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May 30, 1995

Ivan Selin, Chairman
U.S. Nuclear Regulatory Commission
White Flint, Maryland 20555

Dear Mr. Selin

It has now been approximately one month since I copied you on correspondence directed to Mr. Lieberman and the NRC office of Enforcement. I have to date received no response to that correspondence. It would seem that, as a matter of necessity, the answers to the questions posed in said letter would be readily available. Why then have I received no response.

In pursuing the resolution of these issues I have had a rather disturbing conversation with Mr. Lieberman. This conversation raises additional issues to which I would request a response.

1) Mr. Lieberman advised me that persons outside of his office of enforcement would be responding to the questions posed in mine of May 3, 1995. After so advising Mr. Lieberman refused to give me the names of those persons.

- a. Why the secrecy?
- b. What legitimate public purpose could be served by concealing the identity of supposed public servants who are possessed of the requested information?
- c. If the source of the information is concealed how can the reliability of the responses be evaluated?

2) Mr. Lieberman went on to advise me that he had scheduled an "enforcement conference" for June 16, 1995. Mr. Lieberman indicated to me that this conference probably would not be opened to the public, however he has yet to respond in any way to my two prior written requests that I be allowed to attend that "conference" as the representative of Messrs. Lamb and Dean.

- a. Why should this enforcement conference be held in secrecy, behind closed doors?
- b. What legitimate public interest will be served conducting this conference behind closed doors in secrecy?
- c. If the goals set forth in 10 C.F.R. pt. 2, App. C, § 1 are truly the purposes

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of enforcement proceedings shouldn't the conferences be public?

d. Who from HL&P has been invited or is expected to attend the conference?

Many of STP's top management (Hall, Kinsey, Jordan, Balcom, Moore and Sheesly) as well as their attorney's (Smith, Baer and Gutterman) were implicated in the scheme to wrongfully terminate my clients and intimidate witnesses in the investigation and trial of this matter.

e. Does Mr. Lieberman expect these same persons to provide any credible information pertinent to this matter? If so, why?

f. Isn't this "enforcement conference" procedure analogous to asking convicted criminals in secret, closed door, ex parte meetings to tell you why they really shouldn't be punished?

g. Should not Messrs. Lamb and Dean, the victims of HL&P's wrongful actions be afforded the same opportunity? If not, why not?

3) In the years that I have been monitoring the STNP and the NRC I have seen repeated violations of NRC regulations and reporting requirements by HL&P but no concrete action by the Office of Enforcement. Material false statements have been ignored or accepted as truth, safety concerns are ignored or glossed over on the slimmest of excuses, violations are "negotiated" and actions delayed beyond comprehension. Past violations have been rescinded based upon secret, closed door, ex parte communications. To all indications, the O.E. serves little purpose other than to mask and conceal licensee wrongdoing as opposed to truly forcing compliance with the NRC's regulations.

a. In light of this recent history, please provide an accounting as to just how much of the taxpayer's hard earned money is being paid on an annual basis for the NRC's Office of Enforcement.

4) The NRC's own regulations require prompt enforcement action when violations of regulations and conditions are found by the NRC.

a. How can the NRC expect the licensees to follow regulations when the NRC routinely ignores its own?

5) I have been advised by sources within both organizations that HL&P management has been in contact with both the OE and Region IV attempting to manipulate the outcome of this matter before the NRC.

a. How is the public interest and safety fostered and protected by such ex parte, secret communications and cronyism?

6) I have recently been advised that STNP has possibly reverted to their habit of utilizing non-certified technicians on some of their systems. STNP recently installed a new electronic security system. This system falls under the requirements of the FSAR (facility safety analysis review). As such, the technicians who installed the system were required to be certified to perform the installation and testing of the system. They apparently were not. As you may

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realize, during the recently completed DET, STNP was found to have repeatedly utilized non, or improperly, certified technicians.

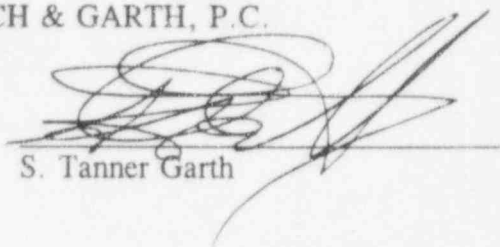
a. Please refer this issue to the proper party for investigation and handling. In doing so I would ask that you note that this is not a "self-identified" violation.

I would appreciate the courtesy of a response to these questions as soon as possible. I would also appreciate your looking into why I have yet to receive any response to my prior correspondences directed to Mr. Lieberman.

Very truly yours,

FIBICH & GARTH, P.C.

By:


S. Tanner Garth

c: Ron Wyden
John Dingle
Tom Bliley
Joe Barton
James Lieberman
Public Records Room