



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

PDR-016

JUL 24 1985

Ms. Billie Pirner Garde
Citizens Clinic Director
Government Accountability Project
1555 Connecticut Avenue, NW, Suite 202
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-85-491

Dear Ms. Garde:

This is in partial response to your letter dated July 8, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), all records relevant to and/or generated in connection with all communications between Harold Denton, William Dircks, and Victor Stello regarding Comanche Peak.

The documents listed on enclosed Appendix A are being placed in the NRC Public Document Room (PDR) located at 1717 H Street, NW, Washington, DC, in file folder FOIA-85-491 under your name.

The NRC has not completed its search for and review of additional records which may be subject to your request. We will communicate with you again when search and review are complete.

Sincerely,

J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosure: As stated

APPENDIX A

<u>DATE</u>	<u>DOCUMENT DESCRIPTION</u>	<u>PAGES</u>
1. 12/24/84	Memorandum W. Dircks to Office Directors and Regional Administrators regarding the "Formation of Panel to Prepare NRC Staff Position on Comanche Peak Hearing Contention No. 5"	7
2. 12/24/84	Memorandum W. Dircks to Office Directors and Regional Administrators regarding the "Formation of Panel to Prepare NRC Staff Position on Intimidation at Comanche Peak."	6
3. 02/28/85	Memorandum W. Dircks to Office Directors and Regional Administrators regarding "Panel to Prepare NRC Staff Position on Comanche Peak Contention No. 5."	7



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

DEC 24 1984

*Comanche
File*

MEMORANDUM FOR: Those on Attached List

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: FORMATION OF PANEL TO PREPARE NRC STAFF POSITION
ON COMANCHE PEAK HEARING CONTENTION NO. 5

The staff's formal positions on the Comanche Peak facility are nearing completion. The ASLB Hearings, which have been in progress for three years and are expected to resume in February 1985, have resolved all contentions except Contention No. 5. This contention concerns the Applicants' adherence to QA/QC requirements and is provided as Enclosure 1. The issue of construction QA/QC at Comanche Peak is multi-faceted and is addressed, in part, by many records, documents and in testimony from various sources including the Staff, Applicants, Intervenors, and Allegers. The background of this contention and associated records span several years. Various NRC offices have been involved, including Region IV, OI, NRR, OELD and IE.

To properly evaluate this contention and to prepare a comprehensive staff position, I am directing the formation of a panel composed of senior managers drawn from your offices. This panel is to be composed of the following individuals:

Edward Jordan, IE (Chairperson)
Richard Vollmer, NRR
Alan Herdt, R-II
Robert Warnick, R-III
Roger Fortuna, OI

Because of their previous association with Comanche Peak regulatory activities, I am appointing the following advisors to the panel:

Joe Scinto, OELD
Vince Noonan, NRR
Thomas Ippolito, AEOD
James Gagliardo, IE
Brooks Griffin, OI
Dorwin Hunter, R-IV
Bruce Kaplan, EG&G

The advisors may occasionally be asked to assist the panel when issues involving their specific area of expertise are being considered, and I request your support in making them available on an "as-needed basis."

FOIA-85-491



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Those on Attached List

-2-

The product of the Panel's effort will be a report similar to a SSER, that states clear staff conclusions regarding this Contention. Enclosure 2 provides the outline of a Charter for this Panel. As the first order of business, the Panel will develop a working Charter which shall be submitted for my approval.

The scheduled completion of the Panel's action is January 31, 1985. I expect the Panel to establish its own schedule, consistent with the resumption of the hearing process. Enclosure 3 provides a proposed milestone summary.

The Panel will work under the direction of Vincent S. Noonan, Director of Comanche Peak Project, and should provide periodic status briefings to the Director of Licensing.

(Signed) William J. Dircks
William J. Dircks
Executive Director
for Operations

Enclosures: As stated

cc: B. Hayes, OI
Panel Members
Panel Advisors

Distribution:
Docket File
EDO Reading
S. Treby
B. Youngblood
T. Novak
S. Burwell

*See attached concurrence sheets

DFC :TRT	:PD:TRT	:DIR:DL	:OELD	:DEPDIR:NRR	:DIR:NRR	:EDO
NAME :RWessman:pf*	:VNoonan *	:DEEisenhut	:JScinto *	:ECase *	:HRDenton *	:WJDircks
DATE :12/13/84	:12/13/84	:12/17/84	:12/17/84	:12/17/84	:12/18/84	:12/1/84

OFFICIAL RECORD COPY

Addressees List:

