



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555
April 12, 1985

Docket Nos. 50-329
and 50-330

MEMORANDUM FOR: Hugh L. Thompson, Jr., Director
Division of Licensing

THRU: Thomas M. Novak, Assistant Director
for Licensing
Division of Licensing

Elinor G. Adensam, Chief
Licensing Branch No. 4
Division of Licensing

FROM: Darl S. Hood, Project Manager
Licensing Branch No. 4
Division of Licensing

SUBJECT: RECOMMENDATION FOR SUPPLEMENTAL BOARD NOTIFICATION REGARDING
GAP LETTER ON NRC's HANDLING OF E. KENT ALLEGATIONS - MIDLAND
PLANT, UNITS 1 & 2

The enclosed letter of March 6, 1985, from Ms. B. Garde asks the Commissioners to appoint a member of the ASLB to review, investigate and issue findings about the NRC staff's handling of the allegations of Mr. Earl Kent. Mr. Kent's allegations are the subject of contentions by Ms. M. Sinclair which have been admitted, but not yet litigated, in the Midland OL hearing. The letter and its several attachments are supplemental to previous Board Notifications 82-117 and 83-102.

I recommend that the Midland ASLB be advised of this information according to the procedures of Office Letter 19.

Darl Hood
Darl S. Hood, Project Manager
Licensing Branch No. 4
Division of Licensing

Enclosure:
As stated

Contact:
D. Hood
#28408

*Agree please prepare a BN for my signature
addressed to Commissioners with cc to Midland ASLB.
Assign BN# 85-045*

*OK RAS
4/23/85*

APPROVED

Frank J. Muzale
for H. Thompson



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

DRAFT

Docket Nos: 50-329 OM, OL
50-330 OM, OL

MEMORANDUM FOR: Chairman Palladino
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Commissioner Zech

FROM: Hugh L. Thompson, Jr., Director
Division of Licensing

SUBJECT: SUPPLEMENTAL BOARD NOTIFICATION REGARDING WELDING-RELATED
ALLEGATIONS AT MIDLAND 1 AND 2 (BN 85-045)

This supplemental Notification is provided directly to the Commission in accordance with NRC procedures regarding Board Notifications. The information is deemed material and relevant to issues before the Board in the Midland OL hearing. The appropriate Boards and parties are being informed by copy of this memorandum.

In Enclosure 1 dated March 6, 1985, Ms. B. Garde asks the Commissioners to appoint a member of the ASLB to review, investigate and issue findings about the NRC staff's handling of the allegations of Mr. Earl Kent. Mr. Kent's allegations are the subject of contentions by Ms. M. Sinclair which have been admitted, but not yet litigated, in the Midland OL hearing. The letter and its several attachments are supplemental to previous Board Notifications 82-117 and 83-102.

The staff notes that the Board and hearing parties are on the service list for direct receipt of Mr. C. Norelius' March 22, 1985, letter (Enclosure 2) to Consumers Power Company. That letter forwards a report by our contractor, Brookhaven National Laboratory, addressing Mr. Kent's allegations. It also sets forth the NRC's plans for resolution of these allegations relative to the Midland Plant.

Hugh L. Thompson, Jr., Director
Division of Licensing

Enclosures:
As stated

cc: SECY (2)
OPE
OGC
EDO
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ACRS (10)

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GOVERNMENT ACCOUNTABILITY PROJECT

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March 6, 1985

Chairman Nunzio Palladino
Commissioner Thomas Roberts
Commissioner James Asselstine
Commissioner Frederick Bernthal
Commissioner Lando Zech
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Commissioners:

The Government Accountability Project regretfully requests that the Commissioners appoint a member of the Atomic Safety and Licensing Board (ASLB) to review, investigate and issue findings about the Nuclear Regulatory Commission Staff's handling of the allegations of Mr. E. Earl Kent.

We request this procedure because, frankly, the system established by your agency to protect the public's health and safety has failed for three years. And, it continues to fail to provide adequate responses to the questions raised by Mr. Kent as well as those raised by the public about the NRC's gross bungling of this matter.

Mr. Kent's experience with your agency has involved inspections by two Regions, the Office of Nuclear Reactor Regulation (NRR), the Office of Investigations (OI), the Office of Inspector and Auditor (OIA), and now the Brookhaven National Laboratories (BNL). Yet, his concerns about the generic welding procedure deficiencies remain unanswered.

If the OIA and BNL investigations had been competent and thorough, our request would not be necessary. Unfortunately, the OIA report is sophomoric, self-serving and short-sighted. The BNL report, although not yet publicly issued, is, allegedly, a regurgitation of the same flawed analysis that has plagued this inspection and investigation from the outset.

This request is not filed under 10 C.F.R. 2.206. The Staff, through its numerous branches, has had many opportunities to address Mr. Kent's allegations and/or the inadequacies of the agency's inspection efforts. Instead, we request the

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Commission exercise its authority and appoint a judicial proceeding, conducted by the agency's adjudicatory branch.

Background

Three years ago, in March 1982, E. Earl Kent was fired from his job as a Bechtel Quality Engineer at the now-defunct Midland nuclear power plant. He was told that he was being terminated because he could not adjust to the way things were being done at Midland. He was also told by his Bechtel supervisors that he had failed the oral part of a Level I examination. Mr. Kent knew then, as he knows now, that he was fired from the Midland site because he found and reported too many serious problems with the welds, the qualifications of the welders, the welding techniques and procedures, and the quality of the plant.

Mr. Kent immediately reported his concerns to the NRC through Region III inspectors. Soon thereafter, he also reported his concerns to a local citizen intervenor. In July 1982, he submitted, through the Government Accountability Project (GAP), an affidavit outlining his concerns about the Midland welding defects.

In August 1982, Mr. Kent visited Region III to check on the status of the investigation into his concerns. Region III had nothing to report to him. They did not tell him that, at that time, Region III had already decided that his concerns were of no safety significance.

In early September, after he (Mr. Kent) decided to contact Southern California Edison (SCE), the owner of San Onofre Nuclear Generating Station (SONGS), and tell them, as opposed to telling the NRC or Bechtel, about the generic welding procedure deficiencies, his allegations were dismissed almost immediately by SCE. However, they were duly reported to the Region V NRC office. The NRC accepted the disposition of Bechtel and SCE without comment.

Mr. Kent then contacted the local citizen intervenor group in California, the Alliance for Survival (Alliance), and told them of his concerns, and his frustrations about the failure of the NRC and SCE to study his safety concerns about defective Bechtel welding procedures.

The Alliance put Mr. Kent in contact with a Los Angeles Times reporter, Mr. John Odell. In October, Mr. Odell began calling the NRC and SCE and Bechtel to get to the bottom of the problems Mr. Kent had raised.

On October 13, 1982, the Los Angeles Times ran a large article about Mr. Kent and his concerns. The bureaucratic response was swift. OI, in concert with Region V, immediately interviewed Mr. Kent. Some weeks later, they took him on a site tour of San Onofre.

Less than six weeks later, the NRC released, at a press conference, its inspection and investigation effort into the Kent allegations -- which revealed, predictably, that there was no substance to his allegations.

For six months, GAP investigators probed the basis for the NRC conclusions. In a June 20, 1983, letter, GAP reported the results of its probe to the NRC Commissioners and Congress.

Another six months passed and in January 1984, OIA began its own probe into the Kent Affair. That report was submitted to the Commissioners for their review in April 1984, and was obtained by GAP in July 1984.

Meanwhile, in the fall of 1983, Region III submitted the Kent materials to BNL for an analysis of the generic welding concerns raised by Mr. Kent about the Bechtel welding procedures at Midland, San Onofre and the Palisades nuclear power plant. That study has been completed by BNL and submitted to the NRC. It has not yet been released to the public. Since BNL has never contacted Mr. Kent to determine what his allegations are, GAP does not expect the BNL report to adequately answer Mr. Kent's concerns.

The Report of the Office of Inspector and Auditor

On April 4, 1984, the Acting Director of OIA issued his report to the Commission on their investigation of the Kent Affair. The OIA investigation was prompted by a June 20, 1983, letter from GAP to the Commissioners regarding the fumbled Staff efforts to deal with the Kent issues up to that time.

The report, released to GAP under FOIA, is enlightening -- both on the issues the report addresses and on those it does not.

To summarize, the report confirms the following allegations about the NRC Staff's actions:

- (1) Region III "sat on" the allegations of generic welding problems provided to it by Mr. Kent from March through October 1982. (OIA Review of a Government Accountability Project Complaint Concerning NRC's Treatment of E. Earl Kent, at 1).
- (2) Region III's OI investigator provided to Region V investigators' only "credibility" (i.e., defamatory) information about Mr. Kent (given by Bechtel to the NRC). (Id. at 2).

- (3) Region V OI investigators utilized "strict interview and documentation standards" when obtaining information for Kent which were not applied to anyone else during the course of the subsequent Region V inspection. (Id. at 2).
- (4) Alternatively, when "pursuing the validity of Kent's allegations, Region V personnel conducted casual interviews of unidentified licensee and Bechtel personnel and documented these interviews by informal notes which were later destroyed." (Id. at 2).
- (5) Region V Office of Inspection and Enforcement (IE) personnel denied Kent "inspection tools, guages, ladders, and other measuring equipment" during an October 25, 1982, site tour of the San Onofre plant. (Id. at 2).
- (6) Region V management personnel decided to conduct a press conference on December 6, 1982, in which they reported that Kent's allegations had been unsubstantiated. That did not notify Kent or his counsel (GAP), nor provide either with a copy of the inspection report. (Id. at 2).
- (7) Region V destroyed copies of drafts and notes of the final IE inspection into Kent's allegations. (Id. at 2).
- (8) Region V "is not able to support or verify its inspection activity with confirming records or data." (Id. at 4).
- (9) Region V responded to the Kent allegations only after major media interest followed the publication of the October 13, 1982, Los Angeles Times article. (Id. at 2).
- (10) The NRC never obtained a written statement from Mr. Kent. (As noted, the NRC has never conducted an adequate interview of Mr. Kent in order to understand his allegations.) (Id. at 3).
- (11) Other miscellaneous findings of inspection and investigation irregularities or inadequacies were discovered by OIA investigators. (See report summary).

