.1, 1.4.1.2, or 1.4.1.3)

In accordance with Procedure Specification No. 3.1.80

Material-Specification A588, Gr A to 304 of P-No. 1 to P-No. 8

Diameter and Wall Thickness (if pipe) otherwise Joint Thickness 1 1/2" CS. plate to 1" SS plate

Thickness Range this qualifies 3/16" to 2"

FILLER METAL

Specification No. SFA 5.4 Group No. F 7

Describe Filler Metal if not included in Table Q-22 or QN-11.2 E-309-16

Is Backing Strip used? NO

FOR INFORMATION ONLY

Filler Metal Diameter and Trade Name 3/32 & 1/8" Flux for Submerged Arc or Gas for Laser and Shielded Arc

Welding _____

GUIDED BEND TEST RESULTS (Figs. Q-7.1, Q-7.2, QN-7.1, QN-7.2, QN-7.3)

Type and Figure No.	Result	Type and Figure No.	Result
Alternate Radiographic Qualification			

NO
OK

Radiographic Results: For alternative qualification - Examine welds by radiography in accordance with
Para. Q-14.1(a) and Q-14.1(b) and QN-2.1(a) and QN-2.1(b)

Test Conducted by Kaiser Engineers, Inc. Laboratory-Test No. KPT-3771

per Young/Jefferies Peabody Testing OK

We certify that the statements in this record are correct and that the test welds were prepared, welded and tested in accordance with the requirements of Section IX of the ASME Code.

Date 4/24/79

Signed Kaiser Engineers
By QC Phil

(Detail of record of tests are illustrative only and may be modified to conform to the type and number of tests required by the Code. Recommended Form Q-1G is available for purchase at ASME Headquarters.)

NOTE: Any essential variables in addition to those shown shall be recorded.

WELDER PERFORMANCE QUALIFICATION TEST RECORD

(Groove Weld)

Welder Name C. HOLBROOK Clock No. 53-026 Stamp No. (K-C-J)
Welding Process SMAW
Position (If vertical state whether upward or downward) 3G-UP
(Flat, horizontal, vertical, or overhead, see Para. 6 Figs. Q-2 & Q-3, or Q-4 & Q-5)
In accordance with Procedure Specification No. 3.1.51
Material-Specification A-36 to A-36 of P-No. 1 to P-No. 1
Diameter and Wall Thickness (if pipe) otherwise Joint Thickness 1.00" PLATE
Thickness Range this qualifies 3/16 to 2T

FILLER METAL

Specification No. SFA 5.1 Group No. 4
Describe Filler Metal if not included in Table Q-22 or QN-11.3 E-7018

Is Backing Strip used? NO

FOR INFORMATION ONLY

Filler Metal Diameter and Trade Name 3/32" Flux for Submerged Arc or Gas for Inert Gas Shielded Arc

Welding _____

GUIDED BEND TEST RESULTS (Figs. Q-7.1, Q-7.2, QN-7.1, QN-7.2, QN-7.3)

Type and Figure No.	Results	Type and Figure No.	Results
ALTERNATE RADIOGRAPHIC QUALIFICATION			
— SATISFACTORY —			

Test Conducted by KAISER ENGINEERS, INC. Laboratory—Test No. KEI-591
per CROWLEY/HOLTKAMP

We certify that the statements in this record are correct and that the test welds were prepared, welded and tested in accordance with the requirements of Section IX of the ASME Code.

Date 2-27-75

Signed KAISER ENGINEERS, INC.
By HR Good

(Detail of record of tests are illustrative only and may be modified to conform to the type and number of tests required by the Code. Recommended Form Q-1G is available for purchase at ASME Headquarters.)

NOTE: Any essential variables in addition to those above shall be recorded.

W. DuckettOrganization: H. J. K.W. Smith + P. BakerReference: OACME-G14

In-process Deficiency

☒ Clarification

___ Calibration/Test Record

Audit/Follow-up

___ Subcontractor Surveillance

___ Surveillance Information on

GENERAL OBSERVATIONS/DESCRIPTION:

Welder TestingCODEViolation

During random surveillance of the weld test center on 3/31/81 welder 53-189 was observed welding a test piece with the "T" in the 9 o'clock position. The test piece was not fixed as called for in AWS D1.1. This condition was identified on two previous inspections and brought to the attention of the weld engineering Rep in the weld center. Please clarify your position on this practice for my benefit in performing future inspections.

Report Prepared By: Mark W. D.Date 4/11/81

If Deficiency is Nonconforming in Nature, List:

1. Reference Drawing, Spec. or Std. _____

2. Specific Location _____

CORRECTIVE ACTION STATEMENT BECAUSE THERE ARE TIME LIMITS IMPOSED ON WELDER FOR COMPLETION OF TEST. WE HAVE NO PROVISION TO PREVENT WELDER FROM TURNING CUPON IN JIG OR REMOVING CUPON FOR PURPOSE OF INTERPASS CLEANING. IN THE ABOVE CASE (ACCORDING TO SEVERAL OTHER OBSERVERS) THE "T" ON THE CUPON WAS CLOSER TO THE 11 O'CLOCK POSITION THAN TO 9 O'CLOCK POSITION. ON INSPECTION OF THE CUPON IN QUESTION, THE SKILL OF THE WELDER AND THE DIRECTION OF WELD PASSES DICTATE THAT THE WELD WAS BEING PERFORMED PROPERLY. THE QA WELD ENGINEER WAS CALLED TO INSPECT THE CUPON AND IT WAS HIS CONVICTION THAT THE CUPON WAS ACCEPTABLE.

5. INSPECTION OF STEEL CONSTRUCTION

5.1 General

Inspection of steel construction in accordance with the AISC Manual of Steel Construction shall include inspection of assembly and erection operations, fastening or connecting operations such as high strength bolting, and welding and finishing operations to include cleaning and protective painting or coating.

Inspection of steel construction shall include inspection of related items, such as anchor bolts and base plates, which may be part of the supporting structure and installed as part of structural concrete work.

5.2 Supporting Structures

Prior to erection of steel, anchor bolts and base plates and other structural embedments shall be checked for correct orientation, spacing, and elevation. Base plate surfaces and supporting concrete surfaces shall be checked to verify satisfactory condition for grouting.

Grouting of base plates, beam pockets, etc., shall be controlled to assure that only specified materials are used, proportioned properly, placed correctly, and cured properly to achieve the specified compressive strength.

5.3 Assembly and Erection

Assembly and erection operations shall be inspected to verify compliance with installation procedures and work instructions. Alignment operations shall be carried out early enough and as often as is necessary as erection progresses to insure that specified requirements are met.

Particular attention shall be given to verification of the condition of contact surfaces of friction type connections and bolt hole alignment. Correction of fabrication errors shall be closely controlled to prevent correction of misaligned holes by reaming in excess of AISC tolerances. Burning of bolt holes is not permitted. All equipment used in connecting operations shall be inspected to verify conformance with specification requirements. For example, air compressors must be of sufficient capacity to maintain the required operating pressure for impact tools.

5.4 High Strength Bolting

Bolt tightening shall be in accordance with the specified method, i.e., automatic cut-off impact wrench or turn-of-nut method. If the turn-of-nut method is used, inspections shall be made to verify that the bolting crews understand the meaning of

"snug tight" condition before the nut is turned through the required angle. If an automatic cut-off impact wrench is used, it shall be calibrated at least twice daily. The calibration of automatic cut-off impact wrenches shall be performed by tightening in a device capable of indicating actual bolt tension, using no less than three typical bolts of each diameter from the bolts being installed. Installation of bolts shall be done in accordance with "Specifications for Structural Joints Using ASTM A325 or A490 Bolts."

Inspection of bolting shall include visual inspections of bolting operations and torque wrench inspection of completed connections. All connection points shall be visually inspected for the following items:

1. Bolts are the correct length as indicated by at least two threads extending beyond the nut.
2. Correct type bolt is used as indicated by the manufacturer's marking on the head.
3. Torque has been applied as indicated by the burnishing or peening of the corners of the nut.
4. Turning elements are on the correct face; washers are used when required.

Hand torque wrenches used for inspection shall be controlled in accordance with Section 2.5.2 and must be calibrated at least weekly and more often if deemed necessary. Impact torque wrenches used for inspection must be calibrated at least twice daily. The schedule of bolt tension inspection shall be as specified in the latest edition of "Specification for Structural Joints Using ASTM A325 or A490 Bolts." In addition, at the beginning of tightening operations, all bolts tightened by each bolting crew shall be checked until the results are consistently acceptable.

5.5 Welding

Inspection of structural steel welding shall be performed in accordance with the provisions of AWS D1.1, Section 6, entitled "Structural Welding Code," and supplemental addenda. This inspection shall include visual examination of preparations, welding processes, and post-welding operations. Prior to welding, verification of welding procedure and welder qualification shall be documented and shall include all essential variables identified in the procedure. In-process inspections shall include joint fit up prior to start of welding, preheat and interpass temperature requirements, filler metal, control of distortion, and post-weld heat treatment and cleaning requirements. Procedures shall be established to control the purchase, receiving, distribution, storage, and use of welding electrode.

Weld repairs necessitated by visual or nondestructive examinations shall be made in accordance with the procedure used to perform the original weld or a

To: Norley Puckett
Ken Shinkle
Re: Baker

E-315 20
Organization: H.T. Kader
Reference: QAC-014

In-process Deficiency _____ Clarification _____ Calibration/Test Record _____
Audit/Follow-up _____ Subcontractor Surveillance _____ Surveillance Information _____

GENERAL OBSERVATIONS/DESCRIPTION:

MS2V Support Steel
KE-2 form 223085 for Angle Iron Removal from
Down Corner 228 AZ 185 RAD. Shows 1/2 lbs rod
drawn 1/4 lbs returned AS per Generic KE-1A
1089. A VT & MT shall be performed prior to the
addition of filler. QA was not notified of a repair.
Per telecon and visual inspection there was
no apparent repair made on down corner.

Report Prepared By:

Smalls

Date 2/20/81

If Deficiency is Nonconforming in Nature, List:

1. Reference Drawing, Spec. or Std. _____

2. Specific Location _____

CORRECTIVE ACTION STATEMENT APPARENT CLERICAL ERROR BY ATTENDANT IN
ISSUANCE OF WELD ROD ONLY. IT PAID TO WAS ISSUED. THE
ATTENDANT HAS BEEN CAUTIONED TO USE MORE CARE WHEN
FILLING OUT WELD ROD ISSUE SHPS.