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Richard C. DeYoung, Director
Office of Inspection and Enforcement

Guy H. Cunningham, III
Executive Legal Director

Jack Heltemes, Director
Office of the Analysis and
Evaluation of Operational Data

James P. O'Reilly, Regional Administrator
Region II

James Keppler, Regional Administrator
Region III

Robert Martin, Regional Administrator
Region IV

ENCLOSURE 1

COMANCHE PEAK CONTENTION 5*

Contention 5. The Applicants' failure to adhere to the quality assurance/quality control provisions required by the construction permits for Comanche Peak, Units 1 and 2, and the requirements of Appendix B of 10 CFR Part 50, and the construction practices employed, specifically in regard to concrete work, mortar blocks, steel, fracture toughness testing, expansion joints, placement of the reactor vessel for Unit 2, welding, inspection and testing, materials used, craft labor qualifications and working conditions (as they may affect QA/QC, and training and organization of QA/QC personnel, have raised substantial questions as to the adequacy of the construction of the facility. As a result, the Commission cannot make the findings required by 10 CFR 50.57(a) necessary for issuance of an operating license for Comanche Peak.
(CFUR 4A-ACORN 14-CASE 19 JOINT Contention)

*Reproduced from Board Order Subsequent to the Pre-hearing Conference of April 30, 1980 (dated June 16, 1980)

ENCLOSURE 2

COMANCHE PEAK CONTENTION 5 PANEL CHARTER

OBJECTIVES

- 1) To make the staff determination regarding the Applicants' adherence to the QA/QC requirements described in Contention 5.
- 2) Provide a report to management reflecting the panel's determination.
- 3) Provide panel testimony before the Comanche Peak ASLB.

PURPOSE

The purpose of this Panel is to integrate the views and experience of senior NRC managers to yield a staff determination regarding Contention 5.

MEMBERSHIP

Nelson Grace, IE (Chairperson)
Richard Vollmer, NRR
Edward Jordan, IE
Robert Warnick, R-III
Alan Herdt, R-II
Roger Fortuna, OI

Advisors

Joe Scinto, OELD
Vince Noonan, NRR
Thomas Ippolito, AEOD
James Gagliardo, IE
Brooks Griffin, OI
Dorwin Hunter, R-IV
Bruce Kaplan, EG&G

ACTION ITEMS

- 1) Define criteria for judging the adequacy of the Applicants' adherence to the QA/QC requirements described in Contention 5.
- 2) Conduct a records review. The Panel members should examine and analyze the following records.
 - a. CAT Report
 - b. CYGNA Reports
 - c. Hearing Records/Summary Depositions
 - d. OI Reports
 - e. Enforcement Actions
 - f. SALP Reports
 - g. Reg. IV Inspection Reports
 - h. TRT Reports
 - i. Special Review Team Report

To make the workload manageable, summaries of records or briefings to the panel by key individuals associated and familiar with the records may be requested.

- 3) Routinely interface with the Comanche Peak Intimidation Panel and consider input provided by that Panel.
- 4) For each type of records (a.-i.) the team members will prepare a summary of findings highlighting problem areas and root causes, as related to Contention #5.
- 5) The panel, as a body, will consider the finding summaries, briefings provided by key NRC personnel, and other relevant information to develop the staff position on Contention #5 in the format of an SSER.
- 6) The panel will be required as necessary to provide both written and oral testimony before the ASLB.

ENCLOSURE 3

CONTENTION 5 PANEL SCHEDULE

December

January

Initial Panel Meeting

Obtain relevant documents

Document Reviews

Consolidate Individual
views, Develop Panel
consensus

(Developed by Panel, consistent
with resumption of hearings at
the end of January 1985)

Prepare Panel Report

Report Staff Position
to Management

Prepare Testimony
for ASLB



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

DEC 24 1984

MEMORANDUM FOR: Those on Attached List

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: FORMATION OF PANEL TO PREPARE NRC STAFF
POSITION ON INTIMIDATION AT COMANCHE PEAK

As the work of the Comanche Peak Technical Review Team (TRT) is nearing completion, the staff must evaluate all issues involving intimidation and harassment at Comanche Peak. The ASLB hearings, which have been in progress for three years and are expected to resume in February 1985, have resolved all contentions except Contention No. 5. This contention concerns the Applicant's adherence to QA/QC requirements. As part of developing the staff position on this Contention, the staff must evaluate whether intimidation or harassment against employees or contractors occurred in the past or is now occurring, and make a determination concerning the effects of any such intimidation on the overall QA/QC Program at Comanche Peak.