The OIA report substantiates all of the GAP allegations which it addresses of procedural mishandling of Mr. Kent's concerns. However, the investigation does not address at all the most important questions that we raised. That is:

The second category, although separate from the actual hardware issues, is the question of the NRC's technical review of the issues raised by Mr. Kent. For example, although Region V requested assistance from the Office of Nuclear Reactor Regulation (NRR) to evaluate the technical details of Mr. Kent's allegations, it appears that, in fact, no independent review was done. Under the Freedom of Information Act we requested and received the communications, notes, memoranda, etc., that surrounded the issues raised by Mr. Kent. Review of these documents found a circular trail of verification that simply relied on the industry -- both Bechtel and Southern California Edison -- to interpret and explain Mr. Kent's allegations away. We have found no evidence of independent analysis of review by the NRC. (June 20, 1983, letter, p. 6).

Questions that remain not only unanswered, but apparently unasked, are:

- (1) Why did NRR adopt, virtually verbatim, the technical analysis of Kent's allegations, performed by Bechtel and provided to the NRC?
- (2) Why didn't Region V officials include in their inspection report that the basis of their conclusions about Mr. Kent's allegations came from Bechtel?
- (3) Why did Region V allow Bechtel and SCE to dictate the conclusions of the Kent allegations?

Also not addressed is the serious charge that "(t)he Kent inspection was curtailed and prejudiced at the onset by SCE and Bechtel influence."

OIA investigators apparently "defined out" of the scope of the investigation the evidence of impropriety in regards to the two-week NRR "blitzkrieg" inspection. (Id. at 15-16).

OIA did not interview anyone from NRR at all regarding their involvement in the shoddy disposition of Kent's allegations. Instead they based a conclusion that the Kent inspection was thorough on the totally self-serving statements of the alleged targets of the investigation.

OIA's conclusion simply is not supported by the facts and documents gathered during GAP's investigation. The investigators failed to perform basic interviews necessary for adequate disposition. For example,

- (1) The OIA investigators have never contacted Mr. Kent or GAP to determine whether the scope of their investigation was adequately addressing the concerns raised to the Commission.
- (2) BNL has never contacted Mr. Kent to determine what Mr. Kent's allegations are, therefore the "new independent look" at the Kent allegations is severely handicapped, if not totally crippled, because it draws the allegations from an inadequate and fatally flawed interview, an unsigned statement, a summary affidavit, and the self-serving interpretations of the allegations provided by Bechtel
- (3) The OIA investigator never contacted any representatives of Bechtel, SCE or Consumers Power to determine their knowledge, or establish the veracity of the NRC's statement.
- (4) It is our information and belief that OIA removed from the record, without explanation, memoranda or portions of memoranda about Mr. Jim Foster's dealings with Earl Kent.

GAP believes that the evidence suggests the OIA investigation was deliberately narrowed in scope. We also have reason to believe that the report finally submitted to the Commission is far less comprehensive than the original report. Those drafts were as usual withheld from the public.

GAP will soon file suit under the Freedom of Information Act in U.S. District Court to obtain the materials which the NRC refuses to disclose. We are committed to discover all the facts behind the Kent Affair. OIA obviously is not.

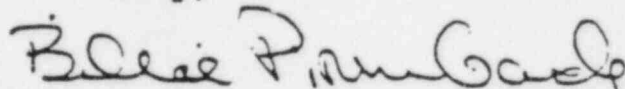
Clearly, OIA either cannot or will not address the key issue of the Kent affair -- the curtailment of an NRC inspection by the Bechtel Corporation. It is therefore up to the Commission.

GAP unfortunately realizes that this issue has become so adversarial that it is no longer possible for any branch of the NRC Staff to resolve it. In the past, the Commission has

Page Seven
March 6, 1985

requested special administrative proceedings to resolve similar matters. This appears to be the only remaining agency remedy.

Sincerely,

A handwritten signature in cursive script, reading "Billie Pirner Garde". The signature is written in dark ink and is positioned above the printed name and title.

Billie Pirner Garde
Citizens Clinic Director



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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20545

April 4, 1984

MEMORANDUM FOR:

Chairman Palladino
Commissioner Gilinsky
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal

FROM:

George H. Messenger
George H. Messenger, Acting Director
Office of Inspector and Auditor

SUBJECT:

OIA REVIEW OF A GOVERNMENT ACCOUNTABILITY PROJECT
COMPLAINT CONCERNING NRC'S TREATMENT OF E. EARL KENT

The attached report documents an investigation by the Office of Inspector and Auditor (OIA) of information in a June 20, 1983, letter from the Government Accountability Project (GAP) to the Commission. In this letter, GAP requested the Commission review the NRC inspection/investigation into allegations by E. Earl Kent of specific and generic welding flaws at Bechtel Power Corporation (Bechtel) constructed nuclear power plants, particularly the San Onofre Nuclear Generating Stations (SONGS) Units 1, 2, and 3. Based on our review of the material sent by GAP, we determined the following three issues were appropriate for investigation by OIA:

- NRC's treatment of Kent in regard to his allegations to the NRC.
- Region V compliance with administrative procedures and inspection methods in addressing allegations by Kent/GAP.
- The confidence level that can be placed in NRC's technical inspection and technical analysis of Kent/GAP concerns.

Our investigation into the first issue disclosed that Kent's allegations regarding Bechtel welding procedures, which were initially brought to the attention of Region III in March 1982, were generic in nature and applied to Bechtel's Midland Nuclear Project as well as other Bechtel constructed nuclear facilities. Region III inspected Kent's allegations as they related to Midland; however, Region III did not address the overall issue of whether Bechtel's welding procedures were in compliance with professional society welding standards. At SONGS, Kent pursued his generic allegations concerning Bechtel's welding procedures and presented additional welding allegations pertaining to SONGS.

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CONTACT: Hollis Bowers, OIA
49-27170

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On October 13, 1982, Kent's allegations were reported by the Los Angeles Times. In response to the media coverage, Region V interviewed Kent and recorded Kent's allegations regarding welding deficiencies by tape recordings, transcripts, and a statement. However, the strict interview and documentation standards which were used when obtaining information from Kent were not applied to anyone else during the course of the subsequent Region V inspection. In pursuing the validity of Kent's allegations, Region V personnel conducted casual interviews of unidentified licensee and Bechtel personnel and documented these interviews by informal notes which were later destroyed.

On October 25, 1982, Kent, NRC personnel, and licensee personnel conducted a site tour at the San Onofre Plant during which Kent was provided the opportunity to point out his concerns. However, Kent was denied inspection tools, gauges, ladders, and other measuring equipment. Region V personnel proffered that potential licensee insurance liability prevented Kent from unlimited access within the plant; however, under these limiting conditions, the legitimacy of the site tour is questionable. Since NRC chose to participate in the tour, we believe the necessary equipment should have been made available so Kent could have fully demonstrated his concerns.

Our investigation did not disclose any overt effort on the part of NRC to personally discredit Kent as alleged by GAP. The fact that notations are made in a file concerning an alleged's background and work history is not inappropriate. However, OIA review of the material relayed to Region V by Region III indicates Kent's credibility rather than a review of his allegations was the substance of the communication between Region III and Region V personnel.

At a December 6, 1982, press conference, Region V reported that Kent's allegations had been inspected by the NRC and were unsubstantiated. Copies of the inspection report were provided to the press. GAP was not informed of the press conference nor provided a copy of the inspection report. Although Region V personnel claimed this was an oversight, in OIA's view NRC should have been more responsive to the alleged. To correct this shortcoming, the Region V Administrator instituted a new regional program to improve communication between NRC and alleged.

OIA investigation into Region V compliance with NRC administrative procedures and inspection methods when addressing Kent's allegations revealed that NRC, in responding to a Freedom of Information Act (FOIA) request by GAP, was unable to produce documents to support the findings and conclusions in the Region V inspection report. GAP, therefore, concluded that either the inspection of Kent's concerns was not thoroughly conducted or documents were inappropriately destroyed in violation of FOIA and the NRC Inspection and Enforcement Manual. OIA learned, however, that the lack of documentation prepared during the Region V inspection and routine destruction of drafts were the reasons why there were no documents available for release. Our investigation did not disclose any withholding or destruction of documents which violated the provisions of the NRC Inspection and Enforcement Manual or FOIA.

While OIA does not have the expertise to technically evaluate the Region V inspection report nor the Division of Engineering, Office of Nuclear Reactor Regulation's, Safety Evaluation Report, pertaining to Kent's allegations, the

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preparation of an independent technical analysis by the Division of Engineering in addition to the Region V inspection report indicates that technical attention was given Kent's allegations by NRC.