3-2-81

Corrective Action Verified By: _____

Date _____

RADIOGRAPHIC REPORT

REF: KE-I No. 1101 WELD NO. SSOW VERT 3
 WRO No. _____ REPAIR NO. _____
 DESCRIPTION: SACRIFICIAL SHIELD OUTER WALL LINE NO. N/A
 SPECIFICATION: ASME TII ACCEPTANCE CLASS: ASME TII
 MATERIAL: A588 GR. B PIPE SIZE: PLATE WALL THICKNESS: 1"
 WELD PROCESS: SMA 31.51 GTAW _____ MIG _____
 JOINT DESIGN: BACKING RING _____ INSERT _____ OPEN X
 SOURCE: ISOTOPE: IR-192 CURIES: 24 KVP/MA: _____ PHYSICAL SIZE: 1/8" X 3/32"
 EXPOSURE TECHNIQUE: SINGLE WALL X #5 DOUBLE WALL _____ ELIPTICAL _____
 EXPOSURE TIME: 52 MIN. SFD: 22" FILM/OBJECT INCHES: CONTACT
 PENETRATOR: TYPE/SIZE ASTM 25 MATERIAL S/S PLACEMENT SOURCE SIDE
 SHIMS: MATERIAL: C/S THICKNESS 138 MARKER/NO BELT A-B
 FILM: BRAND DUPONT TYPE 55 SIZE 7X17 LOAD DBL
 SCREENS: FRONT 010 Pb BACK 010 Pb BACKING NONE
 VIEWING SINGLE X DOUBLE _____ DENSITY 2.0
 REMARKS: (SEE REVERSE SIDE) RT. DATE 2/19/75

FILM IDENT	VIEW	ACCEPT	REJECT	ROOT CONCAVITY	ROOT CONVEXITY	ROOT CREASE	MELT THROUGH	CRATER PIT	ROOT UNDERCUT	CRACKS	POROSITY	SLAG INCL.	TUNGSTEN	INCOMP. PENET.	INCOMP. FUSION	UNDERCUT	BURN-THRU	Surface Indications	REMARKS
SSOW																			
Dwg. CSK124 R.O																			
VERT 3-1	A/B	✓	✗																3/1/75
WELDER KIQ																			1/2" 13'
H. H. H. H. H.																			keep WR 4000
SSOW 1																			
Dwg. CSK124 RO																			
VERT 3-2	A/B	✓	✗																5/8" 13'
WELDER KIQ																			1/2" 13'
H. H. H. H. H.																			keep WR 4000

RADIOGRAPHIC REPORT

REF: KE-1 No. 1101 WELD NO. SSOW

WRD No. _____ REPAIR NO. R1

DESCRIPTION: RANDOM LINE NO. DWG # 12AA

SPECIFICATION: _____ ACCEPTANCE CLASS: ASME VIII

MATERIAL: C/S PIPE SIZE: _____ WALL THICKNESS: 1.0"

WELD PROCESS: SMA _____ GTAW _____ MIG _____

JOINT DESIGN: BACKING RING _____ INSERT _____ OPEN _____

SOURCE: ISOTOPE: Ir 192 CURIES: 6.4" KVP/MA: _____ PHYSICAL SIZE: 1 1/8" x 3 3/8"

EXPOSURE TECHNIQUE: SINGLE WALL Y #5 DOUBLE WALL _____ ELIPTICAL _____

EXPOSURE TIME: 3 1/2 min SFD: 22" FILM/OBJECT INCHES: Contact

PENETRATOR: TYPE/SIZE Austin 25 MATERIAL S/S PLACEMENT Across weld

SHIMS: MATERIAL: 2 1/2 THICKNESS 1.37" MARKER/NO BELT 2" Lucrion

FILM: BRAND D-3000 TYPE 65 SIZE 2 1/2 x 17 LOAD Double

SCREENS: FRONT .010 BACK .010 BACKING N/A

VIEWS: SINGLE _____ DOUBLE X DENSITY _____

REMARKS: (SEE REVERSE SIDE) RT. DATE 3/27/75

FILM INDENT	VIEW	ACCEPT	REJECT	ROOT CONCAVITY	ROOT CONVEXITY	ROOT CREASE	MELT THROUGH	CRATER PIT	ROOT UNDERCUT	CRACKS	POROSITY	SLAG INCL.	TUNGSTEN	INCOMP. PENET.	INCOMP. FUSION	UNDERCUT	BURN-THRU	Surface Indications	REMARKS
SSOW	0-14	✓									✓								RESHOT DENSITY
VERT. #1	14-25	✓									✓								24" - 25 1/2"
R1	28-42	✓									✓								
	42-56	✓									✓								
	56-70	✓									✓								RESHOT DENSITY
	70-80	✓									✓								75" - 76 1/2"

Lack of Traceability of Material

- a) Traceability of Heat Numbers in structural beams has not been maintained.
- b) Seventy hundred feet of beams has been ~~received~~ received from an unapproved vendor and can not be accounted for as to where installed or other disposition.
[Failure in Inspection]
- c) Traceability of Heat Numbers on small Bore piping for the Diesel Generators.
- d) No records exist to show that some of the installed pipe is acceptable. The heat numbers do not appear on the H.S. Kaiser list of acceptable heat numbers.
- e) Weld rod heat numbers, because heat numbers are being transferred to the KEI-1 Form from KEI-2's by individuals other than the QC Inspector who inspected the weld.

Contrary to 10CFR50, Appendix B, Criterion III.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

July 12, 1982

Release
al 6 7/14/82
130
file in
81-39

MEMORANDUM FOR: Chairman Palladino
Commissioner Gilinsky
Commissioner Ahearne
Commissioner Roberts
Commissioner Asselstine

FROM: Carlton Kammerer, Director
Office of Congressional Affairs

SUBJECT: REQUEST FOR INTERVIEW REGARDING ZIMMER

Enclosed is a memorandum from Jim Cummings, OIA, containing interviews conducted during the Zimmer investigation. The staff of the Subcommittee on Energy and the Environment has requested a copy of the interviews. We plan to deliver the attached documents to the Subcommittee staff at close of business July 13, 1982, with the request that the documents be withheld from public disclosure.

Attachment:
As stated

cc: EDO
OGC
OIA
OI
Region III

834249498

81-39
✓



June 24, 1982

Withheld - Exemption 7

MEMORANDUM FOR: Bert Davis
Deputy Regional Administrator, RO III

FROM: James J. Cummings, Director
Office of Inspector and Auditor

SUBJECT: ZIMMER NUCLEAR PLANT

When we met in Cincinnati, Ohio, on May 19, 1982, Jim Foster asked me if all interviews conducted by OIA regarding Zimmer had been provided to Region III. I assured Jim that that was the case.

Recently, in connection with an inquiry received from Henry Meyers and the Gannett News Service, I determined that although Region III had been provided with OIA's interviews of

you had not been furnished with a copy of OIA's interview of Terry Harpster. Harpster was interviewed by OIA in connection with our inquiry entitled "Adequacy of IE Investigation 50-538/80-09 at the William H. Zimmer Nuclear Power Station" (OIA File 81-18) while the other individuals mentioned above were interviewed by OIA in connection with our inquiry entitled "Zimmer Plant - Allegations Re Deficient Construction" (OIA File 81-39). When I reviewed the Harpster interview in August 1981 I determined that although the interview was conducted as part of the investigation of case 81-18, it was in fact not relevant to that case but was in fact relevant to case 81-39. Accordingly, the Harpster interview was not made part of our report entitled "Adequacy of IE Investigation 50-358/80-09 at the William H. Zimmer Nuclear Power Station" but instead was placed in File 81-39.

OIA has never issued a report in connection with File 81-39 in the first instance because of a request from the Department of Justice to temporarily suspend the investigation and more recently because of the Commission's decision that the Office of Investigations should conduct such investigations. In view of the above, Harpster's interview is attached as potential input for any forthcoming investigative report.

I am sorry to provide you with this interview at this late date. However, absent the inquiry from Dr. Meyers and Gannett News Service, I am afraid we would have overlooked providing this information to Region III. For

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Bert Davis

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delete-7

your information it is my understanding that Gannett News Service brought this matter to NRC's attention after an anonymous source furnished Gannett with a copy of an early draft of OIA report "Adequacy of IE Investigation 50-358/80-09 at the William H. Zimmer Nuclear Power Station." This draft evidently includes the Harpster interview.

Attachment:

Harpster interv

cc: J. Foster, RO III w/att
J. Fitzgerald, OI, w/att
F. Combs, CA*
E. Abbott, OCM*

Release

Interview of Terry Harpster

Terry Harpster, Reactor Preoperations Specialist, IE, on detail as a Special Investigator to the Subcommittee on Energy, Environment, and Natural Resources, Government Operations Committee, U.S. House of Representatives, was interviewed on March 6, 1981, by Investigators David Gamble and John Sinclair, OIA.

Harpster said he worked in Region III of NRC from 1974 through 1979. He said he was a technical support inspector initially for all plants in

Region III. He later became a project manager for particular plants: first for DC Cook Unit 2, then Monticello, then both Zimmer and Monticello at the same time. Harpster said he began his inspection activities at Zimmer in October 1977 as a preoperations start-up inspector. He said he was assigned to this position until he left Region III in September 1979; however, he had no real involvement with Zimmer after the Three Mile Island (TMI) accident in March 1979. Harpster said that a pre-operations inspector picks up a plant when construction is far enough along, i.e., about 60 percent completed, to review certain programs, e.g., the quality control program for preoperational work. Harpster said that Tom Vandel was his counterpart as the lead construction inspector. Vandel had inspected Zimmer prior to Harpster's arrival but there was a period of overlap when they both worked there. Harpster said John Menning worked with him as a preoperations inspector who he was training. Harpster said that Menning "took one look" and left the NRC because the program was so bad. He related that one of Menning's reasons for leaving was that he saw how little support the inspectors got on the job. Harpster understood that Menning left to attend the University of Arizona where he is working on his Ph.D. in metallurgy.

Harpster said that when he picked up Zimmer the licensee (Cincinnati Gas and Electric Company) had little appreciation for the amount of resources needed for the plant. He said they barely met ANSI Standard 18.1 which is the criteria for staffing. Harpster explained that even this standard is a loose one which has since been upgraded. Harpster said that one of his jobs was to show the plant management what was required to get the plant off the ground. He said that his inspections documented a number of problems at Zimmer. Harpster said that, for example, the employee who was being placed in charge of the start up operation only had about three months of actual experience in the plant. He explained that the licensee counted as nuclear experience the amount of time operations employees were onsite during the construction of Zimmer. Another example was his impression that the plant personnel felt that, once the parts were bought for the plant, they did not need any support from their corporate offices. He also believed that many plant personnel felt a nuclear plant was similar to the operation of a fossil fuel plant. Harpster said that he tried to resolve some of these problems informally; including going up through the licensee management chain to Vice President Earl Borgmann, but with no luck.

D

Adams

Harpster said he was successful in getting a meeting set up in Bethesda to discuss apparent weaknesses with licensee's organization and staffing. He said this meeting was held on July 13, 1978, only after he "screamed" at licensing officials in Bethesda, particularly Irv Peltier who was then project manager in NRR responsible for issuing the safety evaluation report (SER). Harpster said that he presented his concerns at that meeting and the utility agreed to upgrade their program. He recalled that the specific response was to "buy" an engineer from General Electric to assist them.

Harpster said that the overall problem was that NRC's licensing process was rolling much faster than he could "ratchet" improvements at the plant end. Harpster said that NRC's requirements were a "joke." He said that NRR was about to issue the SER and they set up a meeting of the Advisory Committee on Reactor Safeguards (ACRS) to which he was not invited.

