

GOVERNMENT ACCOUNTABILITY PROJECT

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March 24, 1985

Mr. Victor Stello
Acting Director
Executive Director of Operations

Mr. Harold Denton
Director of Licensing
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Comanche Peak, Docket 50-
445/446.

Dear Messrs. Stello and Denton:

I have just learned of the release of information from a draft NRC document to the Applicant and request that your office take immediate action to prevent the occurrence of similar actions in the future.

Today an NRC staff member provided to a representative of the Applicant the staff comments, taken from a draft SSER, about the acceptability of six proposed Issue Specific Action Plans (ISAPs). Clearly this information -- apparently sought by the Applicant as a prerequisite for releasing the results of their reinspection efforts publicly -- is extremely valuable to them. They can now, if they so desire, modify the results reports to comport exactly with the comments of the staff. More importantly, they have received a de facto approval for their implementation of the CPRT.

This is only the latest, albeit the most egregious, incident in the staff's behind-closed-doors approval of TUEC's inadequate reinspection program. CASE and the Government Accountability Project (GAP) now feel that the NRC staff has deliberately misled us throughout the entire process of the CPRT review. It is little solace that the staff member responsible for the release of the information did not do so to deliberately harm CASE or violate NRC procedures. His actions are consistent with what has been the status quo on this matter for months -- day-to-day regulatory approval and public posturing. As a practical matter, it was a meaningless gesture for the staff to provide us the same information given to the Applicant because we have no ability to assess the validity of the staff's conclusions about the ISAPs.

CASE and GAP have sought information about the implementation of the reinspection program for 17 months. We have sought such information through discovery, through the Freedom of

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Information Act, and through public meetings. All our efforts have been futile. On a variety of grounds, the staff and the Applicant have consistently refused to provide us the necessary information to make an evaluation of the Applicant's proposal. Now the substance of the proposal has become reality, making a charade out of the NRC's commitment to public participation.

Based on information recently made available to GAP about the CPRT's actual implementation and the NRC's acquiescence to flagrant continuous violations of procedures and regulations, it is clear that developing a legal position to license Comanche Peak has superseded regulatory prudence and NRC precedent.

As you know, Comanche Peak, like Zimmer and Midland before it, has been the subject of a major QA/QC breakdown. (See, SSER #11, P-35). However, unlike the Midland and Zimmer cases, in which stop work orders were imposed and construction halted until an acceptable reinspection program had been approved, the staff has allowed work at the plant to continue -- even though the Applicant declares that such work is not being done according to federal regulations. Anyone, with or without competence, could make Comanche Peak regulatorily "safe" given the opportunity to ignore federal regulations.

The concerns raised by CASE and GAP about the adequacy of the reinspection program are not theoretical. The licensing board also raised similar concerns in the August 29, 1985 Memorandum (Proposal for Governance of this Case), LBP-85-32, p. 6-8.

The staff's position is that the Applicant is proceeding at "its own risk." That is, of course, fiction. The risk is now, and always has been, that the public will be endangered by TUEC's regulatory detour.

Yours truly,

Billie P. Garde

Billie P. Garde

BPG:42405

cc: Service List
OIA
Congressman Markey
Congressman Udall