Our review of GAP's concerns over the handling of the NRC inspection/ investigation of Kent's allegations determined that the inadequacies in Region V's performance in addressing Kent's allegations were procedural and administrative in nature. We believe, regardless of the procedural and administrative shortcomings, the efforts of Region V and NRC Headquarters personnel demonstrate that NRC was committed to a thorough technical evaluation of Kent's allegations.

Attachment:

As stated

cc: W. Dircks, EDO (3)
B. Hayes, 01

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REPORT OF INVESTIGATION

TITLE: OIA REVIEW OF A GOVERNMENT ACCOUNTABILITY PROJECT
COMPLAINT CONCERNING NRC'S TREATMENT OF E. EARL KENT

PREPARED BY: *Albert B. Puglia*
Albert B. Puglia
Investigator
Office of Inspector
and Auditor

DATE: *April 3, 1984*

APPROVED BY: *Hollis Bowers*
Hollis Bowers
Assistant Director for
Investigations, OIA
George H. Messenger
George H. Messenger
Acting Director, OIA

DATE: *April 5, 1984*

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BACKGROUND

During the week of January 9 through 13, 1984, Office of Inspector and Auditor (OIA) Investigator Albert B. Puglia traveled to NRC's Region V office, Walnut Creek, California to review Region V's performance in addressing allegations concerning welding procedures at the San Onofre Nuclear Generating Station (SONGS), San Diego County, California made by Mr. E. Earl Kent. This OIA review was conducted based on assertions that the NRC mishandled an inspection of Kent's allegations. These assertions were made by the Government Accountability Project (GAP) on behalf of Kent in a June 20, 1983, letter (Attachment 1).

SUMMARY

An analysis of GAP's concerns identified three broad issues which were addressed by OIA. These issues are (1) NRC's treatment of Kent in regard to his allegations to the NRC, (2) Region V compliance with NRC administrative procedures and inspection methods in addressing the allegations by Kent/GAP, and (3) the confidence level that can be placed in NRC's technical inspection and technical analysis of Kent/GAP concerns.

I. NRC's treatment of Kent in regard to his allegations to the NRC

Initially, Kent telephonically reported his allegations regarding welding practices at Midland to NRC Region III personnel in March 1982. He subsequently furnished an affidavit to Region III in July 1982, which documented his concerns over Bechtel Power Corporation (Bechtel) welding procedures in general and the welding procedures used at Bechtel's Midland Nuclear Project in particular. Additionally, in August 1982, Kent travelled to Region III, Glen Ellyn, Illinois and expressed his concerns to Region III personnel. Upon completing his interview with Region III personnel in Glen Ellyn, Illinois, Kent returned to Southern California and began pursuing his concerns regarding Bechtel welding procedures at nuclear power plants built by Bechtel in general and at SONGS in particular.

On September 6, 1982, GAP, on behalf of Kent, wrote to the Region III Administrator, James P. Keppler, complaining about the lack of NRC response to Kent's concerns.

On September 7, 1982, Kent expressed to Southern California Edison Company (SCE) his concerns regarding the adequacy of Bechtel welding procedures at SONGS. SCE conducted a review of Kent's allegations. During the week of September 13, 1982, SCE also reported Kent's concerns to the NRC during a routine inspection of the facility. The NRC inspector reviewed SCE's action to resolve Kent's allegations. This review consisted of discussions with SCE personnel and an examination of documentation. The inspector reported in his Inspection Report, 50-362/82-27, that

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he was satisfied SCE had taken appropriate action to resolve welding issues raised by Kent.

On October 6, 1982, Mr. John O'Dell, a reporter for the Los Angeles Times contacted Region V and related he had been contacted by Kent on September 27, 1982, and Kent had described faulty welding practices at SONGS. O'Dell asked for an NRC response to Kent's allegations. O'Dell was informed of the Inspection Report noted above and SCE's action with regard to Kent's concerns.

On October 13, 1982, Kent's allegations were reported in the Los Angeles Times which also generated significant additional media interest in the story. Kent was further interviewed by other Southern California media organizations. Based on the significant media interest generated by the O'Dell article and to more properly respond to media inquiries, Region V decided that inspection activities were warranted into Kent's allegations.

While the subject of GAP's June 20, 1983, letter principally relates to Region V's performance in addressing Kent's concerns, Region III's performance in reacting to Kent is also noted.

Kent had expressed his allegations to Region III on three separate occasions, March, July, and August of 1982. In GAP's view, the lack of an NRC response to Kent made necessary a GAP letter complaint on September 6, 1982, to the Regional Administrator. Moreover, GAP claims it was not until November 1982 (well after Region V is heavily engaged in the Kent affair) that Region III contacted Kent and informed him of Region III's course of action in responding to his allegations at Midland.

Attachment 2 is a series of memoranda and Inspection Report 50-329/82-04 prepared in Region III which outlines Region III's actions in addressing Kent's allegations regarding welding flaws at Midland. In sum, Region III did document their contact with Kent and did conduct an inspection at Midland. The inspection report addressed Bechtel welding procedures at Midland; it did not address generic welding procedures used by Bechtel.

After the publication of the media story in Southern California on October 13, 1982, Kent was contacted by Region V NRC and a meeting was scheduled for October 15, 1982, to discuss his concerns. It should be noted that in GAP's letter complaint of June 20, 1983, it is implied that Region V contacted Kent only after Kent had offered his assistance and information on welding flaws at SONGS to Region V and only after the news articles appeared in the press. While Region III had had extensive contact with Kent, Region V's awareness of Kent's concerns initially came about through press inquiries and not from Kent or Region III.

In responding to Kent after the media coverage, Region V Office of Investigations (OI) investigators met Kent on October 15, 1982, to discuss his allegations. This meeting was tape recorded. In addition, it was agreed that a written transcript would be made of the tape recording and that a succinct written statement would be prepared for Kent's signature. Kent subsequently refused to sign the statement on the advice

of his counsel, GAP. During his interview with Region V OI personnel, Kent identified two other individuals who he felt could support his allegations. [redacted] and [redacted] Region V OI personnel subsequently interviewed these two individuals and tape recorded the meetings.

After Region V OI personnel documented Kent's concerns regarding welding deficiencies, via the tape recordings, transcripts, and a statement, this information was given to Region V who proceeded to look into the matter.

Concerning the distribution of the tape recordings and transcripts of Kent's interview, on about October 14, 1982, Region V OI personnel agreed, in a conversation with GAP representatives, to voluntarily furnish GAP a copy of the tape recordings of the meeting with Kent. A review of Region V memoranda established that an on-going dialogue developed between OI, Region V, and Mr. Victor J. Stello, Deputy Executive Director for Regional Operations and Generic Requirements, on how best to release the tape recordings and transcripts to GAP. Region V personnel explained that they were concerned that the transcripts were inaccurate and required review and correction before they could be released. On November 8, 1982, GAP filed an FOIA request to obtain this material. When confronted with GAP's FOIA request, NRC released the tape recordings and the transcripts in mid-December 1982. The transcripts had not been corrected.

On October 25, 1982, Kent, NRC personnel and licensee personnel conducted a site tour at the San Onofre Plant during which Kent was provided an opportunity to point out examples of his concerns. However, Kent was denied inspection tools, gauges, a ladder, and other measuring equipment. Region V personnel proffered that potential licensee insurance liability prevented Kent unlimited access within the plant.

On December 6, 1982, Region V held a press conference and disclosed that Kent's allegations had been inspected by the NRC and they were unsubstantiated. Copies of the Inspection Report were made available to the press. During OIA interviews of Region V personnel, it was stated that the purpose in holding a press conference was to make public NRC's inspection of Kent's allegations and to expedite the release of the NRC information. The Region V Public Affairs Officer informed OIA that the Kent matter had generated substantial media attention and that during the course of the inspection, the Region was repeatedly asked the completion date of the inspection. Rather than responding to media organizations individually, it was decided by Regional management that a press conference was the appropriate means of making known NRC's inspection of Kent's concerns. Regional management denied that they were attempting to discredit, or embarrass Kent and stated that the decision to utilize a press conference was appropriate in this case in view of the significant level of media attention to the matter. OIA inquired as to the reason Kent or his counsel, GAP, was not furnished a copy of the Inspection Report, was not advised the inspection had been completed, or was not alerted that a press conference was planned. Regional personnel claimed it was an oversight.

GAP, in their complaint of June 20, 1983, to the NRC concerning NRC's inspection of Kent's allegations, indicated that there was an overt effort to personally discredit Kent and engage in malicious conduct

toward Kent. GAP makes particular mention of notes of a telephone conversation between Region III and Region V which are contained in Region V files concerning Kent's background and work history. GAP obtained this material from a FOIA request. Prior to committing agency resources to review and inspect an alleged's concerns, OI Region V considered it appropriate to obtain information concerning the alleged's background, education, expertise, work history, etc. This was accomplished in Kent's case. OIA's review of the notes in question indicated the emphasis of the telephone conversation was Kent's credibility rather than his allegations.

OIA conferred with the newly appointed Region V Administrator concerning Region V's treatment of Kent. He stated that, independent of this OIA review, he had also reviewed the Kent matter and as a result, substantial procedural and policy changes had been implemented in Region V concerning alleged's and their concerns. Specifically, the Region V Administrator has attempted to institute a program in which alleged's such as Kent are treated with a high degree of tact and courtesy when bringing their concerns to the attention of the NRC. Attachment 3 is the newly implemented Region V policy which formally institutes this program. Essentially, Region V has committed itself to improving communications between the NRC and alleged's, intervenor groups, and GAP-type organizations. It should also be noted that the Region V Administrator has independently corresponded with GAP concerning the Kent matter (Attachment 4). In sum, it is the Regional Administrator's view that alleged's need to be apprised of the status of their allegations and concerns and that generally speaking, alleged's should be treated with the same degree of courtesy and tact that is extended to licensee representatives.