Harpster said he went up the Region III management chain and presented his concerns. He said he attended the ACRS meeting anyway. He recalled that when licensee officials were questioned by ACRS Chairman Bender, they said several things that were not true. Harpster noted that not only did he feel they were not true, but Menning also believed they were not true. Harpster said he presented this conflict to his boss, Robert Warnick when he returned to the regional office. He said that he and Menning later talked with one of the licensee officials who had testified to the ACRS (Jim Schott who was the plant manager of Zimmer). During their conversation, Harpster had Warnick read Schott's testimony to Schott over the phone. He said that Schott then agreed that the testimony did not convey the correct impression. Although Schott assured Harpster and Menning that he would clarify this at the next ACRS meeting, he did not. Harpster believed that Schott's subsequent testimony even aggravated his earlier statements.

Harpster said he briefed his management on this matter. He recalled that his Regional Director, James Keppler, sent a letter to the ACRS informing them of the situation. Harpster understood that this letter was later forwarded to the Atomic Safety and Licensing Board (ASLB).

Harpster explained that, after the ACRS meeting, he also informed Peltier (in Menning's presence) of his concerns. He said that Peltier later claimed that he did not recall Harpster's expressing his concerns to him. Harpster explained that Peltier is a "pro-nuclear" "pro-licensing" employee. He also explained that during a start-up of a nuclear plant, NRR is on a very tight schedule; the IE inspector is often viewed by NRR as an adversary when he uncovers deficiencies which NRR has already "blessed."

Peltier told Harpster that he had informed the licensee about an IE investigation underway on the subject of the licensee's testimony before the ACRS. Peltier also informed Harpster that Charles Earth (attorney with the Office of the Executive Legal Director) had called James Yore (Chairman of the ASLB Panel) and told Yore to throw away Keppler's letter describing the discrepancies. Harpster pointed out that these latter two matters were the subject of a recent investigation by OIA. Harpster said in summary that this was a situation where the system broke down: NRR "let alone" trying to hold up plant licensing.

Hilmer

Harpster said that Borgmann was also putting the heat on him by, for example, sending a letter to Keppler. Harpster also understood that the Chairman of the licensee sent a letter to President Carter and others. Harpster said that it was about this time that the TMI accident occurred. He said he was assigned to TMI and he has not been back to Zimmer since. Harpster said that, when he left, Zimmer still had problems. A principal one was that, as a practical matter, there was no QA program for operation. He said that all Zimmer had was one person assigned to this function and that person could not possibly do all that the job required.

Harpster said that realistically the IE modular inspection program does not deal with the things you have to focus on early in a plant's life. He said that an inspector must deal with the problems he knows are important and then deal with other problems in addition. Harpster said that he had to deal with the construction people somewhat at Zimmer. He said that the licensee had minimal involvement with the construction at Zimmer: everything was controlled by its contractor. He said that this is a problem because, after the plant is built and the contractor leaves, the licensee would not have any expertise to handle the plant. He said that for example there was no one on the licensee's corporate staff for reactor instrumentation and control systems. Harpster felt that this licensee was "in over its head."

Harpster said that people often bring matters to an inspector's attention. He said that an inspector can deal with some of these matters, but there are some which he cannot. Harpster said that sometimes so many things are wrong that a plant is out of control. Harpster concluded that "Zimmer was out of control." Harpster explained that a licensee's ability to get money for the construction of a nuclear power plant (by, e.g., the sale of bonds) is based upon the percentage of completion of the plant. He said that this results in a situation where the construction personnel attempt to turn things over as completed before they are ready. Harpster said that what then happens is that the licensee staff is not properly prepared or trained to handle them. He said when the licensee finds things that are wrong, they cannot fix or test them properly. What they must do is give the problems back to construction to be remedied. Harpster said this is indicative of a construction QC program that does not work. He said this is a situation which an NRC preoperations inspector tries to head off. He said that one example of this was that the licensee had not ordered any spare parts. According to Harpster the time required to obtain additional or replacement equipment is so long it causes a major problem to licensees trying to resupply or obtain back-up equipment.

Harpster said that sometimes plant management puts so much pressure on their personnel that the personnel cannot get things done. He said that these personnel then sometimes use NRC inspectors to accomplish the same things: they feed inspectors information so it appears that the inspectors found the deficiency rather than the plant personnel. Harpster said that, from what he could see, it appeared that the construction program

had defects and e was about to inherit them. Harpster explained that he was not directly familiar with the construction activities but he saw the results - including the QA problems. Harpster said that Inspector Fred Maura has documented much of these problems from the operations side. *Relax*

Harpster said that both the site construction manager, Mr. Gear (phonetic) and the site QA manager Mr. Schweirs were friends of Vice President Borgmann. Harpster believed that Schweirs was assigned by the licensee to keep the plant manager (Schott) under control. Harpster said Schweirs even called the regional office to try to get some of the IE inspection reports changed. Harpster said Schweirs also asked him to send IE inspection reports to him (Schweirs) so he could decide which matters would be sent on to Schott.

Harpster said part of the problem was that NRC does not have explicit regulations to inspect against. He said that the preoperations inspector is faced with the task of trying to get control of the site and helping the licensee to solve its problems. He said that the inspector only documents a small percentage of this "helping work." Harpster said the licensee had no people involved with preoperations and test acceptance. He said that everything was bought under contract so the contractor was able to do whatever it wanted. Harpster said the licensee then had no one who knew how to handle the problems that were "built-in."

Harpster said he tried to get the plant managers out to take tours of the plant. He said that one assistant plant manager said he was scared to tour the plant because of the convicted felons working out there. Harpster said that sometimes the licensee's own security force could not handle disturbances and they had to call the local sheriff's office. Harpster explained that there is some drinking of alcohol on all nuclear construction sites. However, the licensee at Zimmer did not have much control of things. Harpster said there were a lot of "tough guys" working at the plant and the situation got worse when they were drinking.

Harpster said that there are many allegations at any nuclear power plant; however, usually only a certain number are true. Harpster said that one could tell that there were a large number of problems at Zimmer because so many allegations were coming up.

Harpster said there was a lot of pressure on individual IE inspectors because of the momentum generated by the NRC licensing process. Harpster said that pressure is also created on construction personnel by the contractor's weld production schedules. He explained that the construction manager has to have a certain number of welds completed to keep the piping installation on schedule. He said that problems arise when the construction personnel are pushed. Harpster said that for a QC inspector to stop construction for any deficiencies, he would have to hold up many phases of the construction of a \$1 billion plant; so the QC inspectors normally do what they are told.

Harpster said that nuclear power plants employ personnel specifically designated to serve as their liaison with NRC. He said that this is helpful because it overcomes the problem IE inspectors face in trying to find their way through the great amount of paperwork at the plant. Harpster said, however, this liaison person also "steers" the inspectors' activities. Harpster said that dealing with this liaison person does _____ allow the inspector to get through NRC's modular inspection program very well. Harpster noted that there is no real internal audit of the NRC's inspection program. *release*

Harpster described the "helping activities" that an IE preoperations inspector engages in as a process of getting all the procedures and controls in place. He said that this activity constitutes only about two lines in the IE procedures, but it is the largest part of a preoperations inspector's time.

Harpster estimated that the interest cost alone in holding up construction of a nuclear power plant for one day would be several hundred thousand dollars. He observed that, with the increased pressure on NRC to license power plants, he would expect even more pressure to be placed on IE inspectors. He said that pressures on the licensee personnel to make exceptions to the acceptance criteria in the preoperations tests are very real. He said it is difficult for an IE inspector to tell whether the licensee's exceptions are based on valid engineering analyses. He said that all inspectors cannot possibly be experts in all areas. Harpster said the inspectors must rely on the licensee's people to review the exceptions. Harpster said that this represents a flaw in the NRC's system because the licensee's reviewers are under the same pressure to approve exceptions. Harpster pointed out that the licensee, because it is a utility company, cannot pass on the amortization costs to the ratepayers until the plant reaches the point of completion, i.e., the stage of commercial operations.

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of document under
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PHILLIP GITTINGS
Deputy Quality Assurance Manager
Kaiser Engineering, Incorporated
William H. Zimmer Nuclear Construction Project

Mr. Phillip Gittings, former Quality Assurance Manager, Kaiser Engineering, Incorporated (KEI), assigned to the William H. Zimmer Construction Project was interviewed on July 8, 1981, at the Zimmer Construction Site. Prior to any questions being asked, Messrs. Albert Puglia and John Sinclair identified themselves as Investigators, Office of Inspector and Auditor (OIA), U.S. Nuclear Regulatory Commission (NRC). Also present during the interview was James McCarten, Investigator, Office of Inspection and Enforcement (IE), Revision III. Mr. Gittings was also provided the opportunity to review appropriate credentials and advised that the purpose of the OIA investigation was to determine his knowledge of alteration or falsification of Quality Control (QC) documentation (NonConformance Reports, Kaiser Engineering Inspection forms-KEI forms).

Mr. Gittings began the interview by describing his employment with the Kaiser Corporation. Gittings explained that he had worked for Kaiser for approximately 4 1/2 years and had held the position of Kaiser Quality Assurance (QA) Manager at the Zimmer Site for about one year. Gittings stated that he assumed the position in July 1980 and had recently been reassigned as the Deputy QA Manager and was scheduled to be transferred to another Kaiser project in the near future.

Investigator McCarten questioned Gittings as to his knowledge of "voiding" Nonconformance Reports (NR's). Gittings stated that prior to November 1980 most "voiding" of NR's was done by the Supervisor for Document Control, Floyd Oltz. Gittings responded to questions concerning the qualifications of the Supervisor, Document Control, and his authority to "void" NR's by stating that Oltz did not have the technical qualifications to assess the validity of NR's or the authority to disposition the NR's as "void."

Gittings stated that the proper procedures for processing an NR called for a technical evaluation of the information contained on the NR to determine whether or not the deficiency described was valid, and if not, the NR could be dispositioned as "void." Gittings continued by explaining that the only person who had the authority to void an NR would be the QA Manager. Gittings also advised that the problem with NR's and their "voiding" was the topic of discussion with an NRC inspector from Region III, (I. Yin) in the fall of 1980. In response to subsequent questioning concerning NR's written by a QC inspector by the name of Ruiz, which were "voided" by Gittings, he (Gittings) acknowledged that he had "voided" the NR's but could not recall why he had voided them.

Gittings stated that during an inspection of the site, Yin discovered the problems of "voiding" NR's in the Document Control section. Gittings stated that the discovery of the problem had been discussed during an exit meeting between the NRC inspector, representatives of Cincinnati Gas and Electric (CG&E) and Kaiser. Gittings further stated that he attended the meeting and recalled that Yin questioned the voiding procedures and the process whereby the Document Control Supervisor was exercising the authority to void NR's. According to Gittings, Kaiser advised the NRC that there would be no more voiding of NR's by the Document Control Supervisor.

