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RELATED CORRESPONDENCE

LAW OFFICES OF
BISHOP, LIBERMAN, COOK, PURCELL & REYNOLDS

1200 SEVENTEENTH STREET, N. W.
WASHINGTON, D. C. 20036
(202) 857-9800
TELEX 440574 INTLAW UI

USMRC

IN NEW YORK
BISHOP, LIBERMAN & COOK
26 BROADWAY
NEW YORK NEW YORK 10004
(212) 248-6900
TELEX 222767

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CORRESPONDENCE
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July 15, 1984

Mrs. Juanita Ellis
President, CASE
1426 South Polk Street
Dallas, Texas 75224

PROJECT NUMBER
PROB. NO. 50-445-0L
50-446-0L

Dear Mrs. Ellis:

On July 9, 1984, you hand delivered to me a copy of a letter memorializing an ex parte telephone call between yourself and the Board Chairman on July 6, 1984, regarding the schedule for CASE's answers to Applicants' outstanding motions for summary disposition. In that letter you stated that you had represented to the Board that "most of CASE's requests [for documents related to the motions] are still outstanding." On the basis of this representation the Board Chairman apparently has "tentatively approved" an extension of time for CASE to submit its answers.

As we discussed at the time you delivered the letter, and as is set forth below, your representation was inaccurate. I also express below our strenuous objections to further such ex parte contacts between CASE and any member of the Board on important, critical path schedule items such as this. The fact that the Board may have tentatively approved an extension of time on the basis of your misrepresentations is proof enough that such ex parte contacts are not appropriate.

This will set the record straight. On June 20, 1984, Applicants transmitted by overnight delivery five sets of documents relating to four of the motions for summary disposition. This information responded in full to CASE's requests with respect to two of those motions (AWS v. ASME Code Provisions (Design) and U-bolts Acting as Two Way Restraints). This material also included a partial response to CASE's request for information regarding the motions concerning Generic Stiffnesses and Friction Forces. (The only information left outstanding regarding the Friction Forces motion was confirmation of the Gibbs & Hill practice for consideration of friction forces.) In short, as of June 22, 1984, CASE

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had received all substantive information requested regarding three of Applicants' motions. Further, as you are aware, no request for information had been made with respect to two other motions (Section Property Values and Upper Lateral Restraint).

Applicants provided additional information requested by CASE, again by overnight delivery, under cover letter dated June 28, 1984. Therein, we provided all remaining information requested with respect to Applicants' motions concerning Damping Factors, Generic Stiffnesses and Friction Forces. The only information left to be provided at that point, a full week before your conversation with the Board Chairman, concerned two motions. First were certain documents referred to in the motion regarding Safety Factors, as to which Applicants had informed CASE previously would take longer to gather because of the large number of documents. Applicants had provided most (30 of 41) of these references by July 3, again prior to your conversation with the Board Chairman. The remaining references will be provided shortly.

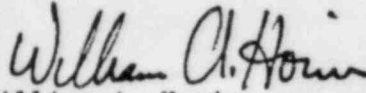
Second were materials concerning Applicants' practice regarding the inspection of bolt holes in base plates, which relates to the motion concerning the effect of gaps. This information is attached. Copies of an example of the Material Identification Log, and the associated hanger drawing, for support H-BR-2-5B-001-009-3 are provided. This log is filled out by the QC inspector prior to release of materials, including base plates, from the fabrication shop. Although not separately called out on the log, one of the attributes of base plates the QC inspector examines is bolt hole size.

We have not objected to CASE's schedule for filing its answers to those motions, although that schedule provided for much longer response times than provided for in the Rules of Practice. However, CASE's present request for, in effect, an unlimited extension of time for submitting those answers is wholly unwarranted. As discussed above, the information requested by CASE with respect to Applicants' motions has been provided in a timely fashion. Virtually all information requested was provided by or soon after the June 22 target date. Given that CASE certainly would not be working on answers to all motions simultaneously, we see no reason for any extensions of time. Accordingly, absent a formal motion by CASE, responses by the parties, and ruling by the Board, we will expect CASE to adhere to its previously established schedule.

As a final note, I feel compelled to comment on the manner in which this matter has been handled. Although it is unfortunate that CASE incorrectly presented the facts to the Board (without, as you informed me, having personally reviewed the matter) regarding the status of your request, it is even more disturbing that you would seek to obtain even a "tentative" Board ruling, ex parte, without having first contacted Applicants or the Staff. To avoid such a situation in the future, I will expect that you hereafter contact the other

interested parties before contacting the Board. By first contacting the other parties we will avoid the possibility that the Board would act, even "tentatively," on the basis of incomplete or erroneous information.

Sincerely,



William A. Horin
Counsel for Applicants

cc: Service List (without attachment)
Stuart Treby, Esq. (with attachment)