

OCT 8 1991

Richard E. Dow, Jr.
Sandra Long Dow
Disposable Workers of Comanche Peak Steam Electric Station
Suite 178
8775 Korwin Avenue
North Huntingdon, Pennsylvania 15642

Richard E. Dow, Jr.
Sandra Long Dow
#135
1078 Wellington
Ottawa, Ontario K1Y-2Y3

In the Matter of
RICHARD E. DOW
Docket Nos. 50-445, 50-446

Dear Mr. and Mrs. Dow:

This is in response to your letter of September 1, 1991, to Chairman Selin, which has been referred to me for response.

Since early 1991, you have made various safety allegations to the NRC regarding Comanche Peak Steam Electric Station, which the agency has attempted, in good faith, to evaluate. In order to assure the fullest communication of the facts underlying your allegations, an interview by the Office of Investigations and a transcribed interview under oath by NRC staff were conducted. Because of your unwillingness to voluntarily provide to the Commission information upon which your allegations are based, the staff was compelled to issue a subpoena on May 10, 1991. The May 20, 1991, return date specified in the subpoena was extended by a Commission order denying your motion to quash and by subsequent staff actions, to September 4, 1991. In addition to the efforts of the staff, as well as attorneys in the Office of the General Counsel, to facilitate the process of receipt of the particular documents, audio tapes, and other information covered by the subpoena, the Office of the Inspector General (OIG) of the NRC also offered to receive the information that you contend supports your allegations.

Contrary to the unfounded charges in your September 1, 1991, letter of staff misfeasance, unreasonableness, and threats regarding the subpoenaed material, the staff has made every attempt within its power to accommodate your concerns for your personal safety and for the integrity of the records and documents

OGC	NRR	RIV:RC	RIV:AD	RIV:DRP	RIV:RA
(concurring by phone)	SEBlack (via phone)	WLBrown	MEMurphy	TPGwynn	RDMartin
10/1/91	10/1/91	10/1/91	10/1/91	10/1/91	10/3/91

*Coordinated with
L. Norton, OIG, by
OGC.*

1E54

9110040059 911003
PDR ADOCK 05000445
P PDR

1/0

OCT 3 1991

demanding by the staff subpoena, despite publicly reported statements that you had no intention of complying with the subpoena. The NRC's numerous good faith attempts to obtain the safety information you allegedly possess have been unsuccessful, with the exception of allegations related to plant labelling, which were sufficiently specific to enable the staff to pursue the matter through the inspection process. The staff has completed its inspection into that matter and will be communicating the results of its inspection to you shortly.

The NRC staff has determined that under the circumstances, including all communications with you, there is no reasonable basis to believe that you are in possession of safety information regarding the Comanche Peak facility. Accordingly, the NRC does not intend to continue seeking to compel you to provide the documents identified in the subpoena dated May 10, 1991, as subsequently modified, and is, in fact, withdrawing that subpoena. Should you or anyone else provide us with specific information regarding the safe operation of the Comanche Peak plant, we will review that information in accordance with staff procedures.

Your letter of September 1, 1991, expressed support for the petition filed on behalf of the National Whistleblower Center on July 30, 1991, pursuant to 10 C.F.R. § 2.206. That petition is currently under review and you will be provided a copy of our decision. The NRC staff notes, however, that you provide no substantive support related to that petition. Additionally, as a matter apart from the procedures under Section 2.206, you inquire concerning procedures "not to reopen, but, rather, to re-initiate" licensing hearings regarding the Comanche Peak plant and concerning procedures to request that "all prior proceedings be abated." I have been advised by our Office of the General Counsel that, while there are no specific Commission procedures which address the remedy you seek, there is nothing to prevent your seeking such action from the Commission, as a matter of its discretion. The staff notes, however, that you have likewise provided no support for such extraordinary action.

Sincerely,
ORIGINAL SIGNED BY
ROBERT D. MARTIN

Robert D. Martin
Regional Administrator

cc: see attached Service List

bcc:
E. Hadley
414 Main Street
P.O. Box 3121
Wareham, MA 02571

MEMurphy, RIV:A0

OEDO

Richard E. Dow, Jr.

- 3 -

OCT 9 1981

cc:

David C. Williams
Inspector General
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Lawrence J. Chandler, Esq.
Assistant General Counsel for
Hearings and Enforcement
U.S. Nuclear Regulatory Commission
Washington, DC 20555

George Edgar, Esq.
Newman & Holtzinger, P.C.
1615 L. Street, N.W., Suite 1000
Washington, DC 20036

Juanita Ellis
President, CASE
1426 S. Polk Street
Dallas, Texas 75224

W. L. Brown
Regional Counsel, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza, Suite 400
Arlington, Texas 76011

G. M. Longo, Esq.
Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555