When questioned about QA being intimidated by the Construction Manager (Robert Marshall), Gittings replied that he was not intimidated by Marshall or construction's challenges to the findings of QC inspectors. Gittings stated that Marshall has a strong personality, but he, Gittings, would not change QC findings based solely on Marshall's objections. Gittings added, however, that there were some instances where he, Gittings, agreed with Marshall's position and subsequently overrode the findings of the QC inspector.

Gittings continued by stating that when he arrived at the Zimmer site he found what he believed to be inadequate QA Management. At that point he began to hire additional QC inspectors from other construction sites. This, Gittings stated, also caused some difficulty because some of the inspectors came from projects which were inspecting to other code requirements than the AWS (American Welding Society) that was in effect at Zimmer. Gittings explained that the differences resulted in Kaiser instructing the QC inspectors that the standards and requirements at Zimmer were those incorporated in the AWS code.

Gittings responded to questions regarding the placing of NR's in a separate file titled the Inspection Report File by stating that he was not involved in directing or placing NR's in places other than where they were supposed to be. Gittings stated that he had never instructed anyone to place documents (NR's) in files other than the NR system. Gittings was then advised that between January and February 1980 "Inspection Report" stamps began to be placed in NR log books in order to remove or recategorize the original NR as an inspection report and remove it from the NR system. Gittings explained that the practice at the site was for the QC inspector to call in from the field to get a control number and after the number was issued write up and submit the NR. This, according to Gittings, is compatible with the Quality Assurance Control Manual Instructions (QACMI) procedure which states that QC inspectors can initiate an NR "that is correct." Gittings added that once the NR has been reviewed by a QC supervisor or himself and determined to be valid, then it was entered into the NR file.

Gittings continued by stating that after a second visit by NRC, Kaiser began an audit of NR's to completely review and make determinations concerning "problems" with individual NR's. Gittings repeated that he did not order or direct anyone to place existing NR's in the "Inspection Report" system. Gittings also stated that he did not order or direct that any changes be made to recording NR's in the NR log.

Gittings responded to questioning pertaining to a Kaiser management meeting conducted in early 1980 by stating the following. Gittings explained that he believed that the subject of the meeting had to do with the inspection of pipe support hangers. Gittings added that there were people from Kaiser QA construction and licensee personnel in attendance. According to Gittings, Gene Knox (QA Kaiser Corporate), Rex Baker (Kaiser QC Supervisor), Bob Marshall (Kaiser Construction Supervisor) and Scott Swain (CG&E), along with some others, were present in the meeting. Gittings stated that there was an ongoing problem of writing up and accumulating NR's on pipe hanger deficiencies. Gittings stated there had been a problem with NR's on the hanger area. Gittings stated that a decision was reached as a result of the meeting to stop writing NR's and to "void" existing NR's. This decision was based upon the fact that Sargent and Lundy (S&L), architect engineer for the project, was to do a reevaluation of the design of the hangers and inspections would be conducted according to design modifications. A second consideration was that QC inspections of vendor hangers (Patterson) were not to be conducted. The instructions were that QC inspectors were "not to inspect hangers purchased outside."

Gittings continued by explaining that the previous fall (1979), there was continued "turmoil" concerning hanger inspections. Gittings explained there was pressure to get hangers installed and QA was "getting beat up" concerning inspections. Gittings stated that in one instance where 60 hangers were identified as having deficiencies and were written up on one NR, he had made the decision to separate the deficiencies and place one hanger on one NR. This, according to Gittings, was not intended to overrule the QC inspectors. Gittings also stated that he was not involved and had not instructed anyone to set up any "secret files" regarding QA documentation.

Gittings responded that construction has not ordered him to move QC staff around in order to stop critical inspections. Gittings did state, however, "people have been reassigned to other systems."

At this juncture, Investigator McCarten left the interview and it continued in the presence of Investigators Puglia and Sinclair.

Gittings began a discussion pertaining to the Kaiser QA organization and who has responsibility for the QA program at the site by stating it is Kaiser's responsibility. Gittings continued, however, and explained that Kaiser was "doing the work for a very tough client (CG&E) and that

any requisition for additional manpower or staffing for QA/QC had to go through the client." Gittings added that he had to report everything through Bill Schwiers, QA Manager for CG&E.

Gittings stated in response to questioning that the QA organization for Kaiser is currently staffed at a "substantially higher level" than at his time of arrival or initial assignment at the site. Gittings added that he was continuing to recruit QC personnel for Kaiser employment. Gittings admitted, however, that the staffing of the QA/QC organization in the past has not been "adequate to meet the requirements of 10 CFR (Part 50, Appendix B). Gittings added that the client (CG&E) "did not have an adequate QA/QC staff" and "some (personnel) individuals should not have been in the system."

Gittings continued by denying that he had instructed anyone to "white out" NR entries in the NR log. He (Gittings) stated that, in fact, his instructions were to make no changes in the recordings in the NR log book.

Gittings responded to questions concerning the utilization of "punch lists" to record deficiencies rather than NR's by stating that punch lists were used to rectify problems instead of NR's.

Gittings was questioned as to the circumstances which led to the termination of the contract with the Butler quality control inspectors. Gittings stated that the contract was terminated after discussions with Kaiser corporate management and a meeting which took place in which the decision was made to "eliminate the shoppers" (stop the contract with Butler).

Gittings admitted that although Kaiser had been having difficulty in staffing QA/QC, the decision was made that Kaiser would have its own QC inspectors. As Gittings recalls, offers were made to approximately 21 of Butler inspectors of which 17 accepted. Gittings added that 34 QC inspectors left for other employment. Gittings also stated that the piping area was reduced from 10 QC inspectors to three inspectors partially because the work slowed down. Gittings stated, however, that the corporate decision to drop the "job shoppers" also played a part. Gittings concluded his comments on the contract issue by stating that he believes some of the reasons for eliminating the Butler people were that Kaiser could cut down on paperwork and establish a cadre for Kaiser's own QA organization. Other factors, according to Gittings related to cutting costs, eliminating "over inspecting" and the Butler inspectors had "no loyalty" to Kaiser.

Gittings further stated ~~there were some difficulties or problems in~~ working with Bob Marshall ~~because he was loud and aggressive~~, but it did not effect his (Gittings) position or his independence as Kaiser QA Manager. Gittings did stated that one problem that did effect his ability to carry out his job was his relationship with the CG&E QA Manager, Bill Schwiers. In fact, Gittings stated "my primary goal was to get along with him" (Schwiers). Gittings added that Kaiser lost the previous QA Manager (Turner) because he was unable to get along with Schwiers. Gittings explained that there were numerous requests in the form of memoranda which were sent by Turner to CG&E asking for additional QC staffing which were turned down or denied by Schwiers. Gittings was requested by OIA to contact Kaiser corporate and advise them that NRC requests copies of the memoranda which indicate that additional QC staffing was necessary to meet the requirements of 10 CFR. Gittings stated he would contact corporate and advise them of the request. Gittings could not furnish any additional information regarding problems with the QA program.

William W. Schwiers
Former Quality Assurance Manager
Cincinnati Gas and Electric
William H. Zimmer Nuclear Construction Project

Mr. William W. Schwiers, former Quality Assurance Manager, Cincinnati Gas and Electric (CG&E) was interviewed on July 9, 1981, by Albert B. Puglia and John R. Sinclair, Investigators, Office of Inspector and Auditor (OIA), U.S. Nuclear Regulatory Commission (NRC). Prior to any questioning, Mr. Schwiers was provided the opportunity of reviewing appropriate credentials and advised that the areas being investigated pertained to intentional alteration of Quality Control (QC) Records and willful omissions regarding QC records.

Mr. Schwiers began the interview by providing a brief description of his duties while assigned to the Zimmer Construction Project. Schwiers stated that he first began working at Zimmer in the 1973 time frame as a representative for Cincinnati Gas and Electric and that continued until approximately 1975. At that time Schwiers stated he became the Senior Field Project Engineer in the Quality Assurance Organization which lasted for the next year. In 1976 Schwiers was reassigned to the functions of Quality Assurance Manager for the project. Schwiers stated that at that time the Quality Assurance Manager for Kaiser was Bill Friedrich. Schwiers further stated that the CG&E Quality Assurance group at the site consisted of four other CG&E employees plus himself. According to Schwiers, it was his responsibility to audit and monitor the Kaiser QA program.

Schwiers continued by explaining that it was his perception that the Kaiser QA program, at the time he (Schwiers) took over QA for CG&E, "did not have sufficient independence from the Construction Group." Schwiers stated that at some point Kaiser QA Manager Friedrich, was replaced by another Kaiser supervisor Bob Turner. The exact date of the change could not be recalled, however, Schwiers did state there was a period in which an individual from Kaiser Headquarters, Gene Knox, was acting in the capacity of Kaiser QA Manager.

Schwiers stated that Knox was commuting to the Zimmer Site from the Oakland, California area and although he was the QA Manager for the site, he (Knox) would not relocate to the Cincinnati, Ohio area. Schwiers explained that he, as well as CG&E found the situation with Knox commuting to the site unacceptable because it did not demonstrate the commitment

required to the Quality Assurance Program. Schwiers further explained that Turner finally was placed in the position as Kaiser QA Manager, which lasted until approximately October 1979. Schwiers stated that as he recalled, there was a problem with QA documentation within Kaiser and that Turner was replaced by another QA Manager.

Schwiers stated that part of the problem identified with the Kaiser QA documentation was discovered through a CG&E QA audit. Schwiers added that the Kaiser documentation problem is still being reviewed by a contractor to CG&E, Science Application, Incorporated (SAI).

Schwiers continued by stating that he believed Phil Gittings, the most current Kaiser QA Manager, was hired by Kaiser from a position in "corporate" at Cleveland Electric Illuminating (CEI). Schwiers also stated that he believed that Gittings had formerly worked for a Kaiser Project in Florida pertaining to a transportation project.

In response to questions, Schwiers responded that "on paper" he was in control of the project. Schwiers also stated that initially all of CG&E QA was located at the site. Subsequently, however, the QA organization expanded and some QA functions were located at CG&E corporate in Cincinnati. Schwiers then stated as the QA representative part of the responsibility was to monitor Kaiser's QA/QC activity by conducting independent audits. Schwiers continued by stating that he had "some authority" in relation to denying requests for additional Quality Control inspections submitted by Kaiser QA.

Schwiers was then advised that OIA had interviewed personnel at the Zimmer site, including Kaiser QA personnel and as a result, information was developed which indicated that Kaiser QA supervisors had made repeated requests to CG&E for additional staffing of the QC department in order to meet the requirements of federal regulations, specifically 10 CFR 50, Appendix B.

Schwiers was also advised that the requests had been made in writing by Kaiser and that each of the requests has been denied by him (Schwiers). Schwiers stated that he believed that he had honored all of the requests submitted by Kaiser QA and stated that as far as he could recall, all of the requests submitted by the current Kaiser QA, Phil Gittings, were honored. Schwiers was apprised that his statement concerning requests submitted by Gittings had been confirmed, however, the specific requests and time frame alluded to occurred at the time Bob Turner was the Kaiser QA Manager. Schwiers repeated that he believed that all requests were considered and honored. He (Schwiers) was informed that NRC had requested supporting documentation from Kaiser and believed that it was going to be provided in the near future.

