



PDR-016

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NRC FOIA REQUEST NUMBER(S)

FOIA-88-107

RESPONSE TYPE

FINAL PARTIAL

DATE MAY 17 1988

DOCKET NUMBER(S) (if applicable)

REQUESTER Barbara Day, Esquire

PART I - RECORDS RELEASED OR NOT LOCATED (See checked boxes)

- No agency records subject to the request have been located.
- No additional agency records subject to the request have been located.
- Agency records subject to the request that are identified in Appendix I are already available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.
- Agency records subject to the request that are identified in Appendix J are being made available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.
- The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.
- Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.
- Agency records subject to the request are enclosed. Any applicable charge for copies of the records provided and payment procedures are noted in the comments section.
- Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.
- In view of NRC's response to this request, no further action is being taken on appeal letter dated _____.

PART II A - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

Certain information in the requested records is being withheld from public disclosure pursuant to the FOIA exemptions described in and for the reasons stated in Part II, sections B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

Comments

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PDR FOIA PDR
DAY88-107

SIGNATURE DIRECTOR, DIVISION OF RULES AND RECORDS

Thomas H. Kennedy

APPENDIX 1 RECORDS MAINTAINED AMONG PDR FILES

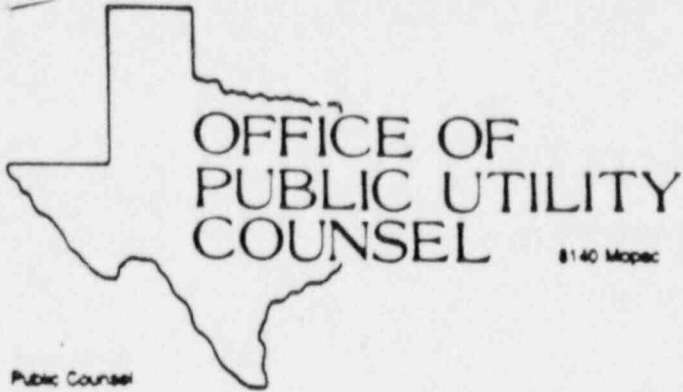
<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1.	02/19/88	Accession No. 8802260232 Letter from The Light Company to NRC Subject: "Waviness" Condition in the Unit 1 Reactor Pressure Vessel 2 pages
2.	03/01/88	Accession No. 8803070353 Letter from Houston Lighting and Power Company to NRC, Subject: Supplemental deficiency report of elec- trical splices using Raychem heat shrink insulation material 6 pages
3.	03/16/88	Accession No. 8803210101 Letter from B. Garde, GAP to L. Zech, NRC, Subject: Requests delay of consideration of full power license for 7 days pending SSAT report 1 page

