

# GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies

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U.S. NRC

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1983 NOV - 1 9 30  
October 28, 1983

OFFICE OF INVESTIGATIONS  
HEADQUARTERS

No action required.

TAREhm 10/31/83

Ref. EDO 13637

Stello

Dircks

Roe

Rehm

DeYoung

GCunningham

O'Reilly, RII

Hayes, 01

Mr. William J. Dircks  
Executive Director for Operations  
United States  
Nuclear Regulatory Commission  
Washington, D.C. 20555

*Copy for  
William  
he will be  
for will be  
him on  
case*

Dear Mr. Dircks:

On October 24 you responded to an October 6 letter which the Government Accountability Project (GAP) wrote to the Chairman of the Commission on behalf of current and former workers at the Catawba nuclear facility in South Carolina. Your response indicates a number of misperceptions which hopefully will be clarified by this letter.

My request to Chairman Pall dino was for an Office of Investigations investigator to conduct or supervise the investigation of allegations about and evidence of violations of the Atomic Energy Reorganization Act, including but not limited to deliberate subversion of EDO CFR Appendix B by Duke Management, harassment and intimidation of quality control inspectors, an institutionalized practice of construction and Quality Control supervision verbally overriding reported non-conforming conditions (NCI's), a breakdown in the design control system, and worker information about falsification of records, destruction of documents, cheating on qualification tests, direct interference with workers' contacts to the Commission, substitution of unauthorized procedures for correct construction corrective actions in order to meet cost and construction deadlines, and numerous specific hardware concerns which impugn the overall integrity of the construction of the Catawba facility.

These concerns are not mine, as you indicated throughout your letter, but rather the concerns of dozens of nuclear workers from the Catawba facility. Some of these workers have agreed to provide information to the NRC for an investigation and/or inspection at the urging of GAP; however, the greatest majority of workers we have talked to are not interested in providing information to the NRC. Their perception, as indicated in my letters, is that "all roads lead back to Duke."

Your letter indicates, somewhat argumentatively, that you have "no comparable hesitancy in vouching for the integrity of Region II with regard to their pursuit of safety-related issues or in taking proper and appropriate steps to provide confidentiality." That position was fortified recently by the merit bonus given to the Region II director.

Mr. Dircks, I understand that my request to the Commission for a special investigator placed you in a difficult position. As the responsible supervisor for Mr. O'Reilly and his staff I empathize with your need to be loyal to your employees when their integrity and credibility is under attack, as Region II clearly is in this matter. That is precisely one of the reasons that I initially pursued an informal series of meetings with the NRC since the spring of last year.

Unfortunately the rapidly deteriorating state of affairs at Catawba and the failure of the NRC to take any action until completion of an Office of Inspector and Auditor

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(OIA) investigation left me no options but to formally request specific relief. However, clearly understand that there is nothing in the 2.206 request which was not either explained to or historically available to members of your staff, OI management, or OIA investigators. Your staff chose to put the burden of proof of construction flaws, a QA breakdown, and deliberate Duke violations on GAP - an organization with technical and investigative resources incomparable to the NRC's. Your staff chose to ignore or postpone dealing with company information which became available through discovery in the Atomic Safety and Licensing Board hearings. Your staff chose to ignore the informal communications about the worsening situation at Catawba, in favor of the "ostrich syndrome" which caused these problems in the first place.

I hope that the briefing you requested on the background of the 2.206 request and the October 6 letter included the fact that the first meeting I requested with the Commission was with you - personally, and that that request was made at the urging of a Congressional aide who believed that your office would recognize the need for immediate appropriate action.

Your letter implies that GAP has become a bottleneck to information about Catawba getting to the NRC from Duke, and I am deeply distressed by that perception.

GAP has always and will always urge workers who have concerns they wish to be investigated to go to the NRC. Two weeks ago, in fact, GAP mailed a letter to over 300 QC/QA inspectors to insure that they knew (1) their rights for protection from reprisals and harassment, (2) their avenues of redress, and (3) the importance of giving information to the NRC. I have included a copy of that letter for you. As you can see I encourage workers to go to the NRC first - as I do in all of my investigations. Ironically, the focus of your letter seems to be my responsibility to pass on information to workers in contact with me about the Atomic Energy Act and the DOL provisions and to urge them to come forward so their information "can be promptly evaluated and ... corrective action initiated."

These statements reveal either a total misunderstanding of the Catawba situation, or a hopeless naivete about the agency inspection/investigation process.

To summarize, the workers at the Catawba site have been trying since at least December 1980 to get the NRC to investigate substantive charges of harassment and intimidation, violations of company construction and quality assurance procedures, and faulty workmanship. The NRC has consistently turned those charges back to Duke and left the workers to fare the best they could. To expect or even imply that I can or should somehow convince them to now trust the same inspectors or investigators that have let them down consistently is ludicrous. That is why I requested the Chairman to take unusual and exceptional action to provide an investigation team which I can honestly represent to these workers as credible and sincerely interested in the pursuit of the real Catawba problems.

Your language to defend your staff is understandable, but the issues of concern to me are (1) the as-built condition of the Catawba plant, and (2) the removal of an atmosphere of fear and harassment from the site. I am interested in moving as quickly as possible through our own investigation and then on to cooperate with yours. However, let there be no misunderstanding that (1) the bottleneck for the information you wish me to provide has been Region II, (2) that this information could have and should have been investigated by the NRC years ago, and (3) as a result of the agency's continuous foot-dragging the workers have lost total confidence in the agency as either capable or willing to investigate Duke Power Company.

I suggest that you personally review the documentation available to the NRC in detail before you are so quick to defend your staff and ignore the substantial problem facing your agency.

Catasta is 85% complete and Duke is rushing toward a license in a few months.  
The plant has a prima facie quality assurance breakdown, and the as-built condition is indeterminate.

Respectfully,

Billie Pirner Garde

Billie Pirner Garde  
Director, Citizens Clinic

One of these days - someone will challenge  
that we (OI) opened our investigators because  
of the memo - We didn't even get this  
memo until after the decision was  
made & notice was sent to NRR for  
possible BN.

Billie Pirner Garde  
Nov 1, 1983