Schwiers continued by stating that if there are such requests as described by NRC and responding correspondence denying the requests, they probably contain his signature. Schwiers was then questioned as to the extent of his authority as site QA Manager for CG&E in either "staffing" or denying requests for additional staff. Schwiers stated that he had "some authority" and repeated that he probably would have been the CG&E official whose name appeared on the paperwork. However, he believed that the decisions specifically addressing the described Kaiser requests were probably made in a CG&E management meeting.

Schwiers responded to questions regarding the "management meeting" by stating that he believed the attendees at the meeting were himself, supervisors from the CG&E Generation and Construction Departments and the Project Manager (Barney Culver). Schwiers added in response to questioning if any other CG&E officials were present by stating that he could not remember. Schwiers stated that he organizationally reported to Earl Borgmann, Vice President, CG&E, however, he could not recall if he was present at the meeting.

Schwiers then responded to questions concerning CG&E's QA organizational structure by stating that as the senior site QA Supervisor he reported directly to Earl Borgmann, Vice President for CG&E. Schwiers added that other departments within CG&E (Generation, Construction, Design) also reported directly to Borgmann. Schwiers stated that although he stated in the beginning of the interview that he believed Kaiser's QA/QC organization lacked independence in performing its function he could not say there was any significant difference in the QA/QC organization within CG&E.

Schwiers was repeatedly asked if he had the authority to deny staffing requests pertaining to Kaiser QA/QC at which time he (Schwiers) would continually state that "his name was probably on the paper" and he could not remember if his supervisor, Earl Borgmann, was in attendance at any meeting. Schwiers was also reluctant to state unambiguously that he had the authority to deny Kaiser QA staffing requests and would only state that the decisions were a result of CG&E management meetings.

Schwiers stated that CG&E had been conducting audits of the Kaiser QA program and that was one of the methods which disclosed QA problems. Schwiers was then questioned as to how his statement coincided with the fact that NRC Region III Inspectors had conducted a thorough inspection of the audit function of CG&E's QA program and found that there had been no audits done for extended periods of time and in some areas no audits at all. Schwiers stated he was aware of the inspection referred to, but did not have an answer regarding the violations cited by NRC pertaining to the QA audit requirements.

Schwiers was queried as to the type of contract with Kaiser. Schwiers replied that he believed it was a "cost-plus-a-fixed-fee". Schwiers added that he was not familiar with the specifics of the contract, however, he was aware that Kaiser had to get "authorizations" for contract changes from CG&E. Schwiers agreed that under the normal cost-plus-a-fixed-fee contract Kaiser would not have to have had CG&E's approval for staffing, however, he was unable to explain the contract restricts which required Kaiser to submit staffing requests to CG&E.

Schwiers explained that during his assignment as QA Manager at Zimmer he was under "tremendous pressure". When asked to elaborate Schwiers declined to comment on what type of pressure he was referring to. Schwiers concluded the interview by advising OIA that he was going to retire from CG&E in the October-November time frame. Schwiers also stated that if there were any additional requests to interview him, he was going to have to limit his responses to "yes" or "no" answers.

September 20, 1982

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(132)

Mr. Thomas Applegate
3650 Woodbridge Road
Columbus, Ohio 43220

Dear Mr. Applegate:

Your July 16, 1982, letter to Chairman Palladino containing allegations of wrongdoing on the part of the U.S. Nuclear Regulatory Commission and members of its staff has been referred to my office.

While your letter clearly sets forth the reasons for your decision to have no further dealings with the Commission and/or members of its staff, I nevertheless want to assure you that, should you change your mind in this regard, my office would assist you in remedying any legitimate complaint.

Sincerely,

Original signed by
James J. Cummings

James J. Cummings, Director
Office of Inspector and Auditor

bcc: T. Johnson, DOE
Commission (5)
W. Dircks, EDO
J. Fitzgerald, OI
L. Bickwit, OGC
G. Cunningham, ELD
C. Kammerer, CA
J. Keppler, RO III

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OIA File 81-18
OIA rdr

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OFFICE	OIA						
NAME	J. Cummings/bab						
DATE	9/20/82						

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BRITAIN RECORD
STAFF DIRECTOR
AND CHIEF
ROY JONES
ASSOCIATE STAFF DIRECTOR
LEE MCILVAIN
GENERAL COUNSEL
TIMOTHY W. GLIDDEN
REPUBLICAN COUNSEL

R III

1-Page

Dear Mr. Chairman:

In response to my request, Mr. David Gamble, a former member of the staff of the NRC Office of Inspector and Auditor (OIA), has provided the Subcommittee documents pertaining to the OIA inquiry into certain aspects of the Zimmer matter. In his cover letter, Mr. Gamble raises questions about the integrity of the OIA investigation of the adequacy of the NRC Region III investigation of Mr. Thomas Applegate's Zimmer allegations.

Of particular concern is that Mr. Gamble was directed to remove documents from the OIA offices with the result that no mention was made of these documents in the NRC response to a Freedom of Information Act (FOIA) request submitted by the Government Accountability Project (GAP). Moreover, it appears that at least one important Zimmer document which remained in the OIA files, the document summarizing the OIA interview with Mr. Harpster, was neither included in the OIA Zimmer report nor mentioned in response to the GAP FOIA request.

The withholding of such documents had the effect of placing the Zimmer situation in a more favorable light than was justified by the facts. The withholding of these documents contributed to the delay in public recognition of the true status of the Zimmer project.

Accordingly, I would appreciate your providing me the following information: (1) the reason for Mr. Gamble being directed to remove documents from the OIA offices; (2) the basis for the NRC not indicating to GAP the existence of these documents; (3) the rationale for the failure to include Mr. Harpster's interview in the OIA Zimmer report of August 7, 1981; (4) the results of any NRC inquiry into the propriety of OIA withholding Zimmer documents; and (5) an enumeration of steps taken by the Commission to insure against further acts of improper withholding of documents.

Sincerely,

Mole...
MORRIS K. HOBBS

~~835240272~~

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THOMAS APPELEGATE,

Plaintiff,

v.

NUCLEAR REGULATORY COMMISSION,

Defendant.

Civil Action No. 82-1829

NOTICE OF DISCLOSURE

This Freedom of Information Act (FOIA) lawsuit concerns Nuclear Regulatory Commission (NRC) documents related to the review of an investigative report on allegations made by plaintiff concerning the construction of the Zimmer Nuclear Power Plant in Ohio, specifically (1) four documents generated in the office of NRC Commissioner Bradford and (2) numerous documents generated in the NRC Office of Inspector and Auditor (OIA). Appended to this Notice is an Affidavit of Ronald M. Smith, OIA, dated December 23, 1982 (Exhibit A), which describes OIA's original processing of plaintiff's FOIA request and the results of subsequent reviews of that request. In sum, the NRC has conducted a new search of OIA files and contacted present and former OIA personnel involved in the OIA review of the Zimmer investigation to determine whether there were any other documents in existence subject to this FOIA request. The Smith Affidavit, notes in Paragraph 4 that several FOIA requests were submitted on plaintiff's behalf. FOIA-11-407, a request for

the OIA Report which reviewed the investigation, is described, though not expressly identified, in Paragraph 8. FOIA-81-488, a request for documents related to the OIA Report, is the subject of this litigation. FOIA-82-206, a request for documents related to subsequent NRC investigations at Zimmer, remains under review by NRC.

Document 1 (Exhibit B) is a list of documents identified as being in various OIA files before plaintiff's FOIA request was received. This list was compiled by former OIA staff investigator David Gamble in 1981. Smith Affidavit at Paragraph 6. The CIA treated this list and some of the documents from the list as personal rather than agency records at the time of the receipt of plaintiff's FOIA request. Smith Affidavit at Paragraph 9. Regardless of the merits of that position, the NRC has determined to release all NRC documents that are contained on that list. The documents listed below are being released in their entirety on this date. Others have already been released or are scheduled for release in response to a separate FOIA request submitted by plaintiff (FOIA-82-206), Smith Affidavit at paragraph 10, subject to minor deletions to protect personal privacy or an ongoing investigation. For

purposes of organization, we have subdivided the documents listed on Exhibit B into the following categories:

Documents released on this date;

Documents released or scheduled for release in response to this and other FOIA requests; and

Documents provided to NRC by plaintiff's counsel, the Government Accountability Project, which are not being redistributed.

In addition, in the course of the subsequent review of the subject FOIA request, the NRC identified a number of documents which had previously been overlooked. Smith Affidavit at Paragraph 11. Finally, several documents retained by Mr. Gamble do not appear on his list (Exhibit B) and thus appear below without the corresponding reference to the Gamble list. NRC is releasing these documents in their entirety on this date.

The NRC believes that this accounts for all CIA documents even arguably subject to plaintiff's request. On this date, NRC is providing copies of these documents to the plaintiff and placing copies in the FOIA-81-488 file maintained in NRC's Public Document Room at NRC headquarters in Washington, D.C. where they will be available for public review and inspection. The NRC only recently located the documents designated as "X" and "LL" on Mr. Gamble's list. Smith Affidavit at Paragraph 12. These documents are among

those being released on this date. The Bradford documents are not being released and are the only documents remaining in dispute in this lawsuit. See Parrish Affidavit, filed With Defendant's Motion for Protective Order, at Paragraph 3.

I. Documents released on this date

<u>No.</u>	<u>Date</u>	<u>Designation per Gamble list (Doc. No. 1) (Exhibit B)</u>	<u>Description</u>
1.	undated	--	Documents in OIA Files: list compiled by David Gamble, OIA, about October 1981 (9 pages).
2.	12/10/80	I	Note to Commissioners from James J. Cummings, Director, OIA, regarding NSFE review of Applegate allegations (1 page).
3.	12/15/80	I	Memorandum for James J. Cummings, Director, OIA, from Commissioner Ahearne requesting OIA to review the IE Investigation at Zimmer (with OIA Notations) (1 page).
4.	1/7/81	L	Memorandum for the Director, OIA, from Commissioner Ahearne regarding the Office of Special Counsel Letter of December 29, 1980 (1 page).
5.	1/19/81	N	Draft Report of Meeting between OIA and IE (2 pages).
6.	2/23/81	U	Draft Report of Interview of James F. Donahue (2 pages).

7.	3/18/81	W	Memorandum for the Commission from James A. Fitzgerald, Assistant General Counsel, regarding the jurisdiction of the MSPB over the Applegate allegations (5 pages).
8.	3/24/81	X	Note to Arthur Schnabelen from David Gamble regarding breakdown of allegations according to IE/OIA investigations (8 pages including attachments).
9.	3/30/81	Y	Draft Report of Interview of Terry Harpster (5 pages).
10.	4/6/81	Z	Draft Summary Report of Investigation (3 pages).
11.	4/6/81	--	Draft Report of Reinterview of Gerald Phillip and Kevin Ward (3 pages).
12.	4/7/81	AA	Draft Master copy of Summary of Report of Investigation (3 pages).
13.	4/7/81	SS	Draft Report of Investigation (47 pages).
14.	7/7/81	BB#1	Draft Master Copy of Report of Investigation (46 pages).
15.	7/7/81	BB#2	Draft Master Copy of Report of Investigation (37 pages).
16.	7/14/81	DD	Draft Listing of Welding Documentation (1 page).