To properly evaluate the intimidation issue and to prepare a comprehensive staff position, I am directing the formation of a panel, composed of senior managers drawn from your offices. This panel is to be composed of the following individuals:

James Gagliardo, IE (Chairperson)
Jane Axelrad, IE
James Lieberman, OELD
Dorwin Hunter, Region IV

Because of their previous association with Comanche Peak regulatory activities, I am appointing the following individuals as advisors to the panel:

Brooks Griffin, OI
Thomas Ippolito, AEOD
Joseph Scinto, OELD
Vincent Noonan, NRR
Bruce Kaplan, EG&G

The advisors may be asked to assist the panel when issues involving their specific area of expertise are being considered, and I request your support in making them available on an "as-needed" basis.

The product of the Panel's effort will be a report similar to a SSER, that states clear staff conclusions regarding the occurrence of intimidation and harassment at Comanche Peak. The Charter for this Panel is provided as Enclosure 1. The Charter provides the scope and objectives of the Panel but allows sufficient flexibility to enable the Panel to expand its scope, if necessary.

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FOIA-85-491 (A2)

Those on Attached List

-2-

The scheduled completion of the Panel's action is January 31, 1985. I expect the Panel to meet at least once per week and more frequently, if necessary. Enclosure 3 provides a proposed milestone schedule.

The Panel will work under the direction of Vincent S. Noonan, Director of Comanche Peak Project, and should provide periodic status briefings to the Director of Licensing.

William J. Dircks

William J. Dircks
Executive Director for Operations

Enclosures: As stated

cc: B. Hayes, OI

DISTRIBUTION:

Panel Members
Advisors
Docket File 50-445/446
EDO Reading
S. Treby
B. Youngblood
T. Novak
S. Burwell

CPTRT
JGagliardo
12/ /84

*See attached concurrence sheet

**Nonconcurrence per Axelrad and Lieberman

FC	:TRT	:PD:TRT	:DIR:DL	:OELD	:DEPDIR:NRR	:DIR:NRR	:EDO
AME	:RWessman:pf*	:VNoonan *	:DGEisenhut*	:JLieberman**	:ECase*	:HRDenton*	:WJDircks
ATE	:12/13/84	:12/ 1384	:12/17/84	:12/ /84	:12/17/84	:12/18/84	:12/21/84

OFFICIAL RECORD COPY

Addressees List:

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Richard C. DeYoung, Director
Office of Inspection and Enforcement

Guy H. Cunningham, III,
Executive Legal Director

Jack Heltemes, Director
Office of the Analysis and
Evaluation of Operational Data

James Keppler, Regional Administrator
Region III

Robert Martin, Regional Administrator
Region IV

ENCLOSURE 1

Comanche Peak Intimidation Panel Charter

OBJECTIVES:

The objectives of the panel are:

- 1) To determine whether intimidation or harassment against employees or contractors occurred in the past or is now occurring at Comanche Peak;
- 2) To determine the extent of the above conditions if they exist(ed) and to identify the circumstances surrounding the events including the personnel involved, the duration, the reasons for its occurrence and the applicant's management corrective actions or recommendations for corrective actions.
- 3) To evaluate any other indicators of poor management practices or attitude toward the identification and correction of quality problems.

PURPOSE:

The panel will provide as products:

- 1) A position on the intimidation question to NRC upper management;
- 2) Input to the Comanche Peak Contention 5 Panel. The Contention 5 Panel will determine the effects of any intimidation on the overall QA/QC Program at Comanche Peak.

MEMBERSHIP:

James Gagliardo, IE (Chairperson)
Jane Axelrad, IE
James Lieberman, OELD
Dorwin Hunter, Region IV
Bruce Kaplan, EG&G (Advisor)
Brooks Griffin, OI (Advisor)
Thomas Ippolito, AEOD (Advisor)
Joseph Scinto, OELD (Advisor)
Vincent Noonan, NRR (Advisor)

ACTION ITEMS

- 2 -

1. Define criteria for determining whether intimidation or harassment occurred.
2. Conduct as appropriate a review of relevant data bases:
 - a. EG&G report on intimidation (9/84)
 - b. Transcript of EG&G Intimidation Study Team briefing of NRC, applicant's, and intervenor's lawyers
 - c. Enforcement packages related to intimidation.
 - d. Depositions related to intimidation and harassment. (A summary will be sought or prepared as required)
 - e. Proposed Findings on intimidation (staff, applicants and intervenors).
 - f. Transcripts of current ASLB hearings related to intimidation.
 - g. Office of Investigations reports on intimidation and status of outstanding allegations. (B. Griffin should provide briefing on the above)
 - h. Information on Department of Labor Hearings related to the subjects of concern.
3. Interface with CP Contention 5 Panel routinely.
4. Based on the above data and any other relevant data reviewed by the panel, develop a position which meets the stated objectives.
5. Prepare an SSER on intimidation, and provide testimony as required at ASLB hearings.

