

MAR 25 1986

Ms. Billie P. Garde
Director, Environmental Whistleblower Project
Trial Lawyers for Public Justice, P.C.
2000 P Street, N.W.
Washington, DC 20036

In the Matter of
Texas Utilities Electric Company, et al.
(Comanche Peak Steam Electric Station, Units 1 and 2)
Docket Nos. 50-445 & 50-446

Dear Ms. Garde:

This is in response to your letter dated March 7, 1986 in which you request, pursuant to 10 C.F.R. § 2.744 and § 2.790, that the staff release the report prepared by the Office of Inspector and Auditor (OIA) regarding the "T-Shirt Incident" at the Comanche Peak site and the report prepared by the Office of Investigations (OI) of the Fermi Unit 2 Safeteam program, as well as related documents.

As you no doubt recognize, the report prepared by OIA presents an assessment of the staff's handling of the "T-Shirt Incident" and not an assessment of the licensee's activities. As such, I am unable to determine that this document is relevant to the issues involved in the ongoing Comanche Peak licensing proceeding, as required by 10 C.F.R. § 2.744. Nonetheless, I am advised that the Commission has recently determined to release this report and its attachments in response to a request by Mr. T. Carpenter of the Government Accountability Project (GAP) dated January 31, 1986, and to place them in the Commission's Public Document Room where they are available for your inspection and copying. Note that minimal deletions to these documents were made to protect the privacy and confidentiality of certain individuals. OIA is currently assembling and reviewing related documents, as further requested by your March 7 letter, in connection with two pending FOIA requests filed by you on behalf of GAP, to determine whether and to what extent those documents can be released pursuant to 10 C.F.R. § 2.790 and 10 C.F.R. Part 9. Pending completion of OIA's review and determination, I am unable to release any documents beyond those identified above.

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PDR ADOCK 03000445
A PDR

With respect to the OI report of the Fermi-2 Safeteam program, I am likewise unable to agree with your assertion of its relevance to the ongoing Comanche Peak licensing proceeding. The Comanche Peak Safeteam program, which is a voluntary effort by the licensee and not one required by the NRC's regulations, must be assessed on its own merits and not in comparison with a similar program employed at another facility. Your letter does not otherwise establish the relevance of this document in the context of Comanche Peak. In any event, I am informed by OI that the report and related documents are being reviewed by OI in connection with a pending FOIA request to determine whether and to what extent the report and related documents can be released pursuant to 10 C.F.R. § 2.790 and 10 C.F.R. Part 9. Pending completion of OI's review and determination, I am unable to release these documents.

Sincerely,

Original signed by
Victor Stello

Victor Stello, Jr.
Acting Executive Director
for Operations

cc: Service list

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** OI concurs as to the OI related portion*
Types on page 1
W. Otkanin or
WJZ

OFC	: OELD <i>WJZ</i>	: OELD <i>WJZ</i>	: ELD <i>WJZ</i>	: OIA	: AEDO
NAME	: LChandler	: EChristenbury	: GCunningham	: BHayes	: VStello
DATE	: 3/18/86	: 3/18/86	: 3/18/86	: 3/18/86	: 3/24/86



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

Action

EDO PRINCIPAL CORRESPONDENCE CONTROL

FROM:

DUE: 05/30/86

EDO CONTROL: 001512

DOC DT: 03/07/86

FINAL REPLY:

BILLIE FIRNER GARDE
TRIAL LAWYERS FOR PUBLIC JUSTICE

TO:

STELLO

FOR SIGNATURE OF:

** GREEN **

SECY NO:

CUNNINGHAM

DESC:

ROUTING:

REQUEST PURSUANT TO 10 CFR 2.744 & 2.790 BY THE
CITIZENS ASSOCIATION FOR SOUND ENERGY (CASE) FOR
1985 OIA REPORT RE "T-SHIRT INCIDENT" & 1984 OI
REPORT INTO THE SAFETEAM PATENTED PROGRAM

STELLO
ROE
REHM
SNIEZEK
NORRY

DATE: 03/11/86

ASSIGNED TO: ELD

CONTACT: CUNNINGHAM

SPECIAL INSTRUCTIONS OR REMARKS:

▶ - COORDINATE WITH OGC

863415

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SECRETARY

March 7, 1986

Mr. Victor Stello,
Acting Director
Executive Director of Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Stello,

Pursuant to §10 C.F.R. 2.744 and §2.790 the Citizens Association for Sound Energy (CASE) requests that the Staff release a copy of two specific documents and all related documents:

1) The August 1985 report of the Office of Inspector and Auditor into Region IV's handling of the "T-Shirt Incident," and all related documents generated during the development of the report and subsequent to its release.

2) The 1984 report of the Office of Investigations into the SAFETEAM patented program, as implemented at the Fermi II nuclear power plant.

These records are relevant to issues now before the Atomic Safety and Licensing Board in the Comanche Peak operating license hearings. (Docket 50-445 & 50-446) The "T-Shirt incident" has been the subject of extensive hearings before the Board, and also has been the subject of staff investigations and analysis of harassment and intimidation at the Comanche Peak site. (See, generally the record of the OL Docket 2 hearings; the Proposed Findings of Fact of the parties, September 1984; the reports of EG&G, "Comanche Peak Steam Electric Station, Alleged Climate of Intimidation," September 1984 and September 1985; and other inspection and enforcement documents regarding the harassment of electrical quality control inspectors.)

The SAFETEAM, is a program to identify and investigate safety concerns of workers at Comanche Peak. It was introduced to the site in the spring of 1985. The adequacy of the Applicant, Texas Utilities, to effectively identify and resolve worker allegations is the heart of CASE's contention regarding the breakdown in Quality Assurance and Quality Control.

SAFETEAM employs a patented program which was first developed and used at the Fermi nuclear power plant. That program and its ability to detect and resolve allegations was evaluated by the Office of Investigations at Fermi. The results of that investigation is relevant to the proceeding and to CASE's evaluation of the SAFETEAM program at the Comanche Peak site.

Please provide those documents, and all related documents, by March 17, 1986. If the staff does not intend to release the documents please notify us in writing as soon as possible, but not later than March 17, 1986, so that we may seek formal discovery pursuant to 10 C.F.R. 2.744. We appreciate your attention to this matter.

Sincerely,

Billie Pirner Garde

Billie Pirner Garde
Representative of CASE

cc: service list