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Docket No. STN 50-483

RE: NRC Region III Investigation of Concerned Citizens  
About Callaway 2.206 Petition

Recently we received your letter of January 11, 1985, stating that Region III planned to issue an inspection report concerning the allegations provided in the September 28, 1984 2.206 petition. 1/ Your letter indicated that NRC Region III would not pursue the additional available information regarding the serious safety allegations in the petition. GAP, Concerned Citizens About Callaway, former and present workers at the Callaway Plant and the general public who are concerned for their own health and safety find this decision not to pursue safety allegation information disappointing, to say the least. Clearly, GAP's most recent meeting with the NRC representatives concerning this additional information must have been part of a bureaucratic game with rules designed by the NRC.

1./ This petition was submitted by the Concerned Citizens About Callaway and not, as you state in your letter, the Concerned Citizens Against Callaway. Concerned Citizens About Callaway is a group of individuals who reside in the vicinity of the Callaway Nuclear Power Plant and seek to ensure the health and safety of their community. They have sought GAP's assistance concerning the safe construction and operation of the Callaway Plant. In theory, the goals of the Nuclear Regulatory Commission and Concerned Citizens About Callaway are congruous with each other. However, the most recent decision, issued from your office, raises serious doubt as to the agency's commitment to the health and safety of the public.

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NRC Region III made several requests of GAP for additional information ever since the 2.206 petition was filed on September 28, 1984. 2/ Obtaining more information, according to Region III, was critical to any further investigation. NRC representatives admitted that the agency was unable to proceed without additional information. 3/ This need was also expressed in correspondences to GAP from both Frank Miraglia, Deputy Director of the Division of Licensing, and Harold R. Denton, Director of the Office of Nuclear Reactor Regulation. 4/ Finally, on November 30, 1984, GAP and the NRC met to discuss this matter. At this meeting, the NRC was informed that additional pertinent information did exist and was available.

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2/ a) As documented in Enclosure 3 of an October 16, 1984 memorandum from Region III Administrator, James Keppler to Harold Denton, Director of the Office of Nuclear Reactor Regulation, the NRC Staff has had personal discussion or telephone conversation with representatives of GAP on October 4, 5 and 8, 11, 12, and 15, 1984, for purpose of obtaining additional information which GAP relied upon to prepare the allegations.

b) November 7, 1984 letter from Harold Denton, Director of the Office of Nuclear Reactor Regulation and a November 21, 1984 letter from Frank Miraglia, Deputy Director of the Division of Licensing, to Billie Garde, GAP, requests additional information regarding the allegations.

3/ At the Meeting of the Commission on October 4, 1984, C. Norelius, Director of Projects, Region III stated that the NRC must meet with GAP so that the NRC "might more specifically understand what the allegations are, because many of them are so general that they're difficult to deal with in the form presented." (pg. 50, meeting transcript)

4/ The November 7, 1984 letter from H. Denton to GAP states: "...in the absence of more specific information supporting the petition, it is difficult to assess the need for further action." Furthermore, he states, "that the (NRC) staff is prepared to meet with allers to ensure that all avenues of information are explored. By permitting the NRC to discuss the concerns directly with the allers, GAP will be assured that a thorough review of the allegations has been performed."

Also Frank Miraglia in his November 21, 1984 letter to GAP states that "the staff will find it difficult to assess the need for further action without additional information."

Since that meeting, however, the NRC has changed its position regarding its commitment to safety concerns. The recent decision expressed in your letter indicates that the NRC Region III is no longer interested in the information which six weeks ago was vital to any inspection. It appears that the November 30, 1984 meeting was useless. After six weeks of non-decision we are far short of the status quo. Moreover it demonstrates the agency's eagerness to follow empty procedure at the expense of those who attempt to work with the agency.