2. Region V compliance with administrative procedures and inspection methods in addressing allegations by Kent/GAP

GAP, in their letter complaint of June 20, 1983, to the NRC, indicated that the inspection procedures utilized by Region V in addressing Kent's concerns, were inadequate and not in compliance with existing NRC requirements. GAP, upon receiving a copy of the completed inspection report, submitted an FOIA request to the NRC to obtain the background material, draft report, notes, and interviews utilized in preparing the final NRC inspection report. The NRC, in responding to the FOIA request, was unable to produce the materials and documents which firmly supported the findings and conclusions documented in the final inspection report. GAP, therefore, concluded that either the inspection of Kent's concerns was not conducted and/or that documents were inappropriately destroyed in violation of FOIA requirements. In sum, GAP called into question the validity of the inspection that was undertaken to address Kent's allegations and Region V found itself in the position of not being able to support or verify its inspection activity with confirming records or data. For example, while Kent's allegations were tape recorded, transcribed, and put into a statement, Region V personnel were unable to produce identification data and supporting documentation pertaining to the persons they interviewed during their inspection of Kent's allegations. In pursuing the validity of Kent's allegations, Regional personnel conducted informal interviews of unidentified licensee and Bechtel personnel, and took informal notes which could not be produced

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when an FOIA request was submitted. In the final analysis, the validity of the inspection report prepared in response to Kent's allegations essentially rests on the personal integrity and professional assertions of Region V personnel that they had, in fact, put forth a good faith effort in addressing Kent's concerns.

GAP, in their letter complaint to the NRC, also suggests that the Kent inspection had a predetermined completion date and was curtailed at the outset by licensee and Bechtel influence. In support, GAP cites meeting notes from a Region V meeting on October 14, 1982, and a letter to the Office of Nuclear Reactor Regulation (NRR) on October 29, 1982.

The meeting notes noted above were the result of a Region V meeting at the time Region V was made aware of Kent's concerns as published in the Los Angeles Times. The notes state, in part:

- "(1) Interview Kent for all his concerns;
- (2) Need full investigative support;
- (3) Tech positions in Reg III and V have to be the same (Engelken);
- (4) Have NRR reaffirm their position on the code. ASME Code;
- (5) Call Fitzgerald/Ward and discuss the matter with him."

OIA inquiry with the Region V OI Field Office Director, determined that the list can be described as a tasking list developed at the initial meeting of Region V personnel to address Kent's allegations. It essentially outlines Region V's plan to address Kent's allegations. Region V attempted to carry out these actions during the course of the Kent inspection and nothing is contained in the list to suggest that the inspection was curtailed or prejudiced.

GAP then makes reference to an October 29, 1982, memorandum from Jesse L. Crews, Supervisor, Region V, to NRC Headquarters, in which Crews stated:

"It is our intention to have a satisfactory resolution on all of the allegations by Mr. Kent prior to license issuance for San Onofre Unit 3, tentatively estimated by Region V as November 15, 1982. Your assistance in this time frame would be appreciated."

GAP goes on to state that the above noted paragraph indicates that the Kent inspection had a predetermined time frame for completion.

Region V management advised that Crews' memorandum attempted to alert NRC Headquarters that their prompt assistance would be required to resolve Kent's allegations if the NRC was to maintain its proposed target date for the license. Crews' memorandum also states:

"In the course of Region V's special inspection (currently in progress) into allegations by Mr. Kent, we recognized that some could potentially impact upon license issuance for San Onofre Unit

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3, and that the resolution of some issues may require technical assistance from NRR."

Region V management indicated that to read into the Crews' memorandum that Region V was not committed to seriously looking into Kent's allegations is a wrong reading of the memorandum. Region V was simply alerting NRC Headquarters that their prompt assistance was required to resolve Kent's allegations in a timely manner. Further, a concerted effort is normally made to resolve all open allegations before considering changing a license issuance date.

GAP has also suggested that additional documents exist in Region V and had been inappropriately withheld from release under FOIA provisions. OIA review of Region V files as well as discussions with FOIA personnel did not disclose any improper withholding of documents under FOIA provisions.

GAP further asserts that agency documents concerning the Region V inspection in response to Kent's allegations were destroyed in violation of Inspection and Enforcement (IE) Manual and FOIA. In support of this contention, GAP quotes paragraph 201, Section 1005-20, IE Manual, "Although draft inspection reports will not be disclosed as a routine basis, they will be available to members of the public upon request," as NRC policy prohibiting destruction of draft inspection reports. However, the term "draft inspection report" is defined in paragraph 102, Section 1005-04, of the IE Manual, and Section 1005-40 of the Manual outlines the format and content of draft inspection reports (Attachment 5). OIA determined that the Kent inspection report was initially drafted and that routine supervisory and management review resulted in non-substantive corrections and changes. These actions resulted in retyping of the report. Draft reports, such as these, which are only earlier versions of the final report, do not fall within the meaning of draft inspection reports as defined in the IE Manual. Consequently, the Manual citation by GAP as prohibition against the destruction of the draft reports does not apply in this instance. With regard to notes obtained by inspectors during the Kent inspection, they were personal in nature and assisted the writer in the preparation of the inspection report. They were destroyed upon incorporating their substance in the inspection report. Personal notes are not considered agency records as long as they have not been circulated to others and have not been co-mingled with agency records, and there are no prohibitions against destroying personal notes after the information has been incorporated into the inspection report. [Porter Company Chapter Isaak Walton League v. AEC (N.D. Ind 1974) and British Airports Authority v. CAB 531 F. Supp. 408 (D.C. Dist Ct 1982)]

3. The confidence level that can be placed in NRC's technical inspection and technical analysis of Kent/GAP concerns.

OIA does not have the expertise to evaluate the technical sufficiency of the Region V inspection report or the Safety Evaluation Report (SER) (Attachment 6) prepared by the Division of Engineering, Office of Nuclear Reactor Regulation. The Division of Engineering review, which is documented in the SER, was an independent analysis of some of Kent's allegations. The review involved (1) interviewing the people who accompanied Kent on a walk through tour of SONGS, (2) repeating the tour and

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inspecting those welds which Kent pointed out were of concern to him, and (3) reviewing the documents provided by the applicant which demonstrated compliance with applicable codes. The preparation of the independent technical analysis by the Division of Engineering was in addition to the inspection report by Region V.

DETAILS

1. Report of Interview, James G. Hanchett, dated January 11, 1984.
 2. Report of Interview, Bobby H. Faulkenberry, dated January 11, 1984.
 3. Report of Interview, William V. Johnson, dated January 12, 1984.
 4. Report of Interview, Dennis F. Kirsch, dated February 1, 1984.
 5. Report of Interview, Ida M. Alexander, dated January 12, 1984.
 6. Report of Interview, John B. Martin, dated January 11, 1984.
 7. Report of Interview, James E. Foster, dated January 31, 1984.
 8. Report of Interview, Owen C. Shackleton, dated January 11, 1984.
 9. Report of Interview, Thomas W. Bishop, dated January 12, 1984.
- Attachment 1 - Letter to Commission from GAP dated June 20, 1983.
- Attachment 2 - Region III memoranda and Inspection Report pertaining to Kent's allegations.
- Attachment 3 - Region V Instruction No. 1303 dated January 6, 1984.
- Attachment 4 - Letter to GAP from NRC Region V dated December 5, 1983.
- Attachment 5 - IE Manual Chapter 1000 dated March 28, 1977.
- Attachment 6 - Safety Evaluation Report dated November 17, 1982.



January 27, 1984

Date of transcription

Report of Interview

James G. Hanchett, Public Affairs Officer, Region V, Walnut Creek, California stated that upon Mr. Kent holding a press conference in the Los Angeles area in which he voiced his concerns regarding Bechtel welding procedures, Region V received numerous inquiries from media organizations requesting comment. Hanchett described Kent's press conference as generating significant media attention in which Region V was repeatedly asked for a comment as to the validity of Kent's concerns. Region V's initial response to the press was that an NRC inspection was planned and that upon completion of the inspection NRC would be in a better position to comment on Kent's concerns.

During the course of the inspection, media organizations repeatedly inquired as to the completion date of the inspection. Hanchett went on to explain that because of the large number of media organizations that were following up on Kent's concerns, it was determined by Region V management that the most efficient manner to respond to the media was via a press conference in the Southern California area rather than responding individually to the media representatives who had been inquiring as to NRC action in the matter. Hanchett claimed that the decision to hold the press conference on December 6, 1982, in Southern California was made to expedite the NRC response to Kent's concerns and to provide the NRC response on one occasion rather than responding to the media organizations individually.

Hanchett further stated that at the press conference copies of the NRC inspection report were furnished to the media and NRC management officials made a brief statement and were available for questions. When asked why Kent or his legal counsel, Government Accountability Project (GAP), was not also provided a copy of the inspection report, Hanchett replied that it was an oversight. To his knowledge, there had been no discussion or decision to deny Kent access to the inspection results or participation in the NRC press conference. Hanchett was further asked if Region V was engaged in an inappropriate game of "one-upmanship" in responding to Kent's press conference with an NRC press conference. Hanchett denied this had occurred and stated that the NRC press conference on December 6, 1982, was merely an effort to provide service to the press in the most effective manner.

