

December 8, 1986



Mr. Lando Zack, Chairman
Nuclear Regulatory Commission
Washington, D. C. 20555

Subject: South Texas Nuclear Power Plant

Copies: Distribution (attached)

DEC 11 1986

Dear Mr. Zack,

I feel it is my duty to inform you that since [I responded to your Regional Office agent's interview on [redacted] my two (2) inspection trips with two (2) of your site operational agents on [redacted] and having contacted your Region IV Complaints Coordinator on [redacted] --- I have heard nothing from those agents.]

I am extremely concerned that no corrective action has been initiated concerning the design and installation deficiencies. The "Hot Functional Test(s)" schedule needs to incorporate all known deficiencies and the work completed before the test(s) are conducted.

Furthermore, [an engineer who has identified some of his concerns on plant documentation/installation, called me and told me that your agent, [redacted] has told him that my concerns were "cosmetic". Is it a practice of your agents to give his opinions to others before a report is given to one who has given a sworn deposition to the Government? Additionally, I was promised a copy of my deposition by [redacted] -- I have not received it. Neither have I received any telephone calls or reports on my inspection trips with your agents or Complaints Coordinator.]

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In addition to making [two (2) separate inspection trips with the Houston Light & Power Company's site Safeteam Management, an inspection trip with a Bechtel Corporation Vice-President, Project Manager, Assistant Site Project Engineer, and Lead Retrofit Design Engineer -- I have had no informational response whatsoever. Nor have I received an answer to my second letter to the President of the Bechtel Group of Companies.]

I am talking about a nuclear power plant that is required to demonstrate systems that are installed correctly prior to receiving nuclear fuel on site.

Because of no response from your agency, and in order to identify the problems at the South Texas Nuclear Power Plant, I have met with the State of Texas Office of Public Utility Counsel, the firm of Fulbright-Jaworski, and the Austin, Texas American Statesmen newspaper. Also, I have been in contact with the Government Accountability Project in Washington, D. C.. Next, I have an appointment with another State of Texas Public Utility representative. Senator Lloyd Bentsen of Texas has been prompt in reporting to me of your need to keep him informed..

My employer, [redacted] has terminated my employment since I first contacted you, and therefore I have no direct way of being informed if any corrective action is being implemented on the deficiencies at the plant.

Under these serious circumstances pursuant to the configuration of the plant systems, I sincerely recommend that you consider issuing a Stop Work Order to the project.

My telephone number is [redacted] Please feel free to call me at any time.

Very truly yours,
[redacted]

Distribution: (Order to Zack letter 12/8/86)

Senator Lloyd Bentsen
United States Senate
Washington, D. C. 20510

Chairman Rosson
Public Utility Commission of Texas
7800 Shoal Creek Boulevard
Suite 400N
Austin, Texas 78757

Billie P. Garde
Citizen's Clinic Director
Government Accountability Project
1801 Que Street, N. W.
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Jeff Wolff, Attorney
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

12-1-1990
G. D. B.

May 11, 1990

The Honorable Lloyd Bentsen
United States Senator
961 Federal Building
Austin, TX 78701

Dear Senator Bentsen:

I am responding to your letter dated March 22, 1990, in which you requested information pertinent to matters raised in a letter to you dated [redacted] from [redacted].

In the spring of 1989, the U. S. Nuclear Regulatory Commission (NRC) became aware of the possibility that settlement agreements in several Department of Labor employment discrimination cases might contain possible barriers to individuals bringing safety concerns to the NRC. On April 27, 1989, upon the discovery of this possibility, NRC sent letters to all nuclear utilities, major architect-engineers, nuclear steam supply system vendors, fuel cycle facilities, and major materials licensees directing them to review their current and previous agreements to assure that such restrictive clauses were not present. If restrictive clauses were found, the NRC directed the companies to notify current and former employees that they could freely come to the NRC at any time without fear of any form of retribution and that conditions in the restrictive clauses would not be enforced. Also, the companies were to notify the NRC by July 1, 1989, if such restrictive clauses were identified. Several companies informed the NRC that they had notified individuals whose agreements could be considered restrictive. Some of these companies, however, indicated that they believed the agreements were not restrictive.

