

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

DRAFT

MEMORANDUM FOR: Chairman Palladino
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Commissioner Zech

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: ISSUANCE OF SUBPOENA FOR TESTIMONY OF AN ALLEGER
(COMANCHE PEAK)

John T. Collins, Regional Administrator, Region IV, has requested my authorization to issue a subpoena for testimony and documents held by an alleged, at the Comanche Peak Steam Electric Station. This material concerns the construction adequacy of the Comanche Peak facility.

The circumstances concerning the issuance of the subpoena are as follows.

Since July 8, 1984, the NRC has had an extensive staff of personnel at the Comanche Peak site to evaluate various technical issues, allegations, and concerns regarding the construction of this facility. As part of this evaluation, the staff has interviewed individuals who have raised allegations regarding Comanche Peak. In the course of these interviews, additional allegations or concerns were, in some cases, revealed. These additional matters have been included in the onsite staff review.

On August 2, 1984, the staff interviewed Mr. Charles Atchison, a former Comanche Peak employee, to clarify technical aspects of allegations he previously had provided to the NRC. In the course of that interview.

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Mr. Atchison provided a list of approximately 80 concerns. Also, he stated that he had approximately 1000 additional concerns regarding the construction of Comanche Peak which had not previously been revealed to the staff. Mr. Atchison declined to provide the substance of these concerns, but stated he held documents and logs regarding the concerns.

The staff has repeatedly sought the release of this material from Mr. Atchison, but he has continued to decline to provide the material. It is believed that the material may have the potential to identify new concerns as well as be relevant to other allegations being evaluated at Comanche Peak. The staff desires to complete its evaluation of the Comanche Peak allegations (currently numbering about 500) in a timely manner to support a licensing decision on the facility and to avoid the potential situation of additional allegations surfacing at the last minute. The applicants state that they would be ready to load fuel in early October 1984.

Therefore, unless otherwise directed by the Commission, the proposed subpoena will be issued by Mr. Collins on September 12, 1984.

William J. Dircks
Executive Director for Operations

cc: SECY
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