17.	7/16/81	EE	Note to James J. Cummings and Arthur Schnebelen from John Sinclair attaching for their review a draft Review of Welding Records Report (7 pages).
18.	7/22/81	GG	Draft Review of Welding Records Report (6 pages).
19.	7/22/81	HH	Draft Review of IE Inspector's Manual (3 pages).
20.	8/10/81	LL	Note to David Gamble from John Sinclair regarding annotations (2 pages).
21.	8/19/81	NN	Note to Dudley Thompson, IL, from Arthur Schnebelen, CIA, providing a copy of the CIA Zimmer Report (1 page).
22.	9/15/81	--	Draft Memorandum for the Commissioners from James J. Cummings, Director, CIA, regarding FOIA request for the CIA Zimmer Report (2 pages).
23.	undated	CC	Pages 38-46 of Draft Master Copy of Report of Investigation (10 pages).
24.	undated	II	Final Report with interviewee's comments on reinterview (David Gamble's copy -- 45 pages).
25.	undated	OO	Draft Summary of Report of Investigation (3 pages).
26.	undated	PP	Draft Review of Weld CY 606 (1 page).

27.	undated	CC	Draft paragraph regarding OIA review of weld packages (1 page).
28.	undated	RR	Draft Review of Welding Records (2 pages).
29.	undated	TT	Draft "Details" section of Report (42 pages).
30.	undated	UU	Draft Summary of Report (3 pages).
31.	undated	VV	Draft Summary of Report (3 pages).
32.	undated	WW	Draft Summary of Report (3 pages).
33.	undated	XX	Draft Report and Transmittal Memorandum (46 pages).
34.	undated	YY	Master Copy of Final Report changed as of 8/7/81 (48 pages).
35.	undated	ZZ	Work Copy of Final Report (45 pages).
36.	undated	AAA	Handwritten Paragraph (1 page).
37.	undated	--	Draft "Background" section of Report (1 page).
38.	undated	--	Draft "Details" Report of Meeting with Region III Personnel (2 pages).
39.	undated	--	Draft segment of Report (1 page).
40.	undated	--	Draft Report of Interview of Gerald A. Phillip (12 pages).
41.	undated	--	Draft Report of Interview of Welding Inspector (2 pages).

42. undated	--	Draft Report of Interview of Charles Norelius (4 pages).
43. undated	--	Draft Report of Interview of Chief, Reactor Construction and Engineering Support Branch (1 page).
44. undated	--	Draft Report of Interview of Chief, Materials and Process Section (1 page).
45. undated	--	Draft Report of Interview of Chief, Projects Section (1 page).
46. undated	--	Draft Report of Interview of Chief, Security Section (5 pages).
47. undated	--	Draft Report of Interview of Regional Director (5 pages).
48. undated	--	Draft Report of Interview of former project inspector (5 pages).
49. undated	--	Draft Report of interview of IE investigator (4 pages).
50. undated	--	Draft Report of Interview of Terry Harpster (5 pages).
51. undated	--	Draft Review of Welding Records (1 page).

II. Documents released in response to FOIA-81-407

Designation per Cable list (Exhibit B): KK.

III. Documents previously released in response to
FOIA-81-488

Designation per Gamble list (Exhibit B): K, M, O, R, V,
JJ, MM.

IV. Documents scheduled for release in response to
FOIA-82-206

Designation per Gamble list (Exhibit B): A, A1-11, B, C, J
(w/o attachments), Q, and FF (referred to originating agency
for release determination).

V. Documents provided to NAC by plaintiff's counsel,
the Government Accountability Project, which are
not being redistributed

Designation per Gamble list (Exhibit B): D, E, F, G,
J1-13, P, P1-13, S, and T.

The following four documents remain at issue in this
lawsuit:

- (1) September 29, 1981 memorandum to Commissioner
Bradford from Legal Assistant Thomas R. Gibbon re:
Public Release of OIA Report on Zimmer. 2 pages.
- (2) October 21, 1981 memorandum to Commissioner
Bradford from Legal Assistant Thomas R. Gibbon re:
Udall letter on Zimmer, with handwritten comments.
1 page.
- (3) October 29, 1981 draft letter to Congressman Udall
with handwritten comments of Commissioner Bradford
and Thomas R. Gibbon. 2 pages.
- (4) October 30, 1981 memorandum to Chairman Palladino
from Commissioner Bradford re: Proposed Draft
Letter to Congressman Udall regarding Zimmer. 2
1 page.

NRC expects to file a dispositive motion addressing these documents within two weeks of this Notice of Disclosure.

Respectfully submitted,

John D. Bates by ZAN

JOHN D. BATES
Assistant United States Attorney

Of Counsel:

MARG E. CHOPKO

Richard A. Parrish

RICHARD A. PARRISH

Attorneys
Office of the General Counsel
Nuclear Regulatory Commission
Washington, D.C. 20555

To: Russ "Maribeto"
From: Max Gildner.
Subject: Painesville Telegraph 3/16/83 article on Applegate
Meeting about Perry.
Comment: Grab your socks 'cause here we go again!!!

Private eye blasts NRC

By JAMES E. GUYETTE
Staff Reporter

PERRY — Nuclear Regulatory Commission inspectors are "trying to catch up but it's just too late," investigator Thomas Applegate told residents who live near the Perry nuclear power plant Tuesday.

Applegate, a private investigator who uncovered abuses at the Zimmer Nuclear Power Station near Cincinnati, was asked to speak at a meeting organized by Joseph A. Besada Jr., 4346 Laburnum Drive. Besada said he organized the meeting to obtain more information about nuclear power for himself and his neighbors.

About 150 persons, including some Perry plant workers and anti-nuclear activists, attended.

Applegate told the residents they should demand a complete and impartial investigation of the Perry complex.

"Safety-related" construction was halted at the Zimmer plant after Ap-

plegate's investigation there.

Applegate declined to comment when asked if he is investigating the Perry plant.

Nuclear Regulatory Commission inspections between 1970 and 1979 were found to be lax at the Zimmer plant and others in the Midwest, Applegate said.

The NRC later tried to cover up the poor inspections in a "whitewashed" report, Applegate said. A federal court has since ordered the NRC to provide additional information on the matter.

"The NRC doesn't want to discuss what happened between 1970 and '79 because it will affect you," Applegate said.

The NRC's entire Midwestern region was found to have lax inspection techniques during that period, Applegate said. There could be undetected construction defects at the Perry plant, he added.

"They weren't effectively inspecting the quality control of these nuclear

power plants," Applegate said. "Why shouldn't Perry have suffered the same kind of problems the other (Midwestern) plants were having?"

"As far as I'm concerned a (NRC) conspiracy and cover-up existed and that conspiracy involves the Perry Nuclear Power Plant," Applegate said.

The NRC and the Cleveland Electric Illuminating Co. have maintained that the Perry plant was inspected after the Zimmer disclosures and found to be safe.

Besada said after the meeting he now has doubts about the Perry plant. "I question more and more every day, were we sold a bill of goods?" he said.

Several residents voiced concerns about safety.

"The more I learn about this the more scared I am," said a middle-aged woman who lives within a mile of the plant. "From my way of thinking it's just not safe enough — there's no way they can prove it (is safe)."

Investigator tells residents: Speak out

By JAMES E. GUYETTE
Staff Reporter

PERRY — Residents should write to their legislators if they have doubts about the safety of the Perry Nuclear Power Plant and previous Nuclear Regulatory Commission inspections there, said Thomas Applegate.

Applegate said he is seeking a Congressional investigation of the NRC similar to the scrutiny given the Environmental Protection Agency.

Residents should not rely on public officials to get the investigation under way. "You have to raise the same hue and cry (that environmentalists did),

Don't be gullible — let these people know you are concerned," Applegate said.

A top official of the NRC, James Cummings, ordered a coverup of the agency's poor inspections of Midwestern nuclear power plants during the 1970s, Applegate said. He added that those poor inspections could mean there are undetected problems at Perry.

Applegate and the Government Accountability Project are using the NRC to get the inspection information released to the public.

A Congressional investigation of the NRC would get to the bottom of the matter and perhaps lead to a

reorganization of the agency, Applegate said. "You will hear a lot about Mr. James Cummings," he said. "James Cummings equals Rita Levell at the EPA."

Reps. John Dingie, D-Mich., and Morris Udall, D-Ariz., should also be contacted in addition to Ohio congressmen and state legislators, Applegate said. Udall chairs a subcommittee that dealt with the Zimmer situation, and Dingie led the investigation of the EPA. Both are considering an investigation of the NRC, he said.

NRC chief in hot seat on Zimmer documents

By James Lawless

The hot potato which critics say proves that the Nuclear Regulatory Commission suppressed documents in its investigation of the Zimmer nuclear power plant has been dropped in the lap of the NRC chairman.

Former NRC investigator David Gamble wrote Rep. Morris K. Udall, D-Ariz., chairman of the House Interior Committee, that he was ordered in 1981 to take home documents which had been part of the investigation so critics would not get them.

Udall told NRC Chairman Nunzio Palladino that withholding those documents made the problems at Zimmer look less serious than the facts eventually showed.

He asked Palladino a series of questions, including why Gamble was ordered to remove documents from the offices.

NRC spokesman Joseph Fouchard would not speculate when the commission would respond to Udall's questions.

The \$1.7 billion plant, which is being built by the Cincinnati Gas & Electric Co. in Moscow, O., near Cincinnati, was closed by NRC

last month because of continuing construction problems.

"There is no question that David Gamble took the documents home and suppressed them under the Freedom of Information Act," said Lynne Bernabei, a lawyer with the Government Accountability Project (GAP). GAP is a non-profit Washington-based group which protects whistleblowers.

Terry Harpster, a former NRC investigator, tried unsuccessfully in late 1978 to get action on what he considered serious problems at Zimmer. Gamble's interview of Harpster was one of the documents he said he took home.

The GAP had requested all information about NRC investigations of Zimmer, but had not gotten the Harpster interview, among other things.

However, the interview had been leaked to GAP. Prompted by information from the interview, The Plain Dealer raised the question of suppression of documents in stories last August. NRC denied then that documents were suppressed.

NRC conducted two investigations into questionable practices at Zimmer. GAP maintained pressure on NRC, and eventually NRC made a more thorough investigation, which resulted last year in a \$200,000 fine being levied against CG&E for falsifying documents, poor quality control and harassment and intimidation of quality control workers.

"Harpster showed that in 1979 the situation at Zimmer was out of control," Bernabei said. "And it (Harpster's criticisms) undercut the NRC argument that CG&E didn't know what was going on."

"NRC was not very interested in doing anything about it. There were internal tensions between elements of the agency, and overall it was rushing to license the plant. That overlooked the real mechanical problems," Bernabei said.