When a company identified an agreement with potentially restrictive language, the NRC reviewed the agreement. Where the NRC determined that the agreement contained potentially restrictive language, it sent a certified letter to an affected individual or his/her attorney. The letter instructed them that any restrictions on communications with the NRC were to be disregarded and requested that they identify any safety issues that were not brought to the attention of NRC because of the agreement.

Less than half of the individuals contacted responded to the certified letters from NRC. Some indicated that they did not feel restricted by their agreement, while others indicated that they felt restricted. Some people who believed their agreements were restrictive indicated that they had safety issues not previously brought to NRC's attention. Those indicating that they had safety issues were contacted by the NRC and were requested to supply information about the issues.

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[redacted] was one of the individuals who believed [redacted] settlement agreement restricted [redacted] communications with the NRC and, in response to NRC's certified letter, [redacted] indicated that [redacted] had safety issues concerning the South Texas Project nuclear power plant. However, [redacted] refused to voluntarily cooperate with NRC, and after unsuccessful efforts by the NRC to meet informally with [redacted] to discuss [redacted] concerns, the Agency issued a subpoena on December 1, 1989, requiring that [redacted] provide testimony.

[redacted] in compliance with the subpoena, met with the NRC staff on [redacted] [redacted] communicated to them the safety concerns [redacted] had about the South Texas Project. The transcript of that meeting has been reviewed by NRC and [redacted] concerns fall within the following categories: (1) previous concerns [redacted] brought to NRC's attention that were reviewed, analyzed, and resolved by the staff in early 1988; (2) previous concerns provided to the utility's SAFETEAM for which [redacted] feels that adequate justification for disposition was not provided; (3) previous concerns provided to NRC's Region IV staff for which [redacted] feels that adequate justification for disposition was not provided; and (4) all other items raised by [redacted] that may be potential safety issues. The NRC staff has developed a plan and begun the review of [redacted] concerns.

[redacted] in a letter dated [redacted] submitted a Freedom of Information Act (FOIA) request for records relating to [redacted] previous concerns regarding the South Texas Project. Subsequently, in a letter dated [redacted] a similar request was submitted and a request was made that fees for processing the request be waived. On March 21, 1990, the NRC denied the request for a fee waiver because the use to be made of the records would be a private one. The enclosed chronology reflects NRC contacts regarding this matter.

I hope this information satisfies your concerns regarding this matter.

Sincerely,

Original Signed By
James M. Taylor

James M. Taylor
Executive Director
for Operations

Enclosure:
Chronology

DISTRIBUTION: JMTaylor, HLThompson, PGNorry, DHGrimsley, LLRobinson, CAREed, FHebdon, GHolahan, EDO 5328, SECY CRC-90-0339, EDO r/f, FIPS subj.
*See attached for previous concurrences Revised in EDO office 5/8/90

CA

JFC	: FIPS:ADM	: D: FIPS:ADM	: D: ADM	: NRR: PDA	: NRR: DRSP	: DEDO	: EDO
	: CAREed						
NAME	: LLRobinson*	: DGrimsley*	: PGNorry*	: FHebdon*	: DCrutchfield*	: HLThomson*	: JMTaylor
DATE	: 5/03/90	: 5/03/90	: 5/07/90	: 5/07/90	: 5/07/90	: 5/07/90	: 5/8/90

CHRONOLOGY

[REDACTED] informed NRC that [REDACTED] had concerns regarding the South Texas Project nuclear power plant which [REDACTED] believed NRC had not evaluated.

[REDACTED] sought to impose conditions on [REDACTED] presentation of the information to NRC including, NRC serving a subpoena on [REDACTED].

[REDACTED] also submitted a Freedom of Information Act (FOIA) request on [REDACTED] behalf for records pertaining to [REDACTED] previous concerns and allegations concerning the South Texas Project plant from June 1986.

November 3, 1988

NRC sent [REDACTED] a statement of estimated fees for processing the FOIA request.

December 1, 1989

After lack of cooperation, a subpoena was issued by NRC requiring [REDACTED] testimony on [REDACTED].

[REDACTED] submitted another FOIA request on behalf of the [REDACTED] for the same records and requested a waiver of fees for processing the two FOIA requests.