ENCLOSURE 2

Intimidation Panel Schedule

December

January

Initial Panel Meeting

Obtain relevant documents

Document Reviews

Consolidate Individual
views, Develop Panel
consensus

(Developed by Panel, consistent
with resumption of hearings at
the end of January 1985)

Prepare Panel Input to
QA/QC Panel

Prepare Panel Report
on Staff's Position

Dircks



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

FEB 28 1985

MEMORANDUM FOR: Those on Attached List

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: PANEL TO PREPARE NRC STAFF POSITION ON COMANCHE PEAK
HEARING CONTENTION NO. 5

On December 24, 1984, I established the subject panel and provided initial guidance regarding its charter. Since that time, the charter and the panel composition have been clarified to reflect a broader range of expertise and to accommodate agency priorities. This memorandum reflects the panel's charter and changes.

To properly assist the Director, Comanche Peak Project in evaluating Contention 5 and to assist him in the preparation of a comprehensive staff position on Contention 5, a panel composed of senior managers has been formed. The panel is composed of the following individuals:

Edward Jordan, IE (Chairperson)
Richard Vollmer, IE
Alan Herdt, R-II
Robert Warnick, R-III
James Sniezek, DEDROGR
Ashok Thadani, NRR

This contention concerns the applicant's adherence to QA/QC requirements and is provided as Enclosure 1. The issue of construction QA/QC at Comanche Peak is multifaceted and is addressed, in part, by many records, documents and in testimony from various sources including the staff, applicant, intervenor, and allegers. The background of this contention and associated records span several years. Various NRC offices have been involved, including Region IV, OI, NRR, OELD and IE. Because of their involvement with Comanche Peak regulatory activities, I am appointing the following personnel as resource support to the panel in their areas of expertise:

Joe Scinto, OELD
Vince Noonan, NRR
Thomas Ippolito, AEOD
James Gagliardo, IE
Brooks Griffin, OI
Dorwin Hunter, R-IV
Chet Poslusny, NRR*
Ted Sullivan, NRR*

FOIA-85-491



*Administrative and technical support as requested by Panel Chairman

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These individuals may be asked to assist in this effort when issues involving their specific area of expertise are being considered, and I request your support in making them available on an "as-needed" basis.

The product of this effort will be the assistance to the Director, Comanche Peak Project, in preparing a position that integrates the staff findings and conclusions regarding this Contention. In addition this effort may require panel members, or the panel as a whole, to be prepared to testify concerning panel recommendations in support of the staff position on Contention 5 as identified by the Director, Comanche Peak Project. Enclosure 2 provides the charter for the panel.

The work schedule of the panel as developed by the Director, Comanche Peak Project, is to be consistent with the hearing schedule and shall be closely coordinated with ELD.

The panel will work under the direction of Vincent S. Noonan, Director, Comanche Peak Project, and should provide periodic status briefings to the Deputy Director, NRR.

(Signed) William J. Dircks

William J. Dircks
Executive Director for Operations

Enclosures: As stated

cc: Panel Members
Panel Resource Personnel
T. Murley
J. Martin

Distribution

WJDircks
EJordan
DEisenhut
EDO Reading File
Central File
CPTRT Reading File (Annette)

FC	:IE	:CPP/DIR	:NRR	:NRR/DIR	:EDO	:	:
NAME	:EJordan	:VSNoonan	:DGEisenhut	:HDenton	:WJDircks	:	:
DATE	: 2/22/85	: 2/22/85	: 2/25/85	: 2/25/85	: 2/27/85	:	:

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ADDRESSEES FOR MEMORANDUM DATED FEB 28 1965

Victor Stello, Jr, DEDROGR
Harold R. Denton, NRR
James Taylor, IE
Guy H. Cunningham, III, ELD
Clemens J. Heltemes, AEOD
Nelson Grace, RII
James Keppler, RIII
Robert Martin, RIV
Ben Hayes, OI

