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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'84 OCT 19 A11:18

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

APPLICANTS' MOTION TO SUPPLEMENT  
STATEMENT AS TO PRIVILEGED TRIAL  
PREPARATION MATERIALS

Applicants move the Board to accept the attached October 18, 1984 letter, which identifies one additional O.B. Cannon document as privileged, as a supplement to Applicants' letter, also dated October 18, which identified 14 other O.B. Cannon documents as privileged. Alternatively, Applicants request the Board to treat this motion as a request to file the attached letter one day out of time.

Grounds for this motion are as follows:

1. On October 18, Applicants filed with the Commission and served on the Board and parties their statement regarding privilege asserted as to 14 O.B. Cannon documents. Copies of the letter were dispatched by messenger to the Board and parties located in the Washington area, as reflected on the certificate of service attached to the letter.

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2. Some time between 3:30 and 4:00 p.m., after the first letter had gone out, counsel for O.B. Cannon contacted the undersigned to advise that although Applicants had designated an O.B. Cannon document as privileged when Applicants reviewed the documents on the evening of October 17, the document did not appear in the index of documents in the first October 18 letter. The undersigned confirmed that the additional O.B. Cannon letter had not been listed, by oversight.

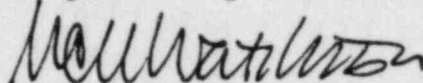
3. The undersigned contacted the Board's Chairman to report the oversight, and advised the Chairman that Applicants would supplement the first October 18 letter.

4. Applicants prepared a supplemental letter, a copy of which is attached, identifying the additional O.B. Cannon document. As reflected on the service list, Applicants served the document on Intervenor by hand on October 18, and on other parties by overnight or first-class mail. Applicants' messengers could not, however, deliver the letter to the Board and Staff Counsel prior to 5:00 p.m., when the Commission's offices in Bethesda are locked.

5. Applicants believe that the Board's acceptance of the attached letter will cause no prejudice to any party.

Accordingly, Applicants request that the Board accept the attached two-page letter dated October 18, 1984, identifying one additional O.B. Cannon document as privileged.

Respectfully submitted,



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Counsel for Applicants

October 19, 1984

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NUCLEAR REGULATORY COMMISSION

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'84 OCT 19 11:18  
SECRETARY  
LICENSING & SERVICE  
BRANCH

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Applicants' Motion to Supplement Statement as to Privileged Trial Preparation Materials in the above-captioned matter was served upon the following persons by hand-delivery,\* overnight delivery,\*\* or by deposit in the United States mail,\*\*\* first class, postage prepaid, this 19th day of October, 1984:

\*Peter B. Bloch, Esq.  
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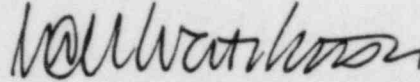
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McNeill Watkins II

cc: Homer C. Schmidt  
John W. Beck  
Robert Wooldridge, Esq.