

GOVERNMENT ACCOUNTABILITY PROJECT

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March 20, 1986

Vincent Noonan, Director
PWR Project Directorate #5
Division of PWR Licensing-A
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

50-445/446

Dear Mr. Noonan:

On March 11, 1986 you wrote to Mrs. Juanita Ellis regarding the imminent approval of the Comanche Peak Response Team (CPRT) and the issuance of the Supplemental Safety Evaluation Report (SSER) which would, in effect, approve the CPRT. You informed her that any comments that CASE had on Revision 3 of the CPRT would have to be filed with the NRC by March 27, 1986. We hereby request an extension of the March 27 deadline to 30 days beyond our receipt of the materials requested below.

As you know, CASE has been unable to complete its own final review of the CPRT because of the lack of information available to it from the Staff and/or Texas Utilities. I have discussed with you at length, since last Spring, CASE's need for the information, such as the various attribute checklists which we consider the heart of the CPRT.

Information and other materials which is forming the basis for the Staff's position in the SSER has long been made available to Staff inspectors and reviewers. We do not consider it a legitimate position for the Staff to evade production of documents to the public by deliberately not taking possession of documents, such as the checklists or drafts of the checklists. In fact, we are extremely disappointed in these actions and consider such conduct to demonstrate a lack of good faith on the part of the Staff.

Additionally, CASE needs the information available to the Staff from its own completed review and audit inspections of implementation of the CPRT, i.e. the various inspection reports done by Region IV and the monthly reports done by Region IV and TRT members into the implementation of the CPRT. Finally, we have told you, and I reiterate here, that we need at a minimum all of the information which formed the basis of the Staff's decision regarding the CPRT in order to prepare our comments on the plan.

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On Friday, March 14, 1986, as I was preparing to leave Texas, I was informed by Mr. Gad, representing Texas Utilities (TU), that they were now prepared to make only the attribute checklists for ISAP VII(c) available for CASE to review in the TU Dallas offices on 24 hours notice, but only after CASE paid its copy bill (approximately \$200). This was confirmed in a telephone conversation between Mr. Gad and Mrs. Ellis.

Although this last minute release of the attribute checklists is a start, it is obviously entirely inadequate in terms of meeting the Staff's March 27 deadline.

Frankly, Mr. Noonan, we are extremely distressed that you have become a party to this manipulation of the public review process. Your actions, in requiring us to do the impossible -- evaluate the CPRT without the tools to do so -- while at the same time approving a CPRT which has had no public comment, is outrageous. CASE has virtually no information to evaluate the adequacy of the CPRT, and even less to determine whether or not the CPRT has been properly implemented.

Your actions are inexplicable. Since last fall the NRC Staff has committed to making this information available to us on numerous occasions. On an equal number of occasions either Mrs. Ellis or myself have been told by you or members of your Staff that the Applicant was committed to producing the checklists shortly. Now you have taken the position that you don't have the checklists and that NRC review and acceptance of the checklists is not necessary to complete your evaluation of the CPRT.

I remind you that at the initial stages of the Staff's review of the CPRT all of the TRT team leaders agreed that the quality and specificity of the checklists, and the CPRT's QA program, were the most important parts of the CPRT. Without explanation or rationale, the Staff has now switched its position, claiming it doesn't even have a copy of the documents which provide the process and attributes upon which the reinspection team is going to reach conclusions about the acceptability of components, hardware, or documentation. It is even more incomprehensible how the Staff that concluded in June 1985 that there had been a system-wide breakdown in QA/QC at the plant could live with a reinspection plan that does not even pretend to commit to Appendix B criteria in its current form, and had no commitment to any audit program at all in previous revisions. In short, the CPRT is now a mystery plan to us and tells us virtually nothing about process, procedure, or implementation; neither does it provide any tools by which CASE or GAP or members of the public can evaluate its ability to provide reasonable assurance about the plant's condition.

It has been my experience with the NRC that the process for approval of any "get well" program was supposed to reestablish public confidence in the plant's safety and provide a mechanism by which members of the public, and/or workers who provided the allegations in the first place, can comment on the ability of the get well program to eliminate the questions about the plant's safety. At Midland, Zimmer, LaSalle, and Diablo Canyon the NRC Staff held public meetings in which the intervenor or the public provided comments, concerns, and questions regarding the reinspection and repair program.