APPENDIX JRECORDS MAINTAINED IN THE PDR UNDER THE ABOVE REQUEST NUMBER

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1.	12/4/87	Letter to Jose Calvo, NRC from Government Accountability Project (GAP), Subject: South Texas allegations 3 pages
2.	12/7/87	Memo to Thomas Rehm from Jose Calvo, Subject: REVIEW OF GOVERNMENT ACCOUNTABILITY PROJECT ALLEGATIONS CONCERNING SOUTH TEXAS PROJECT 2 pages
3.	12/16/87	Memo to Thomas Rehm from Jose Calvo, Subject: REVIEW OF GOVERNMENT ACCOUNTABILITY PROJECT ALLEGATIONS CONCERNING SOUTH TEXAS PROJECT 1 page
4.	01/4/88	Memo to T. Rehm, T. Murley, F. Miraglia, D. Crutchfield from Jose Calvo, Subject: SOUTH TEXAS PROJECT (STP) PLAN EVALUATION AND RESOLUTION OF ALLEGATIONS PROVIDED BY THE GOVERNMENT ACCOUNTABILITY PROJECT (GAP) 17 pages
5.	01/14/88	Memo from Thomas Murley to Jose Calvo, Subject: DELEGATION OF AUTHORITY TO GRANT CONFIDENTIALITY TO ALLEGERS 1 PAGE
6.	01/27/88	Memo to T. Rehm, T. Murley, F. Miraglia and D. Crutchfield from Jose Calvo, Subject: INSPECTION OF GOVERNMENT ACCOUNTABILITY PROJECT ALLEGATIONS CONCERNING SOUTH TEXAS PROJECT 2 pages
7.	02/05/88	Memo to Ben Hayes from Jose Calvo, Subject: SAFETY SIGNIFICANCE ASSESSMENT TEAM REVIEW OF SOUTH TEXAS ALLEGATIONS INVOLVING HARASSMENT AND INTIMIDATION AND WRONGDOING 2 pages
8.	02/05/88	Memo to L. Marsh from Jose Calvo, Subject: REQUEST FOR ASSISTANCE TO THE SOUTH TEXAS SSAT 1 page
9.	Feb. 1988	Draft report of the Safety Significance Assessment Team (SSAT) 55 pages
10.	03/01/88	Notice of Press Conference 2 pages
11.	03/21/88	Chart showing Safety Assessment Team and supporting staff 1 page
12.	03/22/88	Memo from L. B. Marsh to Prasad Kadambi, Subject: EVALUATION OF SOUTH TEXAS UNIT 1 COMPONENT ANOMALIES 6 pages
13.	11/87	Note to T. A. Rehm, CEDO from J. A. Calvo, NRR, Subject: GAP MEETING ON ALLEGATIONS CONCERNING THE SOUTH TEXAS PROJECT 1 page

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8140 Mopac Westpark III, Suite 120 Austin, Texas 78759 512 345-9900

Public Counsel

February 10, 1988

**FREEDOM OF INFORMATION
ACT REQUEST**
FOIA - 88-107
Rec'd. 2-16-88

Mr. Donnie H. Grimsley, Director
Division of Rules and Records
Office of Administration and
Resources Management
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: FOIA Request for Records Concerning
Safety Allegations, South Texas Project

Dear Mr. Grimsley:

Pursuant to the Freedom of Information Act and 10 CFR Part 9, Subpart A, "Freedom of Information Act Regulations", please make available at the Commission's Washington, D.C., Public Document Room single copies of records in the following categories:

- A. All records related to safety allegations concerning the South Texas Project that are currently being investigated by the NRC. According to published reports (see, for example, "NRC Investigating South Texas Safety Allegations", INSIDE N.R.C., 1/18/88, at 12-13), there are some 650 specific allegations. This request includes, but is not limited to, records documenting the allegations, records evaluating the safety significance of the allegations, utility records concerning the allegations, and all other records related to the allegations.
- B. All records related to the establishment by NRC of an investigation team to review the allegations. The investigation team is reportedly headed by Jose Calvo (NRR), and includes eight other members from NRR and two from the Office of Enforcement. This request includes, but is not limited to, records related to the establishment of the investigation team, the procedures used by the investigation team, the records provided to

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"Established to represent the interests of residential and small commercial consumers"

Mr. Grimsley

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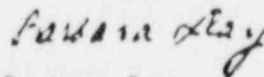
February 10, 1988

the team to initiate and conduct the investigation, and all other records related to the activities of the investigation team.

We request a waiver of fees pursuant to 10 CFR 9.41 because the documents will be used by a state agency as part of an official investigation.

If you or any members of your staff have any questions concerning this request, please contact the undersigned directly by telephone at 512/345-9900. Your prompt attention to this request will be appreciated.

Sincerely,



Barbara Day
Deputy Public Counsel

BD:id

FOIA - 88-107
FOIA - 88-191

GOVERNMENT ACCOUNTABILITY PROJECT

25 E Street, N.W., Suite 700
Washington, D.C. 20001

(202) 347-0460

December 4, 1987
HAND-DELIVERED

Jose Calvo
U.S. Nuclear Regulatory Commission
7920 Norfolk Avenue
Phillips Building
Bethesda, Maryland

Dear Jose:

We are writing to discuss the status of the review of the South Texas Nuclear Project (STNP) worker allegations. This review follows our preliminary meeting of November 19th. In that meeting it was agreed that a team of non-Region IV NRC personnel would be permitted access to the STNP allegers' files under certain conditions and with the allegers' permission. These conditions included that the identity of any alleger would be kept confidential and that no one at the STNP site will be contacted about the information revealed during the review. In addition, it was agreed that the allegers' information would only be revealed to NRC personnel not participating in the review on a need-to-know basis. The development of this working protocol was necessary to permit NRC review while protecting our interests and the interests of the allegers.