Investigation on January 11, 1984 at Walnut Creek, California File # 83-82
by Albert B. Puglia Date dictated January 27, 1984



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Office of Inspector and Auditor



Date of transcription January 27, 1984

Report of Interview

William V. Johnson, Assistant Director for Materials and Qualifications Engineering, Division of Engineering, Nuclear Reactor Regulation (NRR), was telephonically interviewed. Johnson stated that his staff had reviewed Kent's concerns which had been referred to his office from Region V. Johnson further stated that his office had concluded that Kent's concerns were unsubstantiated. Johnson went on to explain that his staff travelled to the San Onofre Nuclear Generating Station and conducted a site tour to inspect and review Kent's concerns. It should be noted that this site tour was independent of the Kent/Region V site tour in which Kent pointed out his concerns. Johnson indicated that the technical analysis conducted by his office examined Bechtel welding procedures, appropriate professional society codes, NRC requirements, and a review of Kent's specific concerns. Johnson went on to indicate that NRR recognized that the various professional society codes have different acceptable standards and are not in unanimity. Consequently, an analysis of the issues raised by Mr. Kent required a determination as to the appropriate code provision to be applied. Additionally, an independent safety analysis was conducted by NRR as to Kent's concerns. Johnson reiterated NRR's conclusion that Kent's welding concerns were without technical merit and that he had confidence NRR technical analysis was comprehensive and complete. NRR's inspection and analysis report was prepared and forwarded to Region V (See Attachment 6).

Investigation on January 12, 1984 at Walnut Creek, California File # 83-82

by Albert B. Publica, Investigator, OIA

Date dictated January 27, 1984

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Date of transcription February 13, 1984

Report of Interview

Dennis F. Kirsch, Inspection Supervisor, Region V, Walnut Creek, California was subsequently interviewed telephonically because he and his staff were on assignment during the Office of Inspector and Auditor (OIA) review in Region V. Kirsch said that substantial Region V inspection resources were committed to addressing Kent's concerns. Kirsch indicated that he had a good grasp of Kent's concerns, that they were examined and inspected to determine whether they had technical merit. Kirsch further stated that he was aware of the subsequent controversy concerning the treatment of Kent and the issues raised in the drafting of the inspection report. Kirsch noted that these topics have resulted in substantial changes in Region V inspection procedures. However, Kirsch reiterated that the application of technical resources to Kent's concerns were significant and the inspection was conducted in good faith. Kirsch complained that he was disturbed that doubt has been cast on his professional integrity and the quality of the technical inspection based on reporting requirements and other administrative matters. Kirsch confirmed that he was confident in the technical conclusions and that Kent's concerns were unsubstantiated.

Kirsch said that the reporting format and record keeping procedures employed in the Kent affair were in compliance with Region V inspection procedures up to that point in time. Subsequently identified shortcomings in reporting and inspection procedures were not peculiar to the Kent inspection and that the Kent inspection was conducted and reported in good faith.

Date of transcription January 31, 1984

Report of Interview

Ida M. Alexander, Chief, Administrative Services Branch, Region V, Walnut Creek, California stated that she is the FOIA Coordinator in Region V and that pursuant to FOIA request 83-618 submitted by Governmental Accountability Project (GAP), an extensive search for documents was conducted in Region V. Alexander indicated that to her knowledge, the FOIA request was handled in a proper manner. Alexander further indicated that there have been instances in Region V when Region V personnel have not promptly responded in searching for documents and that some Region V personnel do not appreciate the importance of prompt compliance with FOIA provisions. Alexander went on to repeat that the FOIA requests that were received from GAP concerning the Kent affair were handled routinely and promptly. Alexander was not cognizant of any improper destruction of documents or withholding of documents from release under FOIA provisions.

The Region V and Office of Investigations (OI) Headquarters file of FOIA request 83-618 was examined and no discrepancies or indications of improper handling were identified.

Date of transcription January 31, 1984

Report of Interview

John B. Martin, Regional Administrator, Region V, Walnut Creek, California stated that upon being assigned as the Regional Administrator in Region V he reviewed the Office of Investigations (OI) Royce/Gunderson report and the Region V Kent inspection report. At the time Mr. Martin assumed the duties as the Regional Administrator, Region V was the subject of severe criticism from GAP and an intervenor group at the Palo Verde Nuclear Power Plant. Martin said it was his initial determination that communications between Region V and these groups required dramatic improvement. Consequently, Martin said he made a determined effort to meet with these groups to discuss problems of mutual interest. Martin indicated that the mere fact that these groups had an opportunity to meet with NRC representatives and discuss mutual problems substantially improved relations between these groups and the NRC. Martin also said that he followed up these meetings with confirming correspondence (Attachment 4).

Martin stated that it was his position that Region V had not treated individual citizens and citizen groups with the degree of courtesy and tact that should be forthcoming from a public agency such as the U.S. Nuclear Regulatory Commission (NRC). Martin indicated that, as a general rule, he hoped individual citizens and citizen groups who come in contact with the NRC would be treated with the same degree of courtesy that is extended to licensee representatives.

As a further result of Martin's review of the Kent situation, he said that he instituted new procedures within Region V that carefully detailed a formal program of receiving, inspecting, reporting and notifying individuals who report conditions relating to NRC's responsibilities to regulate the nuclear industry (Attachment 3).

Martin indicated that his review of the Kent inspection report and the GAP complaint determined that NRC's treatment of Mr. Kent was not what it should have been. Further, the inspection and reporting procedures that existed in Region V at the time the Kent inspection was conducted were inadequate. Martin said the newly instituted procedures within Region V strengthen inspection and reporting requirements and should alleviate many of the criticisms pointed out by GAP. Martin further stated that it was his determination that the technical inspection and technical analysis of Kent's concerns by Region V were adequate in

spite of other shortcomings. Martin said, from an exclusively technical standpoint, Kent's concerns had been addressed and he had confidence that the technical conclusions reached in the report were valid.

Investigation on January 11, 1984 at Walnut Creek, Calif. File # 83-82

by Albert B. Pucella, Investigator, OIA Date dictated January 31, 1984

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Date of transcription January 30, 1984

Report of Interview

Bobby H. Faulkenberry, Deputy Regional Administrator, Region V, Walnut Creek, California stated that the Kent affair occurred during the tenure of the previous Regional Administrator. Faulkenberry said that the Kent affair arose abruptly in Region V as a result of a press conference held by Mr. Kent in Southern California. While Kent had had prior dealings with the NRC in Region III, Region V was not aware of his activities in Region V. Consequently the initial media inquiries for a Region V response to Kent came upon them without warning. Faulkenberry indicated that from the beginning of the Kent affair, it was Region V's intention to expedite the inspection of his concern and to disseminate a prompt response to the public. Faulkenberry acknowledged that some of the shortcomings that have been identified in Region V's handling of the Kent affair have merit and, upon reflection, resulted in changes in Region V procedures. Faulkenberry indicated that the Kent affair was handled in Region V utilizing routine inspection methods which, at this point in time, had been determined to be shortsighted. However, Faulkenberry further indicated that at no time was there any effort to discredit Kent personally or not to address his concerns in good faith. Initial meetings with the then Regional Administrator were directed at committing Region V resources in good faith to complete a prompt and thorough inspection of Kent's concerns. Faulkenberry said that FOIA provisions were complied with in spite of the limited information that was available for release. Moreover, while individual inspectors had destroyed their notes, they had incorporated their information into the inspection report and there was no attempt to hide information from public exposure. Additionally, the destruction of initial drafts of the inspection report resulted from routine administrative revisions and corrections and was not a deliberate attempt to limit the content of the report.

Faulkenberry went on to describe new procedures that have been instituted in Region V concerning the documentation of Region V inspections. These new procedures better preserve information and fully identify persons interviewed. Additionally, a formal system of obtaining citizens concerns and formerly corresponding with them to report the progress of NRC's effort to resolve inspection issues has been instituted in Region V. Faulkenberry noted that these new procedures were principally instituted as a result of the criticism received after the issuance of the Kent inspection report.

Concerning the tape recording and the transcription of Kent, Faulkenberry noted that this was the then normal practice employed in obtaining citizen concerns. Faulkenberry went on to acknowledge the confusion that resulted between the Office of Investigations (OI) and the Region V staff concerning releasing the tape recordings and transcripts of Kent to GAP.

Investigation on January 11, 1984 at Walnut Creek, California File # 83-82

by Albert B. Puollian Investigator, OIA Date dictated January 30, 1984

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Faulkenberry concluded the interview by restating that it was Region V's objective to address Kent's concerns in a good faith manner and to apply the necessary Region V technical resources to resolve his concerns. Additionally, the level of public interest that was generated regarding Kent's concerns, required a prompt NRC response. Consequently, in attempting to quickly respond to the public and media, Faulkenberry acknowledged shortcomings arose concerning NRC's relationship with Kent and his legal counsel, Government Accountability Project (GAP). Faulkenberry indicated with the new procedures instituted in Region V should avoid a repetition of the criticism received in its handling of the Kent affair.

Date of transcription February 13, 1984

Report of Interview

James E. Foster, former Investigator, Region III, Glen Ellyn, Illinois, presently assigned to the Region III Inspection Staff, was interviewed telephonically and stated that he had numerous conversations with Mr. Kent during 1982 regarding his concerns of welding flaws at the Midland Nuclear Project. Foster denied the GAP allegation that he had ignored Kent and did not take appropriate action to pursue resolution of Kent's concerns. Foster directed OIA attention to a September 24, 1982, memoranda with attachments which he had prepared for Regional Administrator James P. Keppler which outlined his meetings with Kent during 1982. This memoranda was prepared in response to a GAP letter dated September 6, 1982, to Keppler regarding the Midland site. Attached to the cover memorandum is additional correspondence dated March 3, 1982, March 4, 1982, March 5, 1982, March 22, 1982 (2), March 24, 1982, and August 11, 1982, which reports Region III's meetings, conversations, and inspection of Mr. Kent's concerns (Attachment 2).