What astonishes GAP about the Region's decision was the obvious ineffective and inefficient investigative process that the agency has chosen to take. The Region has expended considerable inspection resources, after admitting that the lack of substantial additional information would affect the depth and outcome of the investigation. Now the Region has decided to finalize its efforts with the issuance of an inspection report without having utilized all available information. This inspection report without a doubt will be the culmination of the bureaucratic gamesmanship.

However astonishing, such Region III techniques are not new to GAP. The NRC, in its approach to whistleblowers, uses inadequate inspection efforts. For example:

- \* The NRC mischaracterized allegations. Inspection Report 50-483/84-30 contains summaries of 25 allegations provided during the summer of 1984 to the NRC in an interview with the alleged. Many of the allegations, as presented by the NRC, are misinterpretations of the whistleblowers' allegations. The summaries are incomplete sentences pulled from various parts of the interview transcript. The NRC left plenty of room for interpretation of each allegation. These summaries are as clear as they are concise.

- \* The NRC made no re-contact with the alleged to clear up mischaracterized allegations. Instead, the NRC proceeded to investigate the allegations as they saw fit, even if it was substantially unrelated to the meaning of the whistleblowers' allegations.

- \* As a result of the haste and poor investigative procedures, the allegations within Inspection Report 50-483/84-30 were contrary to the information brought to the NRC by the alleged;

- \* The NRC inspection report 50-483/84-30 reflected a paperwork review relying on the utility's self-serving explanations. The paperwork review is based on the assumption that the paperwork is thorough and accurate. Furthermore, the NRC has not disclosed the supporting data and calculations for evaluation of the whistleblowers' allegations;

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\* The NRC has narrowly defined issues raised by the whistleblowers and failed to inspect beyond hardware examples the witnesses were able to identify specifically;

\* The NRC has swept away the safety significance of the allegations from any realistic role in the investigation or the full power licensing of the Callaway plant;

\* The results of the investigation were published in an inspection report almost six months after the interviews and one week before the Callaway plant went critical.

\* The NRC has attempted to discredit whistleblowers, citizens groups, or simply interested individuals by questioning their motives, integrity, and technical competence to raise questions about public health and safety.

\* The NRC has failed to utilize all available information pertaining to the 2.206 safety allegations.

\* James Keppler's October 16, 1984 letter to Harold Denton recommending Callaway for full power licensing, categorized the forty-eight allegations submitted by GAP and contained conclusions drawn from less than the information available to Region III.

In sum, the statements above represent the NRC Region III's failure to investigate in good faith and to protect the public and those who dare to come forward with safety allegations. Nonetheless, this is business as usual for Region III.

Again the NRC Region III has decided to continue with its paper chase when, admittedly, it is not worthwhile. The inspection report issued on the 2.206 petition can only be a thoroughly blurred interpretation of the September 28, 1984 allegations. GAO's view is that the inspection report need not be issued at all since the inspection has been conducted only as a part of the agency's insincerity. Indeed, it is a colossal waste of taxpayer's money. More important, it is evidence of the agency's confusion as to its own responsibilities and duties. The allegations potentially effect the public health and safety, not the NRC's credibility. Your agency, authorized by Congress, is responsible for the health and safety of the public and also has a duty to competently investigate in good faith the safety allegations brought to your agency by nuclear workers.

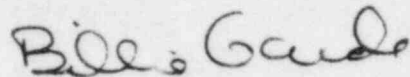
It is clear from a review of the record of this case, that your primary, if not your only, objective was to the the Callaway Nuclear Power Plant licensed. You stated as much to a GAP representative in mid-October, "the NRC is not going to wait around for GAP to give us information, we want to get this plant (Callaway) licensed!" Mr. Keppler, ultimately your reputation



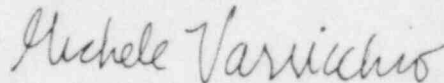
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may have grown in the eyes of your superiors due to your new tough line approach to allegations, but at the same time it has equally diminished in the eyes of those who are concerned about the safety and health of the public and thought you were also.

Sincerely,



Billie Garde  
Director of Citizens Clinic



Michele Varricchio  
Staff Associate

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