We appreciate the diligence and courtesy that the Washington-based NRC personnel have exhibited in working at our office. We have tried to work closely with them to allow the review to proceed as efficiently as possible.

However, over the last couple of days it has become clear to us, through the actions and comments of Paul O'Conner, that there may be problems with the review of the allegations. We understand that Mr. O'Conner's background is in project management, not QA/QC and technical review. We believe that his background may be a limitation on the review process. In our opinion, his approach to the allegations may be hampering a thorough and independent technical review.

Yesterday, we were particularly disturbed by Mr. O'Conner's comments to other NRC personnel that a deadline (of December 12th) would control the review instead of the substance determining the amount of effort required. Such deadlines may violate 10 CFR 50, Appendix B, Criterion I. We are aware of STNP's licensing schedule, but we must strongly object to this review being controlled by any licensing timetables.

FOIA-88-107

JH

Jose Calvo
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Page Two

As we have already discussed, it is essential that the
allegers' files receive a detailed QA analysis. Each file must
be read through in order to get an overall view of the possible
QA/QC breakdown at STNP. (3)

Our other concern with Mr. O'Conner's approach is that he
seems to take a very narrow view of the allegations. On several
occasions he has appeared to minimize the significance of some
allegations before the reviewer could analyze it in its entirety. (4)
This approach may prevent the reviewer from making an
independent assessment of an allegation based on his technical
expertise. This concerns us because the initial review of the
allegations will determine the universe of information from which
the NRC can investigate. Therefore, it is important that no
allegation is dismissed too quickly.

In reviewing a file, if the allegor's intent is somewhat
ambiguous, then the interview tapes should be reviewed or the
allegor should be questioned if possible. As we explained in the
November 19th meeting, our working files were not prepared for
the purpose of NRC review. Nor can these files take the place of (5)
a technical interview with the allegor. Consequently, our files
should only be used to complement a more thorough NRC technical
interview, and must not be used to make a definitive technical
assessment of any allegation.

Another issue that troubles us is that little, if any,
attention is being given to the documentation that supports some
of the allegations. This is ironic because the supporting
information was the subject of the NRC's subpoena. Frankly, it (6)
has always been our concern that the NRC was not interested in
these documents but only wanted to review our summaries, which
may not be technically complete. We realize that it is much
easier to dismiss an allegation if there are no supporting
documents. We hope that you and the other members of the review
team will begin to take full advantage of any supporting
documentation that accompanies an allegor's file.

Finally, in the last two days we have finished preparation
of approximately 50 allegations that were in files that we were
unable to prepare previously. We advised you that some files had
not been completed at the November 19th meeting. No one from NRC (7)
objected when we indicated that there would be a delay in
producing these allegations. Yesterday, upon our mentioning that
the additional allegations were prepared, Mr. O'Conner stated
that it may not be possible to review these allegations because
some members of the technical review team have already completed
their review and could not return.

Jose Calvo
December 4, 1987
Page Three

As you know, this effort has consumed many hours and other resources -- which are extremely limited. It would be unfair to everyone involved to compromise the integrity of the review effort simply because of 50 additional allegations. There must be appropriate NRC staff members who could properly review these allegations.

We hope that you will take these comments in the constructive spirit in which they are offered. We trust that you will take all necessary steps to protect the hard work that has been done by everyone to date. Our recommendation is that you institute a conference call with us to help work out our concerns, and rectify the problems which have developed from today's Houston Chronicle article.

Yours truly,

Billie P. Garde (by RC)

Billie P. Garde

Richard E. Condit

Richard E. Condit

Edna F. Ottney

Edna F. Ottney

079EE01

cc: Tom Rehm
U.S. Nuclear Regulatory Commission
Maryland National Bank Building
7735 Old Georgetown Road
Bethesda, Maryland