Foster denied GAP's allegation that Region III had not taken action regarding Kent's concerns and referred to the above noted memoranda which documented Region III's response to Kent's concerns.

Foster stated that he had not alerted Region V of Kent's concerns as they pertained to the San Onofre site and indicated that he was involved in responding to GAP's September 6, 1982, letter to Keppler in late September 1982. Foster indicated that he had planned to refer Kent's information to Region V, but Kent's press conference in Southern California had occurred prior to his having an opportunity to alert Region V of Kent's concerns.

Foster denied he had discredited or embarrassed Kent while addressing Kent's welding concerns at Midland.

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Office of Inspector and Auditor

Date of transcription January 31, 1984

Report of Interview

Owen C. Shackleton, Director, Office of Investigations (OI) Field Office, Region V, Walnut Creek, California stated that Kent's concerns were brought to the attention of Region V based on inquiries from a Los Angeles Times reporter, John O'Dell. O'Dell was developing a newspaper article based on Kent's concerns regarding welding flaws at the San Onofre Nuclear Generating Station (SONGS). Shackleton indicated that OI's involvement in Region V responding to Kent's concerns was to conduct the interview of Kent. It was recognized in Region V that Kent's concerns were technical in nature requiring a regional inspection. Shackleton said that he was requested by the Region to conduct the interview of Kent and take a statement from him. Shackleton then said he contacted OI Headquarters and was advised that his participation in the Kent affair would be limited to taking a statement from Kent and turning the information over to the Region so that the inspection could be conducted. Shackleton said OI was not the "lead organization" within the NRC concerning resolution of Kent's concerns.

Shackleton said that he and a member of his staff met with Kent on October 15, 1982, in Southern California and conducted the interview. This interview was tape recorded. Shackleton also stated that he conversed with GAP officials prior to interviewing Kent and had agreed to furnish them copies of the tape recordings made during the interview of Kent.

Upon completing the interview of Kent, Shackleton said that he reviewed the tape recordings and prepared a statement which outlined Kent's concerns and presented it to Kent for signature. Kent refused to sign the statement. Additionally, Shackleton forwarded copies of the tape recording to NRC Headquarters for transcription.

Shackleton said that he and his staff also interviewed [] and a []. These two individuals had been identified by Kent as being able to support his allegations regarding welding flaws at SONGS. These interviews were also tape recorded.

Shackleton then said he contacted OI Headquarters at which time he was instructed to terminate his involvement in the Kent affair and to turn over the tape recordings of Kent to the Region for forwarding to the Government Accountability Project (GAP). Shackleton indicated that in his conversations with GAP he had agreed to turn over copies of the tape recordings, however, when the transcripts of the tape recordings were received they contained numerous errors and which required "clean up" and correction.

Investigation on January 11, 1984 at Walnut Creek, California File # 83-82
by Albert B. Puglia, Investigator, OIA Date dictated January 31, 1984

Shackleton was then asked the reason why GAP had not been sent the tapes after he had agreed to do so. Shackleton replied that he was directed by OI Headquarters to terminate his involvement in the Kent affair and turn the tapes over to the Region so they could send the tapes to GAP. Shackleton pointed to several office memoranda in which he requested the Region to forward the tapes to GAP. Shackleton indicated that the delay in sending the tapes was linked to correcting the written transcripts which had to be performed in Region V and which no one was willing to do. Consequently, there was considerable delay in sending the tapes and/or transcripts to GAP. Advice was also sought by the Region from Mr. Victor Stello, Deputy Executive Director for Regional Operations and Generic Requirements, concerning releasing the tapes.

It should be noted that GAP eventually received the tapes, transcripts, and unsigned statement via a FOIA request after they had determined that the NRC was not going to voluntarily comply with its previous agreement. Further, OIA sees little difference between oral tape recordings and written transcripts of the oral tape recordings. Additionally, the written transcripts have never been corrected nor has a signed statement ever been obtained from Kent.

Shackleton said that Region V inspection personnel had obtained sufficient information from the tape recordings and the unsigned statement to proceed with their inspection. Consequently, no one in Region V was willing to take the necessary time to correct the transcripts or pursue obtaining a signed statement from Kent. Shackleton also indicated that subsequent to the Kent affair, OI had changed its policy concerning tape recording interviewees. OI no longer tape records interviewees.

Shackleton then said that a member of his staff accompanied Kent and Region V inspectors on a site tour of SONGS. The purpose of the site tour was to provide Kent an opportunity to point out specific examples of his concerns. Shackleton stated that the licensee had indicated "insurance liability" prevented Kent from having unlimited access to the plant. Consequently, Kent was not provided such things as a ladder or test equipment, i.e., gauges, during the site tour.

Shackleton indicated that upon being brought into the Kent affair, he contacted Mr. James Foster, OI Region III, on October 12, 1982, to find out Kent's prior involvement with Region III personnel. Shackleton said he made notes of his conversation with Foster and the purpose of the conversation was to obtain background material on Kent and his concerns as they related to the Midland site. Shackleton characterized this conversation as routine and an attempt to gather background material prior to his interview with Kent. Shackleton denied GAP's claim that this conversation was an attempt to embarrass and discredit Kent.

Shackleton then stated that the former Regional Administrator conducted a staff conference on October 14, 1982, in which Region V's response to Kent was discussed. Shackleton said that he took notes at this meeting which described Region V's plan to respond to Kent's concerns. Shackleton denied GAP's claim that the list of actions to be taken suggest that Region V was attempting to curtail and prejudice the Kent inspection. Shackleton said he agreed with the plan, as noted, and the impression of this meeting was that Region V was prepared to conduct a good faith inspection of Kent's concerns.



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Concerning FOIA requirements, Shackleton said he knows of no instances in which documents were destroyed concerning the Kent offer, and that he has complied with FOIA requirements in releasing material to GAP concerning the Kent affair.

Shackleton denied that he had discredited or embarrassed Kent at any time. Shackleton said that information contained in OI files concerning Kent's work history, background, education, etc. was appropriately gathered. Shackleton indicated that prior to committing Agency resources in an NRC inquiry, it is appropriate to obtain information on the credibility and reliability of the person bringing forth concerns as Mr. Kent had.

Date of transcription January 31, 1984

Report of Interview

Thomas W. Bishop, Enforcement Coordinator, Region V, Walnut Creek, California stated that he coordinated the preparation of the Kent inspection report. Bishop indicated that subsequent to the completion of the Kent inspection report and the arrival of the new Regional Administrator, substantial changes have been made in Region V's procedures in responding to concerns brought to the attention of the NRC from individuals, such as Kent. Bishop further indicated that in his view, one of the major shortfalls of Region V addressing Kent's concerns, was the failure of the Region to get back to and subsequently correspond with Kent upon completing the Region V inspection. Additionally, the Regional procedures for documenting interviews during the course of an inspection were determined to be deficient, particularly after GAP called into question the validity of the NRC inspection effort.

Bishop stated that Region V has substantially revised its internal procedures in addressing concerns brought forward by individuals and organizations that require the commitment of NRC inspection resources. The Kent affair and the subsequent controversy surrounding Region V's inspection of his concerns exposed the shortcomings in Region V's procedures to address these type matters.

Bishop indicated that a principal cause of the controversy surrounding Region V's handling of Kent's concerns was the failure of the Region to realize or understand that it had to conduct or maintain a dialogue with GAP in addressing Kent's concerns. Had this point been better understood by the Region much of the controversy which ensued could have been avoided.

Concerning alleged destruction of documents which has been proffered by GAP, Bishop said that to his knowledge all FOIA requests have been properly responded to and that all information concerning Kent's allegations has been released. Bishop went on to say that routine administrative revisions of the initial inspection report had occurred, however, the changes made were administrative and grammatical in nature. Bishop said that the Kent inspection report received routine processing and no effort was made to preserve earlier editions of the inspection report. Bishop also said that the inspectors incorporated notes they had obtained in the report and subsequently destroyed them. At that point in time, this had been the routine practice in Region V.

Investigation on January 12, 1984 at Walnut Creek, California File # 83-82

Albert B. Puglia, Investigator, OIA

Date dictated January 31, 1984

82-117



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

NOV 17 1982

Docket Nos: 50-329
and 50-330

MEMORANDUM FOR: The Atomic Safety Licensing Appeal Board for
the Midland Plant, Units 1 and 2

FROM: Thomas M. Novak, Assistant Director
for Licensing
Division of Licensing

SUBJECT: INFORMATION ITEM - NOTIFICATION OF WELDING-RELATED
ALLEGATIONS AT SAN ONOFRE 2/3 AND MIDLAND 1/2
(Board Notification No. 82-117)

The attached memorandum (Engelken to Eisenhut, dated November 8, 1982) summarizes allegations made by a former Bechtel employee regarding welding practices at the Midland and San Onofre Plants. We presently do not consider these allegations to represent a safety concern since none of the allegations have been substantiated. However, if any change in our position occurs, we will issue a further notification.

Thomas M. Novak, Assistant Director
for Licensing
Division of Licensing

Enclosure:
As stated

cc: See next page

~~82-12634269~~

2 pp.