ENCLOSURE 1

COMANCHE PEAK CONTENTION 5*

Contention 5. The Applicants' failure to adhere to the quality assurance/quality control provisions required by the construction permits for Comanche Peak, Units 1 and 2, and the requirements of Appendix B of 10 CFR Part 50, and the construction practices employed, specifically in regard to concrete work, mortar blocks, steel, fracture toughness testing, expansion joints, placement of the reactor vessel for Unit 2, welding, inspection and testing, materials used, craft labor qualifications and working conditions (as they may affect QA/QC) and training and organization of QA/QC personnel, have raised substantial questions as to the adequacy of the construction of the facility. As a result, the Commission cannot make the findings required by 10 CFR 50.57(a) necessary for issuance of an operating license for Comanche Peak.
(CFUR 4A-ACORN 14-CASE 19 JOINT Contention)

*Reproduced from Board Order Subsequent to the Prehearing Conference of April 30, 1980 (dated June 16, 1980)

ENCLOSURE 2

COMANCHE PEAK CONTENTION 5 PANEL CHARTER

I. PURPOSE

The purpose of this panel is to assist the Director, Comanche Peak Project, to evaluate in an integrated manner the information developed by the staff which bears upon QA/QC and overall plant quality. The objectives are:

- A. To assist the Director, Comanche Peak Project to make the staff determination regarding the findings required by 10 CFR 50.57(a) as related to Contention 5.
- B. To provide an integrated review and feedback to the Director, Comanche Peak Project, on information bearing on Contention 5 along with the identification of problem areas and appropriate recommendations for NRC actions or proposed solutions.
- C. To be prepared to testify as needed individually or as a panel, concerning panel recommendations in support of the staff position on Contention 5 as identified by the Director.

II. MEMBERSHIP

Edward Jordan, IE (Chairperson)
Richard Vollmer, IE
Alan Herdt, R-II
Robert Warnick, R-III
James Sniezek, DEDROGR
Ashok Thadani, NRR

III. PANEL SCOPE

- A. Under the guidance of the Director, Comanche Peak Project the panel shall become familiar with and consider findings of past and current NRC staff activities and applicant actions in response to NRC findings as they relate to the matters addressed in Contention 5. Specifically, the panel shall consider the results of:
 - 1) Region IV inspections
 - 2) CAT inspections

- 3) OI investigations
- 4) Technical Review Team inspections
- 5) Enforcement actions
- 6) Special Review Team inspection
- 7) SALP reports
- 8) Staff analysis of CYGNA Report
- 9) Staff summary of the Hearing Record

Additionally, the panel may examine the result of other staff activities which may bear on their findings related to Contention 5 if directed to do so.

- B. The Director, Comanche Peak Project will arrange for staff members to brief the panel on findings related to Contention 5. The Director will also set up meetings with the intervenor and the applicant to discuss matters which they respectively believe are most significant as related to Contention 5. Any such meetings will be open to the public. The panel should properly characterize the collective concerns raised by the staff, intervenor and applicant and review/comment on the applicants plan to address these concerns. The panel should then advise the Director, Comanche Peak Project on its recommendations.
- C. During conduct of panel activities, the panel should advise the Director, Comanche Peak Project of areas where it appears additional NRC activity may be warranted in order to address the issues raised in Contention 5.

IV. PANEL OPERATING PROCEDURES

- A. Panel meetings will be held as established by the Chairperson. The Director, Comanche Peak Project will arrange all meetings with the applicant, intervenor or alлегers. Meetings with NRC staff and staff consultants shall be considered predecisional.
- B. A quorum for conduct of panel business will consist of four members. In the temporary absence of the Chairperson, the Chairperson may designate an acting Chairperson.
- C. Briefings by the principal NRC reviewers in each of the areas identified in Section III.A will be obtained. Reviewers will summarize the scope of their reviews, deficiencies noted, root causes of such deficiencies and applicant corrective actions. Likewise, the reviewers are to discuss those areas where no deficiencies were found.
- D. The panel should analyze the information presented by NRC reviewers contained in source documents which the panel reviews, obtained by discussions with the applicant, intervenor and staff and observed during site reviews in arriving at its recommendations regarding Contention 5 and should continually provide feedback to the Director, Comanche Peak Project.

- E. The panel should keep apprised of the ongoing agency activities related to Contention 5 and promptly identify conflicts or problems to the Director, Comanche Peak Project.

V. RECORD AND REPORTING

- A. The panel will work under the direction of Vincent S. Noonan, Director of the Comanche Peak Project, and should provide periodic status briefings to the Deputy Director, NRR.
- B. The panel shall keep such records of activities to assist it in arriving at recommendations regarding Contention 5, as requested by the Director. Such records shall be considered predecisional until staff testimony regarding Contention 5 is provided to the Hearing Board.