



situation, in responding to the Applicants' discovery requests, CCANP declined to produce certain documents related to its claim of falsification of various QA records, because it feared that such production could lead to further alteration of the records in question. Subsequently, the parties agreed that CCANP would supply its documents first to the Staff, under seal, and that the documents would be held by the Staff unopened for up to 30 days to permit CCANP to examine and copy the comparable documents held by the Applicants at the construction site. Then the sealed CCANP documents would be turned over to the Applicants. The purpose was to enable CCANP to examine and copy the documents it believed were falsified before turning over to the Applicants its copies of the assertedly falsified records (which it apparently believes are authentic). To accommodate this agreement, the parties sought to modify the August 3 discovery order to permit the taking of depositions until 30 days after the completion of the second round of discovery or receipt by the Applicants of the documents held by the Staff under the informal protective agreement, whichever is later in time.

In the telephone conference call, the Board Chairman was advised of a complication concerning the informal agreement. This resulted from the accidental opening in the NRC (OELD) mail room of the documents submitted under seal to the Staff. The Staff attorney advised that the opening had been inadvertent and that none of the documents (or information therein) had been

presented to anyone other than NRC Staff attorneys and the mail room clerks and that even those persons did not read the documents. In particular, no information had been revealed to anyone outside NRC. The Board Chairman requested the NRC attorney to prepare an affidavit to this effect, and he agreed to do so. In addition, the CCANP attorney wished to examine the documents at the site as soon as possible. The Board Chairman requested the Applicants to attempt to arrange for the necessary personnel (both security guards and personnel familiar with the location of documents) to be at the site on Saturday, January 12, 1980; if this were not possible (because of the late hour in which the information concerning the mail room error was revealed), then on Sunday, January 13; and if that were not possible, then on Monday, January 14 (or, at CCANP's option, Saturday, January 19). The Applicants agreed to attempt to work out these arrangements. (On January 14, we were advised by telephone from the Staff that CCANP had begun its examination of the documents at the site on Saturday, January 12.)

Notwithstanding these developments, CCANP expressed the view that it still wished the extension of time sought by the Applicants' request, inasmuch as it might need as much as 30 days for the necessary surveying and copying of documents. Good cause having been demonstrated, the Applicants' request on behalf of itself and all other parties is granted. Our Memorandum and Order of August 3, 1979 is modified to provide that depositions

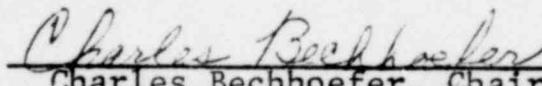
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may be taken under the provisions of 10 CFR §2.740a by all parties for a period of 30 days after receipt of the responses to the second round of discovery requests or receipt by the Applicants of certain documents and information held by the Commission Staff in accordance with the terms of an informal protective agreement, whichever is later in time.

Because the passage of time may dictate other changes in the scheduling of this proceeding, the Applicants and Staff, as applicable, and other parties if they wish, are requested to provide us at their convenience with further information concerning progress of construction, the estimated completion date of each unit, the projected availability of various staff documents, and any proposed schedule changes.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Charles Bechhoefer, Chairman

Dated at Bethesda, Maryland,  
this 16th day of January, 1980.

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