MIDLAND

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Freeland, Michigan 48623

Mr. Paul A. Perry, Secretary
Consumers Power Company
212 W. Michigan Avenue
Jackson, Michigan 49201

Mr. Walt Apley
c/o Mr. Max Clausen
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION V
1450 MARIA LANE, SUITE 210
WALNUT CREEK, CALIFORNIA 94506

NOV 8 1982

MEMORANDUM FOR: D. G. Eisenhower, Director, Division of Licensing, NRR
FROM: R. H. Engelen, Regional Administrator, Region V
SUBJECT: RECOMMENDATION FOR LICENSING BOARD NOTIFICATION REGARDING
WELDING RELATED ALLEGATIONS AT SAN ONOFRE UNIT 3.
DOCKET NO. 60-362

A. Background

During the week of September 13, 1982, the licensee notified the inspector that certain allegations had been received by SCE regarding welding adequacy at SONGS 2 and 3. The licensee had interviewed the alleged on September 7, 1982 and had documented and resolved the concerns expressed by the alleged. The inspector reviewed the licensee's actions to resolve the allegations and noted that the licensee's investigation did not substantiate any of the alleged's concerns.

On October 6, 1982 the NRC, Region V, was contacted by a reporter for the Los Angeles Times who relayed several concerns, which had been expressed to the media by the alleged. The alleged contacted the NRC on October 6, 1982 and relayed additional concerns, in addition to the four previously expressed to the licensee on September 7, 1982.

The alleged was interviewed by two Region V Investigators and one Section Chief on October 15, 1982. The concerns expressed by the alleged were summarized into a statement and presented to the alleged for review and signature on October 16, 1982. The alleged refused to sign the statement. The fourteen concerns summarized in the statement included the original four expressed to the licensee on September 7, 1982 and additional concerns expressed during the NRC interviews. The statement is attached to this memorandum.

B. Region V Action

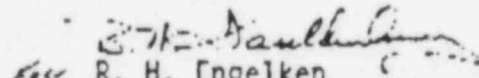
A team of NRC personnel, consisting of two inspectors and one regional supervisor, conducted an inspection at the San Onofre Nuclear Generating Station site, during the period of October 18-27, 1982, to examine procedures, installed plant conditions and documentation related to the concerns expressed by the alleged. Region V has completed the special inspections and did not substantiate any of the alleged's concerns.

Region V currently anticipates completion and issuance of the special inspection report by mid December, 1982.

Certain allegations regarding the adequacy of and implementation of Code requirements have been referred to NRR for technical evaluation. The results of the NRR evaluation will be included as an attachment to the special inspection report.

C. Issues Before the Board

The allegations pertain to engineering and QA/QC issues which have been addressed by the licensing board.


R. H. Engelken
Regional Administrator

Attachment:
As stated

cc: M. Williams, ONRR
H. Rood, NRR, 1B3
G. Knighton, LB3

9009 Spruce Court
Cypress, California 90630
Date: October 16, 1982
Time: 12:30pm

I, E. Earl Kent, voluntarily make the following statement to Messrs. Philip V. Joukoff and Owen C. Shackleton Jr. who have identified themselves to me as investigators for the U. S. Nuclear Regulatory Commission (NRC). I make this statement freely with no threats or promises of reward having been made to me.

JUNE 1942 E.K.
I am 57 years old and have worked since March, 1943 as a welder, welding quality control inspector, welding engineer, *E.K.* and author of welding articles for welding journals. In 1953-JAN. 1955 I received a diploma for completion of the Structural Engineering Course from the International Correspondence School, Scranton, Pennsylvania. I worked for Bechtel Power Corporation as a Senior Quality Control Engineer in welding at the San Onofre Nuclear Generating Station (SONGS) from October, 1960 until ~~January~~, 1981.

E.K. AUGUST
During my employment at SONGS I identified the following concerns which were identified to me by the NRC personnel who interviewed me on October 15, 1982 as possibly affecting nuclear safety systems, **AND OTHER ITEMS.** *E.K.*

- SEVERAL TIMES E.K.*
- (1) I, as fitters, used pipe cutters to make scribe marks for socket weld fitup measurements. These scribe marks caused grooves in both stainless and carbon steel pipes about 1" back from the weld area. I am concerned that these grooves might cause stress raisers. These conditions exist on socket welded fittings all over Units 2 and 3, *POSSIBLY A FEW IN UNIT 1, AT RANDOM IN* *E.K.*
 - (2) Bechtel designers ~~use~~ use fillet welds on ~~connections~~ connections of columns in pipe supports and tray hangers and *OFTEN* do not weld all around the joint to restrain forces in all *PARTIAL* directions. I feel this is a code violation. No prototype tests were conducted to verify the adequacy of these *JOINTS* welds. Therefore, the actual structural strength of the electrical tray hanger/tube steel welds used on the actual material at SONGS is not fully known. This also applies to pipe supports. I also feel that the failure to weld all around the joint is a generic problem. *INTERMITTENT* Unfortunately, and in my opinion, *usually*, the codes do not always *not demand* ~~require~~ *WHERE ALL SURROUNDING* require adequate root penetration of fillet welds. *E.K.*
 - (3) I recall that some of the vendor supplied welded hardware *did* not have adequate root penetrations. The one vendor I can recall is Beck, I believe a supplier of NRC equipment. I remember one instance on a piece of Beck hardware where a fillet weld with inadequate root penetration **WELDING**

E.K.

8311020175

0311020175

4pp.

TO MR. PERICH
KNOX 10/15/82

E.K.
APPEARED TO

E.L.

O.AFTER.

was identified during inspection on site. This instance was subsequently corrected by weld repair before installation in the plant. I don't remember if this equipment was used in BUKGS Units 2 or 3. I recommend that the NRC examine the beginning and end of fillet welds for a sure root penetration at these areas and conduct destructive testing of selected supports - supplied by this vendor to determine if other fillet welds have inadequate root penetrations, OR OTHER CODE VIOLATIONS.

AND VERIFY THAT ALL CRACKS ARE FILLED,

WOULD BE PLACED, I HAD TOLD,

OF THE OPINION

MANY

I BELIEVE

IN

- (4) A steel bracket ~~was~~ placed between a Unit 1 hydrogen line on trip for steam generator. This was done because the hydrogen line had worn thin due to rubbing with another line. I believe maintenance people at the site who were working during the period when damage due to the Unit 1 diesel generator fire was being corrected would remember and be able to locate the design change and spacer. I don't recall the exact location of the hydrogen line. To my best recollection there wasn't equipment within ten feet. I don't remember if there was any nuclear safety-related equipment nearby. I am concerned for the integrity of nuclear safety-related equipment, if located nearby, and about the potential for loss of human life and fire should this line rupture. I recommend NRC conduct an examination of this hydrogen line and make certain it has sufficient wall thickness to be safely operated. ~~MAY BE LIKELY, I PRESENTED A MAJOR FIRE IN UNIT 1, AND PROBABLY SAVED THE LIVES OF SEVERAL (OR NONE) WORKERS THERE.~~

- (5) I agree that weld end returns are not required on Bechtel drawings. This is in violation of AWS-D1.1, Section 6, paragraphs 6.3.3, 6.3.3.1, and 6.3.3.2. These conditions exist on details in structural applications. A two page Bechtel Power Corporation table established that certain pipe supports must conform to AWS-D1.1 requirements.

- (6) Bechtel Construction Specification CS - P207, Revision 7, dated April 18, 1980, paragraphs 5.6 and 5.7, contains visual examination criteria used by Bechtel for pipe supports and reference the ASME B31V Code, Section III, Subsection NF. I told John A. Dell, investigative reporter for the Los Angeles Times, that the visual criteria of CS - P207 are not in accordance with the above code requirements, particularly in CS - P207 paragraphs 5.6.1.3 (porosity and slag), weld convexity height acceptance criteria, 5.6.1.4 (underfilled groove weld craters), 5.6.1.11 (arc strike acceptance criteria, and 5.7.2 (allowing groove welds with fillet ends to be welded as fillet welds).

- (7) Bechtel generated a 92 page NCR on electrical tray hangers. I question whether the welds made on electrical supports prior to the NCR resolution were fixed. ~~ADAPQUATELY OR COMPLETELY~~

- (8) Bechtel has not complied with the requirements of AWS D1.1 (1974 edition), paragraphs 8.12.1.4.(2).(8) and 8.15.1.3, regarding filling of open weld craters on tray hangers to full

(b)
E.L.

AND OTHER ITEMS
E.L.

cross section of the weld.