[REDACTED] submitted a motion to NRC asking that the subpoena be modified and a protective order issued on the bases of undue financial hardship regarding the location of the deposition and NRC's failure to repond to the FOIA requests. (The) was the first time NRC became aware that the processing of the FOIA requests was a prerequisite for conducting the deposition.

December 15, 1989

NRC confirmed, in writing, telephone discussions with [REDACTED] in which it was agreed that the location of the deposition would be changed. The letter further stated that the NRC staff did not consider it necessary for the FOIA requests to be processed prior to

the deposition and that the FOIA fee waiver request was being reviewed. The letter also postponed the deposition since [redacted] would not withdraw the motion.

January 12, 1990

NRC notified [redacted] that the fee waiver request was denied because the use of the records was primarily for a private purpose (to allow [redacted] to prepare for the deposition) and not in the public interest.

January 29, 1990

[redacted] appealed the FOIA fee waiver denial.

February 8, 1990

NRC issued an Order denying the [redacted] motion. (Copy enclosed.)

March 21, 1990

NRC upheld the denial of the FOIA fee waiver.

[redacted] provided [redacted] safety concerns to the NRC staff in a meeting held in [redacted]

FULBRIGHT & JAWORSKI

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HOUSTON
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AUSTIN
SAN ANTONIO
DALLAS
LOS ANGELES
LONDON
ZURICH

August 8, 1990

FULBRIGHT JAWORSKI &
REAVIS MCGRATH
NEW YORK

(713) 651-5151

Re: Freedom of Information Act Request

Mr. Donnie H. Grimsley
Director, Division of
Freedom of Information and
Publications Services
Office of Administration
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Federal Express

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-90-361

REC'D 8-9-90

Dear Mr. Grimsley:

On behalf of the City of Austin, and pursuant to the provisions of the Freedom of Information Act, 5 U.S.C. § 552, and the implementing regulations of the Nuclear Regulatory Commission, 10 C.F.R. Part 9, we hereby request copies of all records of the Nuclear Regulatory Commission pertaining to safety and/or health complaints regarding the South Texas Nuclear Plant located in Bay City, Texas, made by organizations, groups, or individuals, including, but not limited to, former employees at the South Texas Nuclear Plant.

We have attempted to provide a identifying information concerning the agency records covered by this request. In the event, however, that you should determine that this request does not describe the agency records requested with sufficient specificity to enable such agency records to be located, we ask that you notify the undersigned pursuant to 10 C.F.R. § 9.23(b)(2) of the basis for your determination and allow us to confer with appropriate Nuclear Regulatory Commission personnel so that we may restate the request in such a way as to rectify any deficiency you believe exists.

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Mr. Donnie H. Grimsley
August 8, 1990
Page Two

In the event you determine that any of the above-described agency records or portions of such agency records are exempt from mandatory disclosure under the provisions of 5 U.S.C. § 552(b), we request that you fully describe each such agency record (or portion of such agency record) withheld, state your reasons for withholding such agency record or portions thereof, and state your reasons for not invoking your discretionary powers to release such agency record or portions thereof.

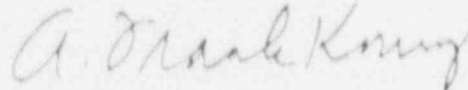
We request that non-exempt portions of agency records that are segregable from the portions that you believe to be exempt from disclosure be released as they are identified, as opposed to being withheld until the correctness of your decision with respect to the withheld portions of the agency records is determined.

We request that you release agency records responsive to this request to us as they become available, rather than delaying release until your entire search for responsive records has been completed.

In accordance with 10 C.F.R. § 9.41, the City of Austin believes inter alia that the public's interest in disclosure exceeds the requester's commercial interest in disclosure. Accordingly, the City of Austin respectfully requests a waiver or at least a partial waiver of fees. In the alternative, notice is hereby given that the City of Austin is willing to pay reasonable fees that are incurred and assessed for the search for and copying of records responsive to this request. However, in the event fees for the search and copying of responsive records will be in excess of \$250.00, please advise and confer with the undersigned prior to incurring costs in excess of such amount.

All communications concerning this request should be directed to the undersigned. Thank you for your assistance in this matter.

Very truly yours,



A. Frank Koury

AFK/ml

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