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RELATED CORRESPONDENCE

DOCKET NUMBER 60-445 01-2  
PROD. & UTIL. ENG. 57-446 01-2

October 11, 1984

DOCKETED  
USNRC

Note to: Ben B. Hayes, Director  
Office of Investigations

From: Stuart A. Treby  
Assistant Chief Hearing Counsel  
Office of the Executive Legal Director

SUBJECT: COMANCHE PEAK - APPLICANTS' MOTION FOR MODIFICATION OF  
BOARD ORDER DIRECTING RELEASE OF OI REPORTS

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OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

This is to confirm the information provided yesterday to Mr. Gilbert by Mr. Mizuno. The Applicants have filed a motion requesting that the Licensing Board modify its September 17, 1984 Order to allow Applicants' personnel familiar with any underlying technical issues in the OI Reports to review the OI Reports. A copy of the Applicants' Motion is attached to this note. In a telephone call on October 10, 1984 between Mr. Mizuno and Peter Bloch (the Chairman of the Licensing Board), Judge Bloch indicated that no response to the Applicants' Motion is necessary until OI has responded to the Licensing Board's September 17, 1984 Order.

This also confirms that Mr. Gilbert indicated that copies of the OI Reports were being sent only to Judge Bloch, and that Mr. Mizuno pointed out to Mr. Gilbert that this was not in compliance with the Licensing Board's September 17, 1984 Order directing OI to make the OI Reports available to the Board and parties. Mr. Mizuno also suggested that the OGC attorney assisting OI in the release of the OI Reports be made aware of this particular provision of the Licensing Board's September 17, 1984 Order.

*Stuart A. Treby*  
Stuart A. Treby  
Assistant Chief Hearing Counsel  
Office of the Executive Legal Director

Attachment: As stated

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF REGULATORY  
DOCKETING & SERVICE  
BRANCH

In the Matter of )  
)  
TEXAS UTILITIES ELECTRIC ) Docket Nos. 50-445-2 and  
COMPANY, et al. ) 50-446-2 *loc*  
)  
(Comanche Peak Steam Electric ) (Application for  
Station, Units 1 and 2) ) Operating Licenses)

APPLICANTS' MOTION FOR  
MODIFICATION OF THE BOARD'S  
MEMORANDUM AND ORDER  
(Directing Release of OI Reports)

On September 17, 1984 the Licensing Board issued a Memorandum and Order (Directing Release of OI Reports). At page 5 of that Memorandum and Order the Board indicated its willingness to limit those granted access to this information to two legal representatives for each party in an effort to maintain a strict level of confidentiality.

Applicants hereby request that the Board modify this aspect of its Memorandum and Order. In order for Applicants to evaluate the OI Reports, it is essential that representatives of the Applicants familiar with the technical aspects (if any) of the reports be able to review them. Given the past practice by the Licensing Board of delving into the technical merits of issues related to alleged incidents of intimidation, it is possible that the Board will inquire into technical issues, if any, raised by the OI Reports. Under these circumstances, for the Licensing Board to limit access to the OI Reports to only two legal representatives and no technical representatives of the

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Applicants may effectively deprive Applicants of their ability to respond to questions raised by the Board as a result of the OI Reports.

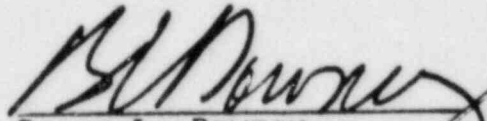
In addition, Intervenor has raised broad technical claims in connection with alleged incidents of intimidation. See CASE's Evidence Of A Quality Control Breakdown, September 27, 1984. In all likelihood Intervenor will endeavor to do so again after reviewing the OI Reports. It will be extremely difficult for Applicants to respond to these claims if access to the OI Reports is limited to two legal representatives.

Accordingly, Applicants hereby request that the Board permit Applicants to designate two persons to review each OI file released in this proceeding. Of course, all persons so designated will be subject to the protective order restricting dissemination of the information contained in the file.

Finally, Applicants designate Messrs. Reynolds and Downey as Applicants' two legal representatives included in the protective order contemplated by the Board's Memorandum and Order.

Applicants do not oppose Intervenor's September 26, 1984 request to the Board permitting three representatives of Intervenor access to the OI Reports.

Respectfully submitted,



Bruce L. Downey  
Sanford L. Hartman  
BISHOP, LIBERMAN, COOK,  
PURCELL AND REYNOLDS  
1200 Seventeenth Street, N.W.  
Washington, D.C. 20036  
202/857-9800

Counsel for Applicants

October 2, 1984

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USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'84 OCT -3 A10:28

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD  
DOCKETING & SERVICE  
BRANCH

In the Matter of )  
)  
TEXAS UTILITIES ELECTRIC ) Docket Nos. 50-445-2 and  
COMPANY, et al. ) 50-446-2  
)  
(Comanche Peak Steam Electric ) (Application for  
Station, Units 1 and 2) ) Operating Licenses)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Applicants' Motion for Modification of the Board's Memorandum and Order (Directing Release of OI Reports)" in the above-captioned matter were served upon the following persons by hand-delivery, overnight delivery,\* or by deposit in the United States mail,\*\* first class, postage prepaid, this 2nd day of October, 1984:

Peter B. Bloch, Esq.  
Chairman, Atomic Safety and  
Licensing Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Dr. Walter H. Jordan  
881 West Outer Drive  
Oak Ridge, Tennessee 37830

Herbert Grossman, Esq.  
U. S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

\*\*Mr. John Collins  
Regional Administrator  
Region IV  
U.S. Nuclear Regulatory  
Commission  
611 Ryan Plaza Drive  
Suite 1000  
Arlington, Texas 76011

\*\*Chairman, Atomic Safety and  
Licensing Appeal Panel  
U. S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

\*Mr. William L. Clements  
Docketing & Services Branch  
U. S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Stuart A. Treby, Esq.  
Office of the Executive  
Legal Director  
U. S. Nuclear Regulatory  
Commission  
Washington, D. C. 20555

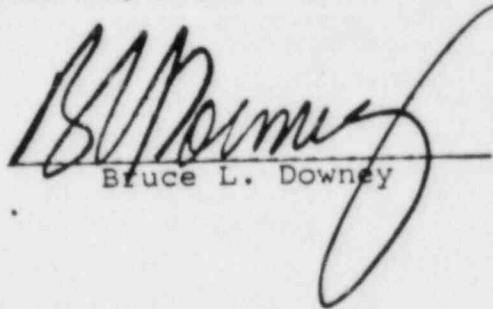
\*\*Chairman, Atomic Safety and  
Licensing Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

\*\*Renea Hicks, Esq.  
Assistant Attorney General  
Environmental Protection  
Division -  
P.O. Box 12548  
Capitol Station  
Austin, Texas 78711

\*\*Lanny A. Sinkin  
114 W. 7th Street  
Suite 220  
Austin, Texas 78701

Anthony Z. Roisman, Esq.  
Executive Director  
Trial Lawyers for Public Justice  
2000 P. Street, N.W.  
Suite 600  
Washington, D. C. 20036

Ellen Ginsberg, Esq.  
Atomic Safety and Licensing  
Board Panel  
U. S. Nuclear Regulatory  
Commission  
Washington, D. C. 20555



Bruce L. Downey

cc: John W. Beck  
Robert Wooldridge, Esq.