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WASHINGTON 5 2 2000

Front	Back	Other
Page	Page	Page

CLEVELAND, OHIO

PLAIN DEALER

1987

MORNING - 331,543

SUNDAY - 453,223

CINCINNATI, OHIO
POST

EVENING - 190.303

NOV 10 1981

Zimmer problems 'hidden'

By Ron Liebow
Post Staff Reporter

Information about construction problems at the William H. Zimmer Nuclear Power Station was improperly kept from the public by the Nuclear Regulatory Commission, according to Rep. Morris K. Udall, D-Arizona.

Udall, chairman of the House Interior Committee, has asked NRC Chairman Nunzio Palladino for a full explanation of why information was deleted from an Aug. 7, 1981, report by the NRC's Office of Inspector and Auditor and denied in requests under the Freedom of Information Act.

THE REPORT by the Office of Inspector and Auditor agreed with the contention by Thomas W. Applegate, a former private detective working undercover at Zimmer, that an earlier NRC investigation into Applegate's allegations of Zimmer safety problems was inadequate.

Udall said in a letter to Palladino that a former OIA inspector, David Gamble, has informed him he was ordered by a supervisor to remove documents

about the Zimmer station from agency files to avoid turning them over to the Government Accountability Project.

Gamble's statement and supporting evidence "raises questions about the integrity of the OIA investigation," said Udall.

GAP, a leading Zimmer and NRC critic, had asked the NRC on Nov. 23, 1981, for all notes, memos, telephone logs, tapes, diaries and other records pertaining to the Aug. 7 investigation in a Freedom of Information Act request.

When the NRC did not provide everything GAP asked for, GAP filed suit June 30, 1982, in Federal District Court in the District of Columbia charging that NRC illegally withheld information.

IT APPEARS at least one document, an Office of Inspector and Audit interview on March 6, 1981 with Terry Harpster, a former NRC inspector at Zimmer from 1977 to 1979, was not included in the report nor released to GAP, said Udall.

The interview, since made public, quoted Harpster as say-

ing the NRC and Cincinnati Gas & Electric Co. ignored his complaints about quality assurance problems at Zimmer as early as 1978.

"The withholding of such documents had the effect of placing the Zimmer situation in a more favorable light than was justified by the facts," said Udall.

That led to a delay in public recognition of the serious problems at Zimmer, he added.

Udall has asked Palladino to find out why Gamble was ordered to remove documents, why NRC told GAP the documents did not exist, why the Harpster interview was not included in the Aug. 7 report, how the NRC could justify those actions and what steps will be taken to guard against repeated actions.

Joe Fouchard, NRC spokesman, said today the commission will investigate Udall's allegations.

On Nov. 12, the NRC ordered a halt to all safety-related construction at Zimmer because of deficiencies in the quality assurance program.

No one wants to see the government let \$1.1 billion go down the drain, but neither should another \$3.6 billion be spent uselessly. And that's what continuation would do.

The General Accounting Office, the congressional research

Furthermore, nuclear energy technologies have advanced far beyond the technology used at Clinch River. The reactor is outdated already.

Congress would be foolhardy to provide further funding for this project.

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82-157
81-488
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December 10, 1982

CONGRESSMAN ACCUSES NRC OF ZIMMER COVER-UP

WASHINGTON—The Nuclear Regulatory Commission (NRC) misled the public on the extent of construction problems at Zimmer Nuclear Power Station near Cincinnati by improperly squelching NRC documents critical of Zimmer, says Rep. Morris Udall.

Udall, chairman of the House Interior Committee, charged in a letter to NRC chairman Nunzio Palladino that key information on Zimmer quality breakdowns and NRC inspection deficiencies was deleted from a 1981 report by the NRC's Office of Inspector and Auditor (OIA).

The Arizona Democrat further charged that OIA ordered inspectors to purge the deleted material from their files so that the information would not have to be turned over to Zimmer critics under the Freedom of Information Act.

Udall, who has spearheaded an Interior Committee probe of Zimmer, said the NRC's attempt to withhold the material from the public "raises questions about the integrity" of the agency's investigation of Zimmer.

"The withholding of such documents had the effect of placing the Zimmer situation in a more favorable light than was justified by the facts... (and) contributed to the delay in public recognition of the true status of the Zimmer project" Udall said.

NRC spokesman Joseph Fouchard declined comment on the charges except to say that the commission "will look into the matters raised by Congressman Udall and respond as soon as possible."

The NRC last month shut down construction of the plant after the NRC staff reported serious deficiencies in quality control. Zimmer is being built by Cincinnati Gas & Electric Co. and two other Ohio utilities.

Udall based his charges on a letter to his committee from David Gamble, a former OIA inspector who played a major role in the 1981 investigation.

The OIA investigation was ordered after the NRC was accused of glossing over charges of construction deficiencies made by Thomas Applegate, a local private investigator.

In his letter to Udall, Gamble said OIA investigators found serious deficiencies in the NRC's overall investigative program, as well as specific problems at Zimmer.

But he said the draft report submitted by the staff was cut and rewritten by OIA management "so that it no longer described the scope of the OIA's investigation... The rewritten summary of the final report leads the reader to believe that OIA had only performed a limited investigation of ineptness by NRC employees, when the scope had actually been broader."

Gamble also complained that OIA investigators were forced by their supervisors to review the draft report with NRC officials who were subjects of the OIA investigation. He said the report was later changed to accommodate the concerns of those officials.

Gamble said he was ordered by OIA management to remove documents from his files in late 1981 after the Government Accountability Project (GAP), a leading Zimmer critic, filed a Freedom of Information Act request for all OIA material that had been deleted from the final report.

"My supervisor asked me if I had any records subject to the request" Gamble said. "When I replied that the file cabinet in my office contained

December 10, 1982

-2-

a number of drafts and material that had been deleted from the final report I was directed to remove these documents from OIA Offices. OIA's response to GAP's Freedom of Information request made no mention of these documents."

Gamble said he has kept the material he removed from his files, and recently provided copies to the NRC's general counsel.

Udall and Gamble expressed particular concern about the OIA's decision to delete entirely from its final report a 1981 interview with Terry Harpster, who was an NRC inspector at Zimmer from 1977 to 1979.

In the deleted interview, which has been obtained independently by Gannett News Service, Harpster told Gamble that quality assurance was "out of control" when he arrived at Zimmer.

He said CG&E had "little

Another page to follow

Continued from Page A1

appreciation for the resources needed for the plant," and that the utility barely met minimum staffing requirements.

Harpster said that "many plant personnel felt a nuclear plant was similar to the operation of a fossil fuel plant," according to Gamble's account of the interview.

Harpster said he tried to draw attention to the quality control problems at Zimmer, but was consistently resisted by CG&E and the NRC.

He told Gamble there were "a lot of 'tough guys' working at the plant and the situation got worse when they were drinking...one assistant manager was afraid to tour the plant because of the convicted felons working out there."

Harpster sharply criticized the NRC's inspection system, saying it left inspectors too dependent on the utilities for information and under heavy pressure to move construction along to keep costs down.

In his letter to Palladino, ~~Mx~~ Udall asked that the NRC provide its reasoning for the deleting of the Harpster interview from the OIA, and for directing Gamble to remove his files from the office.

Udall also requested "an enumeration of steps taken by the Commission to insure against further acts of improper withholding of documents."

Congressman Accuses NRC

BY DAVID SHAPIRO
Gannett News Service

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BUT HE said the draft report submitted by the staff was cut and rewritten by OIA management "so that it no longer described the scope of the OIA's investigation.... The rewritten summary of the final report leads the reader to believe that OIA had only performed a limited investi-

A GANNETT NEWSPAPER

Of Zimmer Cover-Up

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HE SAID CG&E had "little ap-
(See ZIMMER, Page A-8)



REP. MORRIS UDALL
... CRITIC OF NRC

April 15, 1983

134
146

MEMORANDUM FOR: Chairman Palladino
Commissioner Gilinsky
Commissioner Ahearne
Commissioner Roberts
Commissioner Asselstine

FROM: James J. Cummings, Director
Office of Inspector and Auditor *James J. Cummings*

SUBJECT: RESPONSE TO THOMAS APPLGATE'S CONCERNS

Reference is made to a November 16, 1982, memorandum from Deputy General Counsel Martin Malsch to Chairman Palladino summarizing the results of an interview with Thomas Applegate, and two attorneys representing Applegate, Lynne Bernabei and Thomas Devine. The interview was conducted by Malsch and OGC Attorney Rick Levi and was based on an August 16, 1982, letter from Applegate to Chairman Palladino concerning the Office of Inspector and Auditor's (OIA) performance in the Zimmer matter. It should be noted that I have not seen either Applegate's August 16, 1982, letter or the report of interview prepared by the OGC attorneys. As a result, this memorandum is based solely on the November 16, 1982, OGC summary of the interview.

Prior to specifically responding to Mr. Applegate's concerns I feel it is necessary to point out that Mr. Applegate, through his attorneys, filed a suit against the NRC on June 30, 1982. However, as late as November 16, 1982, the NRC continues to readily entertain Mr. Applegate's and his attorneys' views of OIA's and NRC's performance on the Zimmer matter without acknowledging, or appreciating the potential motives of a party-opponent in a pending law suit. At a minimum, I think the NRC should give pause to remember that OIA is responding to concerns being expressed by NRC's legal adversary in a pending law suit.

Following are my responses to Applegate's concerns:

1. Cummings failed to appreciate the seriousness of Applegate's concerns and brushed Applegate off.

Attachment 1 is my previous response on this issue which I provided to the Commission on August 6, 1981. In sum, I did not "brush off" Mr. Applegate, but rather agreed to look at his written investigative reports regarding Zimmer. He chose not to send his reports to me but to call the Chairman with his concerns.

It should be noted that within two weeks of Mr. Applegate coming forward with his allegations to the NRC he was personally interviewed by representatives of the NRC. A personal interview within two weeks of

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making an allegation is neither untimely nor unresponsive. In my view the NRC was very prompt in responding to Mr. Applegate's allegations. He was neither "brushed off" by the NRC nor by me.

2. OIA failed to monitor adequately IE's second investigation at Zimmer to ensure that all relevant evidence appeared in IE's report. Indeed, OIA had evidence showing that Cincinnati Gas and Electric (CG&E) management knew of the problems at Zimmer but OIA did not provide this evidence to IE until IE's report was almost completed. IE's report failed to reflect that evidence and OIA knew that NRC's public statements regarding the lack of CG&E management involvement were false or misleading;

It was not OIA's function to monitor, control, or supervise the Office of Inspection and Enforcement's (IE) investigations. The investigations of construction defects at the Zimmer plant in 1980 and 1981 were clearly within the functional responsibilities of IE and Regional authorities. To my knowledge, there has never been any dispute that the initial investigation at Zimmer, based on Applegate's allegations, the second investigation at Zimmer, and subsequent corrective actions taken by Region III were the responsibilities of IE, Region III, and the Executive Director for Operations. Initially, OIA's role at Zimmer was to assess IE's performance in the investigation of Applegate's allegations. It was not to assess the quality of construction at Zimmer.