IN MY
OPINION,

- (9) Bechtel has not removed arc strikes from base metal of pipe supports or structural steel as required by AWS D1.1 paragraph 4.4. *ALL ALL* *ON BLENISHED E.K.* *OR E.K.*

- (10) I observed instances where run off plates ~~were not~~ used as required by AWS D1.1 paragraph 4.6 of groove weld terminations. I cannot recall any specific locations, but I do recall observing this condition on beam and girder splices, *HAD NOT BEEN E.K.* *AS SUPPLIED BY AT LEAST ONE VENDOR, E.K.*

- (11) I believe that a spacer plate is missing on the upper inside door hinge of the Unit 2 containment personnel hatch because I observed a gap in the weld joint of about 1/4 inch. I brought this to the attention of my supervisor, who also shared that belief. I believe that by bringing this condition to the attention of my supervisor I had properly performed my duty to identify this condition. I did not compare the drawing requirements to the installed condition in making this determination of a missing spacer plate, *BECAUSE MY SUPERVISOR HAD INDICATED TO ME THAT IT WAS THE VENDOR'S PROBLEM TO CORRECT IT, E.K.*

- (12) I believe that Bechtel has misinterpreted the requirements of the ASME Section III welding standards regarding socket weld engagement length without initiating a code case and obtaining appropriate code relief. The ASME code requires a gap between the pipe end and the fitting of "approximately 1/16 inch". I believe that the code should provide a more definitive acceptance criteria than merely "approximately 1/16 inch". *EVIDENTLY BECHTEL*

- (13) Bechtel specification WQ-2, sheet 20, note 1, requires "shall not exceed 1/3 inch..." regarding maximum groove weld reinforcement height. This requirement should read "shall not exceed 1/8 inch..." as required by the ASME Section III code on groove weld reinforcement. The 1/3 inch height *WILL ALLOW ANY DIMENSION, AS LONG AS THE PIPE IS NOT TOTALLY WITHDRAWN FROM THE* *IS A DETRIMENTAL* *WORK TO BE IMMEDIATELY* *EVIDENTLY BECHTEL*

- (14) I believe that the caliber of individuals employed by Peabody Testing to perform nondestructive examination (NDE) on welds in nuclear service applications was not acceptable. This belief is based on the observation of many spelling errors, such as the incorrect spellings of the words "fillet" and "weld", on NDE reports prepared by these individuals. Because of those observed spelling errors, I question the abilities of these NDE personnel to perform the required examinations as required by their procedures. I believe that established industry standards regarding the qualification of NDE personnel are not sufficient to assure an adequate level of personnel capability and knowledge in this very important area of inspection. *AT MIDLAND MICHIGAN'S TWIN NUCLEAR PLANT, E.K.* *MAKING ALSO MISTAKENLY E.K.* *FILED* *WEL* *AND* *OTHER* *E.K.* *AND BECHTEL*

I have advised the above named NRC personnel of other concerns I have regarding inadequacies that I feel exist in Industry Codes and Standards (i.e. AWS, ASME, AISC, etc.). The NRC representatives have told me that these areas are not within the jurisdiction of the NRC and although I do

SOME OF THESE ALLOW INADEQUATE WELDING
PROCESSES (SUCH AS SHIELD METAL ARC WELDING) ARE IN AN AREA

not necessarily agree with this, I do understand that this is the case...
The NRC representatives have also told me that I can report my areas of
concern regarding Codes to the applicable code committee. *HOWEVER, WHERE
SAFETY & LIFE IS AT STAKE I ASK THEM TO HELP MY EFFORTS IN THESE AREAS.*
I further have advised the NRC representatives that I have many concerns
regarding welding done on non-nuclear safety related systems and equipment.
I have been advised by the NRC representatives that these areas are also
not within the jurisdiction of the NRC. The NRC representatives have told
me that I can report these concerns directly to the utility, SCE, or
whatever other local, state, or federal agency that has jurisdiction. *AT SA*

*ONCE
BUT ALL NUCLE
PLANTS IN THE
UNITED STATES, I
NEED HELP IN
RESOLVING PROBLEMS
THAT I KNOW EXIST.*

E.K.

82-117



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555

NOV 10 1982

Docket Nos.: 50-361
and 50-362

San Onofre 2 & 3

MEMORANDUM FOR: The Atomic Safety Licensing Appeal Board for San Onofre
Units 2 and 3

FROM: Thomas M. Novak, Assistant Director
for Licensing
Division of Licensing

SUBJECT: INFORMATION ITEM - NOTIFICATION OF WELDING-RELATED
ALLLEGATIONS AT SAN ONOFRE 2/3
(Board Notification No. 82-117)

The attached memorandum (Engelken to Eisenhut, dated November 8, 1982) summarizes allegations made by a Bechtel employee regarding welding practices at the plants. We presently do not consider these allegations to represent a safety concern since none of the allegations have been substantiated. However, if any change in our position occurs, we will issue a further notification.

Thomas M. Novak, Assistant Director
for Licensing
Division of Licensing

Enclosure:
As stated

cc: OPE
SECY
OGC
OI
Region V Administrator
Service List

~~82-117-351~~

2pp.

DISTRIBUTION FOR BOARD NOTIFICATION

Before the Atomic Safety and Licensing Appeal Board

San Onofre Units 2&3
Docket Nos. 50-361/362

Stephen F. Eilperin, Esq.
Dr. Reginald L. Gotchy
Dr. W. Reed Johnson
James L. Kelley, Esq.
Dr. Cadet H. Hand, Jr.
Mrs. Elizabeth B. Johnson
Janice E. Kerr, Esq.
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Dr. Chester P. Siess
Mr. David A. Ward



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION V
1450 MARIA LANE, SUITE 210
WALNUT CREEK, CALIFORNIA 94506

NOV 8 1982

MEMORANDUM FOR: D. G. Eisenhut, Director, Division of Licensing, NRR
FROM: R. H. Engelken, Regional Administrator, Region V
SUBJECT: RECOMMENDATION FOR LICENSING BOARD NOTIFICATION REGARDING
WELDING RELATED ALLEGATIONS AT SAN ONOFRE UNIT 3.
DOCKET NO. 60-362

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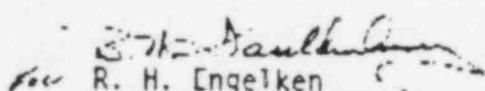
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The allegations pertain to engineering and QA/QC issues which have been addressed by the licensing board.


R. H. Engelken
Regional Administrator

Attachment:
As stated

cc: M. Williams, ONRR
H. Rood, NRR, 1B3
G. Knighton, LBJ

9400 Spruce Court
Cypress, California 90630
Date: October 16, 1982
Time: 12:30pm

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E.K. AUGUST

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- (1) Pipe fitters used pipe cutters to make scribe marks for socket weld fitup measurements. These scribe marks caused grooves in both stainless and carbon steel pipes about 1" back from the weld area. I am concerned that these grooves might cause stress raisers. These conditions exist on socket welded fittings *all over Units 2 and 3, I P 44, BUT A FEW IN UNIT 1, AT RANDOM IN E.K.*
- (2) Bechtel designers ~~use~~ use fillet welds on ~~connections~~ connections of beams in pipe supports and tray hangers and *OFTEN E.K.* do not weld all around the joint to restrain forces in all directions. I feel this is a code violation. No prototype tests were conducted to verify the adequacy of these welds. Therefore, the actual structural strength of the electrical tray hanger/tube steel welds used or the actual material at ~~all~~ *not* fully known. This also applies to pipe supports. I also feel that the failure to weld all around the joint is a generic problem. *Unfortunately, and in my opinion, wrong, the codes do NOT ALWAYS E.K.*
- (3) *not required, around welds, UNLESS ALL AROUND OR NOT. E.K.* *ALL AROUND OR NOT. E.K.* *WELDING E.K.* *APPEARED TO* I recall that some of the vendor supplied welded hardware *did* not have adequate root penetrations. The one vendor I can recall is Zack, I believe a supplier of HVAC equipment. I remember one instance on a piece of Zack hardware where a fillet weld with inadequate root penetration.

E.L.

O.AFTER

Continued Statement of D. Earl Kent.....Page 2

was identified during inspection on site. This instance was subsequently corrected by weld repair before installation in the plant. I don't remember if this equipment was used in BOKGS Units 2 or 3. I recommend that the NRC examine the beginning and end of fillet welds to assure root penetration at these areas and conduct destructive testing of selected supports - supplied by this vendor to determine if other fillet welds have inadequate root penetrations, OR OTHER CODE VIOLATIONS.

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- (7) Bechtel generated a 92 page NCR on electrical tray hangers. I question whether the welds made on electrical supports prior to the NCR resolution were fixed.
- (8) Bechtel has not complied with the requirements of ASME D1.1 (1974 edition), paragraphs 8.12.1.4.(2).(b) and 8.15.1.3. regarding filling of open weld craters on tray hangers.

(b)

E.L.

AND OTHER ITEMS
E.L.

cross section of the weld.

IN MY
OPINION,

(9) Bechtel has not removed arc strikes from base metal ~~on~~ pipe supports or structural steel as required by AWS D1.1 paragraph 4.4.

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~~some of these allow inadequate welds~~
PREPARED (FOR FEABODY TESTING) BY E. EARL KENT

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The NRC representatives have also told me that I can report my areas of concern regarding Codes to the applicable code committee. HOWEVER, WHERE SAFETY & LIFE IS AT STAKE, I ASK THEM TO HELP MY EFFORTS BY ALLOWING ME TO. I further have advised the NRC representatives that I have many concerns regarding welding done on non-nuclear safety related systems and equipment. I have been advised by the NRC representatives that these areas are also not within the jurisdiction of the NRC. The NRC representatives have told me that I can report these concerns directly to the utility, SCE, or whatever other local, state, or federal agency that has jurisdiction. AT SA

UNDER
BUT ALL NUC
PLANTS IN THE
UNITED STATES. I
NEED HELP IN
RESOLVING PROBLEMS
THAT I KNOW EXIST.

E.K.

I have read the foregoing statement consisting of this and four other typewritten pages. I have made and initialed any necessary corrections and have signed my name in ink in the margin of each page. I swear that the foregoing statement is true and correct. Signed on _____ at _____.

Signature: _____
E. Earl Kent

Subscribed and sworn to before me this _____ day of _____, 1982 at _____.

Investigator: _____
Owen C. Shackleton Jr.

Witness: _____
Philip V. Joukoff
Investigator, OISFFO