

U.S. NRC

SHAW, PITTMAN, POTTS & TROWBRIDGE

1988 DEC 12 PH 4:48

PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

2300 N STREET, N. W.
WASHINGTON, D. C. 20037

TELEX/CABLE
65 2693 (SHAWLAW)
TELEPHONE
(202) 663 8103

OFFICE OF INVESTIGATIONS
FIELD OFFICE, REGION IV

VIRGINIA OFFICE
1601 FARM CREDIT DRIVE
MCLEAN, VIRGINIA 22102
(703) 790 7900
TELECOPIER
(703) 663 8007

December 8, 1989

J. PATRICK HICKEY, P.C.

Ms. Virginia Van Cleave
Office of Investigations Field
Office, Region IV
United States Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 1000
Arlington, Texas 76011

Dear Ms. Van Cleave:

In accordance with our telephone conversation yesterday, I am enclosing copies of the Brown & Root Aircraft Use Report for the two trips in the first quarter of 1986 reflecting stops made by Mr. Austin at locations near the Comanche Peak plant. You will note that they reflect a March 31, 1986 stop by Mr. Austin at Cleburne, Texas, and an April 5, 1986 flight by Mr. Austin and Mr. Magnuson to Stephenville, Texas.

The company has been unable to locate any record reflecting Mr. Macktal's signing in on the building logs at the Houston office, so we cannot throw further light on Mr. Macktal's claim on that subject.

Finally, your letter to Mr. Austin requested a waiver of applicable privileges and production of documents related to Mr. Macktal's claims. As I explained, to the extent your area of interest is in determining whether Mr. Macktal's alleged concerns were investigated, you now have the benefit of your interview of Mr. Macktal, and presumably of his identification of the issues he claims to have raised. You can confirm with the Safeteam records at the site whether those items were addressed. However, as you are aware, there is presently litigation pending involving

9101080120 900815
PDR FOIA PDR
KOH90-316

CASE NO. 4-89-008

EXHIBIT 11
PAGE 1 OF 2 PAGE(S)

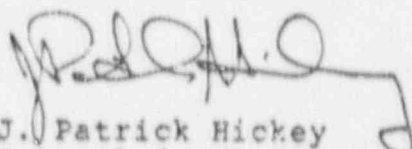
Release

A/B

Ms. Virginia Van Cleave
December 8, 1989
Page Two

Mr. Macktal and his allegations, and the company cannot at this time agree to waive its privileges and protections concerning Mr. Macktal's meeting with Mr. Austin and Mr. Magnuson.

Sincerely,


J. Patrick Hickey
Counsel for Brown & Root, Inc.

Enclosures