In approximately May through July 1981, OIA independently initiated an investigation at the Zimmer plant which focused on the criminal implications of construction activities at the Zimmer plant. The investigation included interviews of CG&E management officials. Additionally, the investigation was conducted with the full knowledge of the U.S. Attorney, Cincinnati, Ohio, Region III, and NRC Headquarters.

The information obtained during the OIA investigation was conveyed to senior IE officials in a meeting on September 16, 1981. During the meeting, OIA fully disclosed its investigation to IE officials with a view toward ensuring safety related information was made available to IE for whatever purpose they deemed appropriate. In sum, OIA did not possess any information which had been obtained during its investigation which was not readily made available to IE.

3. IE and Applegate established ground rules for conducting IE's second investigation, such as interviewing all witnesses under oath, but these ground rules were not followed and OIA, in its review function and in its cooperation with IE, should have seen that they were;

OIA is not aware of any "ground rules" between IE and Mr. Applegate as to the conduct of IE's second investigation. Moreover, OIA questions the propriety of Mr. Applegate imposing performance guidelines and investigative objectives for NRC personnel. Even if "ground rules" had been established, it clearly was not OIA's responsibility to see that they were followed. OIA was not responsible for managing IE's investigation at Zimmer.

? forwarded
by memo
of Nov 18
40 Harpater
(not until
June '82)

4. OIA improperly suspended its investigation of wrongdoing at Zimmer and requested the U.S. Attorney to halt his criminal investigation because of a concern that the IE safety investigation would be impeded even though IE had, in fact, stopped its active investigation, thus allowing the subject of the investigation to continue its practices and to cover its tracks. However, there were no allegations that OIA withheld information from the U.S. Attorney's office;

The issue of OIA suspending its criminal investigation at Zimmer is clearly documented in letters between Patrick Hanley, Chief, Special Prosecutions Unit, in the U.S. Attorney's Office, Cincinnati and myself in September 1981 (see Attachments 2 and 3). Briefly, it was Mr. Hanley, in his September 9, 1981, letter, who recommended that no criminal investigation begin until the civil investigation is complete. My September 17, 1981, response to Mr. Hanley stated that OIA already had a criminal investigation underway under an agreement with the Department of Justice and the U.S. Attorney's Office, Cincinnati, Ohio. I further advised Mr. Hanley that because IE was at that time planning to complete their investigation within a short timeframe and in deference to his point of view, OIA would discontinue its criminal investigation until the civil investigation was completed.

One further point should be made. The criminal investigation at Zimmer is presently going forward and testimony is being taken by a Federal Grand Jury in Cincinnati. While Mr. Applegate and his attorneys may disagree with NRC decisions with regard to the conduct of the criminal investigation, the matter is going forward in an orderly and proper manner.

5. IE diverted resources to investigate Applegate (Applegate stated that he had a personal feeling that OIA might have had an influence here but that he had no support for this feeling);

OIA is not aware that IE investigated Mr. Applegate. As to his feelings that OIA had some influence on this matter, OIA denies this allegation. Additionally, Mr. Applegate's concern on this issue is truly indicative of the position in which OIA now finds itself. I am sure Applegate and his attorneys have strong personal feelings about a lot of things with regard to Zimmer, however, I believe the degree of certainty and belief required in making such allegations should be substantially more than "feelings". Unfortunately, OIA must respond and justify its conduct and behavior based on such unfounded and personal beliefs.

6. The OIA report was improperly edited to delete critical information regarding CG&E management involvement and possibly also to delete comments that were critical of IE.

Information deleted or edited out of the original OIA report of the IE investigation at Zimmer was accomplished with a view toward fashioning a precise report which addressed the scope of the assignment as requested:

by Chairman Ahearne at the time. OIA did not have an improper motive in editing the report. OIA attempted to clearly focus the report on the assignment that was to be accomplished. In sum, what was done with regard to editing the OIA report was nothing more than what every drafter of Government correspondence has done at some point; revise a draft report to assure that it is a factually correct and professionally prepared product which clearly addresses the issues.

In early August 1981, OIA concluded that the overall IE investigation of Applegate's allegations was unsatisfactory. The basis for that finding was, among other things, that:

- the investigation failed to determine the correct status and history of several welds;
- the overall investigative effort was neither vigorous nor sufficiently broad in scope;
- the finding of "non substantiated" with regard to the allegation that defective welds in safety-related systems had been accepted is not consistent with the facts.

These findings are clear and unambiguous and, by any standard, the language is hardly that which would be used if OIA's objectives were to put either the NRC or CG&E in a favorable light.

On its own initiative OIA brought potential criminal issues involving construction of the Zimmer plant to the Department of Justice's (DOJ) attention in May 1981. This too is hardly the action which would be taken by an office that was interested in placing the Zimmer project in a more favorable light or trying to delay public recognition of the alleged wrongdoing at the Zimmer site.

In conclusion and from OIA's vantage point, I would also note that the Zimmer situation is in a posture which is commensurate with the conditions that have, to this point, been identified by the NRC. Construction activity has been halted and heavy penalties have been assessed. Additionally, a Federal Grand Jury is currently looking into this matter.

Attachments:
As stated.

AUG 6 1981

MEMORANDUM FOR: Chairman Palladino
Commissioner Gilinsky
Commissioner Bradford
Commissioner Ahearne
Commissioner Roberts

FROM: James J. Cummings, Director
Office of Inspector and Auditor

SUBJECT: OIA SPECIAL INQUIRY RE ADEQUACY OF IE INVESTIGATION
50-358/80-09 AT THE WILLIAM H. ZIMMER NUCLEAR POWER
STATION

Mr. Applegate's allegations with respect to my actions in this matter
are as follows:

Page 16 of original GAP Petition

"For instance, Phillip stated that the NRC became aware of the
allegations against Zimmer after Applegate called on February 28.
On that date, Applegate called NRC Chairman Ahearne. In fact,
however, the process had begun two weeks earlier on February 15,
when Applegate called Inspection and Audit Director James Cummings
to lodge his claims. Mr. Applegate called Cummings several more
times before giving up in frustration and contacting the Chairman.
The relevant telephone bill for Mr. Applegate's residence is attached
as Exhibit 5.) Mr. Cummings received information which he apparently
sat on."

Phillip Interview

"Senator Glenn's office provided him with the name of James Cummings,
Director, OIA, NRC. Phillip then explained that Applegate claimed
he contacted Cummings by telephone and related the information
concerning the problems at the Zimmer site. Applegate also related
to Phillip that he (Applegate) became frustrated with Cummings as a
result of several telephone conversations with Cummings which culminated
with Cummings' requesting that Applegate provide "something in
writing" compiling the allegations. Phillip stated that Applegate
thought about the request over a weekend and became angry. According
to Phillip, Applegate stated that he was upset about the request
because he (Applegate) had been incurring personal expenditures to

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bring the information to someone's attention and now he was requested to do more. Applegate said he then called Chairman Ahearne's office who apparently referred the matter to IE."

In view of the above, I think it appropriate for me to provide, for the record, my best recollection of the situation.

On February 19, 1981, Mr. Applegate called my office, spoke to my secretary, and asked that I return his call. After several telephone attempts by both Mr. Applegate and myself, we finally spoke two or three days later. My best recollection of the highlights of this conversation is as follows:

- Because of his investigation of the Zimmer Plant, he feared for his life and wanted me to provide for his transportation from Cincinnati, Ohio, to Washington, D.C., and to also provide for his protective custody.
- Applegate had been to both the Cincinnati FBI and the Cincinnati U.S. Attorney's office and had not received a satisfactory solution from these offices of his problem.
- He had currently locked himself in his home and was afraid to go outside because of the investigative reports he had written. He reasoned that if he could give these reports to someone in the Federal Government, then the pressure would be off him, i.e., they would be out of his control and that being the case he could go about his business with less fear.
- Applegate did not trust NRC and would definitely not deal with the NRC Regional Office.

I told Applegate that I could not provide either the transportation or protective custody that he sought, but that I would be happy to receive his written investigative reports regarding the Zimmer Plant. Applegate told me that my having a copy of his reports might solve his problems, but that he would have to think about it over the weekend and let me know of his decision.

After talking to Applegate I called the Cincinnati FBI office and verified that Applegate had been to their office seeking protective custody. The agent to whom I spoke characterized Mr. Applegate as apparently totally sane.

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Several days later, exact date not recalled, probably about February 25 or 26, Applegate again called my office, but I was not in the office to receive his call. He called again that same day and again I was not in to receive his call. During the course of his conversation with my secretary, during the second call, he asked for the name of my supervisor. My secretary provided this information to Applegate and then called former Chairman Ahearne's secretary alerting her that I would be away from the office all day and she might expect a call from Applegate. The next morning I was contacted by one of former Chairman Ahearne's staff and told that he had spoken to Applegate and had referred him to the Office of Inspection and Enforcement (IE). That same day I was subsequently contacted by Bill Ward, IE, who told me that he had spoken to Applegate and that Applegate had agreed to meet with Headquarters IE staff in Cincinnati in the next few days. In view of this arrangement I did not recontact Applegate.

Distribution:

OIA
OIA Reading
JCummings

OFFICE	OIA:						
SURNAME	JCummings:jw						
DATE	7/31/81						

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September 17, 1981

Mr. Patrick J. Hanley, Chief
Special Prosecutions Unit
Assistant U. S. Attorney
U. S. Department of Justice
Southern District of Ohio
220 U.S. Post Office & Courthouse
Cincinnati, Ohio 45202

Dear Mr. Hanley:

I have received your September 9, 1981, letter relative to the Zimmer matter. Thank you for your prompt response.

For your information I am enclosing a May 26, 1981, letter from the Department of Justice which, I believe, is relative to the question of parallel proceedings. Several conference calls were held on this subject in April and May 1981 between my office, Dave Everett, the Department of Justice, and representatives of the U.S. Attorney's Office, Cincinnati, Ohio. As a result of these interchanges, it was my clear understanding that my office was free to proceed with its inquiry into the possible criminal aspects of this matter and accordingly this investigation was initiated. I am aware of Dave Everett's point of view in this matter - however, I do not share that point of view nor to my knowledge does the Department of Justice.

In my mind any lengthy delay or postponement in instituting the criminal investigation process has the clear potential of being detrimental to the success of the investigation and is generally not warranted in order to avoid any "problems" associated with parallel proceedings.

With specific regard to this case my understanding is that the Office of Inspection and Enforcement will complete its investigative field work very shortly, possibly no later than December or January. In view of this short time frame and in deference to your point of view this office

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ATTACHMENT

Mr. Patrick J. Hanley

will discontinue its criminal investigation of this matter until such time as the civil investigation is completed.

Sincerely,

Original signed by
James J. Cummings

James J. Cummings, Director
Office of Inspector and Auditor

Enclosure:
Ltr fm Greenspun to
Cummings dtd 5/26/81

cc: Julian Greenspun
David Everett

bcc: V. Stello, w/cy ltr fm Hanley
H. Shapar, w/cy ltr fm Hanley
D. Thompson, w/cy ltr fm Hanley
J. Fitzgerald, w/cy ltr fm Hanley

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