No such meeting has been held about the Comanche Peak CPRT.

It was my understanding that such a meeting was ultimately going to be scheduled for the Comanche Peak plan also. Instead working on the CPRT has been a futile and meaningless exercise. CASE has been told by the Staff that the CPRT plan will provide an auditable trail for all deficiencies, and that we should and must trust the process to work, at least in part because of the NRC's strong oversight of the process. But we do not trust the process to work, and we have no basis to believe that it will work.

Although the TRT's inspection efforts were credible and competent, the TRT is no longer in charge of Comanche Peak. The plant has been given back to the same staff of inspectors who allowed the plant to fall into this condition in the first place.

We are not closed-minded on this issue. If the work product, inspection and audit report would indicate that Region IV has changed its attitude and approach toward TU and Comanche Peak perhaps there would be some basis for trust. However, without information to evaluate Region IV's oversight role we have no basis to trust the regulatory process. Therefore we must do our own review and audit of Texas Utilities' CPRT and the implementation to date.

Second, we have no basis to trust that the utility is any different than it was for the past decade. Below I have listed several examples of the type of activity that prevents CASE from incorporating trust into the equation of any intelligent opinion on the acceptability of the CPRT without actual information,

Example 1: SAFETEAM data manipulation

Last spring the company instituted a new program on site for receiving, investigating and allegedly resolving worker allegations. The premise of the new program was its alleged independence from management.

The premise is false. All files are reviewed by a management team which includes TU's chief counsel Robert Wooldridge, the head of site QA Phillip Halstead, and the public relations department head.

The NRC recently reviewed the SAFETEAM program. (Inspection Report 85-12/85-08, February 6, 1986) Neither TU nor the NRC has ever identified the fallacy of the SAFETEAM's most important ingredient. It is glaringly apparent after reviewing the files made available in discovery that the SAFETEAM is only a management tool for identifying potential problems or problem makers on site before the problems, or workers, go outside the system seeking an independent resolution of their complaints.

Example 2: Continuation of old TU and Brown & Root
QA/QC Personnel.

Texas Utilities has been beating its breast publicly that all of the old crew who allowed the problems found by the TRT are gone now, albeit they all allegedly left, by mutual attrition. However, the key site QA/QC personnel indicted by the workers as the cause of the problems all remain at Comanche Peak in influential management positions -- Ron Tolson remains employed as a consulting engineer, Gordon Purdy functions in his old job as a private contractor, Tom Brandt has recently been promoted to site Quality Engineering Supervisor, Fred Powers is now Unit II building supervisor, Mark Welch is in charge of all electrical Quality Control inspectors in Unit II, and Ted Blixt, Dwight Woodard, Robert Sievers, and Heyward Hutchison all continue in supervisory QA/QC positions.

In short, it is business as usual at Comanche Peak.

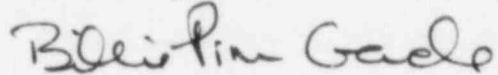
We could provide numerous other examples from the past year which provide us with every reason to continue to doubt the ability of the Comanche Peak team to implement any program effectively. We simply cannot use trust as a basis to formulate our opinion on the CPRT and its ability to solve Comanche Peak's problems. We want to be provided the materials to do our work, i.e. we need the attribute checklists, and all other process information given to the NRC, and we request the NRC to release all of its audit inspection reports promptly. After receipt of those materials we need time to complete our review by contacting the allegers and providing them the opportunity to comment on the ability of the CPRT to eliminate the deficiencies at Comanche Peak.

As we have told you, CASE's resources are the concerned workers who have come forward with information, and we rely on their experience and expertise to provide the technical analysis necessary for this task. It would seem to me that such input would also be useful to the NRC.

If the Staff is not willing to make this information available to CASE, we will have no choice but to complete our review of the CPRT after the materials are made available in discovery in the operating license process.

We again respectfully request an extension of the March 27 deadline to 30 days beyond the receipt of the requested materials. Thank you for your attention to this request.

Sincerely,

A handwritten signature in cursive script that reads "Billie Pirner Garde".

Billie Pirner Garde
Representative of CASE