

PDR

SEP 07 1984

MEMORANDUM FOR: Victor Stello, Jr., Deputy Executive Director
for Regional Operations and Generic Requirements

FROM: John T. Collins, Regional Administrator
Region IV

SUBJECT: ISSUANCE OF SUBPOENA FOR TESTIMONY OF AN ALLEGER
(COMANCHE PEAK)

Under NRC Manual Chapter 01303 and the April 13, 1984, "Delegation of Subpoena Authority," I propose to issue the attached subpoena at the request of Thomas A. Ippolito, Comanche Peak Project Director, for the testimony of Mr. Charles Atchison and documents held by Mr. Atchison concerning the adequacy of construction of the Comanche Peak Steam Electric Station.

The April 13, 1984, Delegation requires that I advise the EDO, through you, a minimum of three days in advance, of the proposed issuance of a subpoena. The Delegation provides that you will acquire ELD's concurrence and to expedite this process; I am transmitting a copy of this memorandum directly to Mr. Cunningham. Additionally, for a trial period of about ten cases, the Delegation indicates that the Commission will be advised in advance of the EDO's authorization of issuance of a subpoena by a Regional Administrator. Accordingly, I am requesting that you acquire the concurrences and undertake the required consultations.

The circumstances surrounding the proposed issuance of a subpoena to Mr. Atchison have been discussed between my Regional Counsel, William Brown; the Comanche Peak Project Director, Thomas A. Ippolito; and James Lieberman, ELD, and are discussed in the attached draft memorandum for the Commissioners.

The Comanche Peak Technical Review Team considers this subpoena essential to the proper disposition of allegations and concerns regarding the adequacy of construction of the Comanche Peak facility. Mr. Atchison has stated to the staff that he has approximately 1000 previously unidentified concerns regarding this facility. Mr. Atchison has refused to make the substance of these concerns known, in spite of repeated requests by the staff, and consequently, the issuance of a subpoena is appropriate.

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OFFICE							
SURNAME							
DATE							

SEP 07 1984

Victor Stello, Jr.

- 2 -

Your prompt concurrence will be appreciated.

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John T. Collins, Regional Administrator
Region IV

Enclosures:
As stated

cc w/enclosures:
HDenton, NRR
ECase, NRR
RDeYoung, IE
GCunningham, ELD
JScinto, ELD
STreby, ELD
JLieberman, ELD
Tippolito, NRR
DEisenhut, NRR

bcc w/enclosures:
✓PDR
RF
SF
Tippolito
RWessman
DEisenhut rf
JCollins
JCollins rf

OFFICE	NRR	DE/NRR	ELD	RIV		
SURNAME	Tippolito/Pab	DEisenhut	GCunningham	JCollins		
DATE	09/7/84	09/7/84	09/7/84	09/7/84		

Signature of John T. Collins



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

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Victor Stello, Jr.

- 2 -

Your prompt concurrence will be appreciated.

John T. Collins
John T. Collins, Regional Administrator
Region IV

Enclosures:
AS stated

cc w/enclosures:
EDenton, NRR
ECase, NRR
RDeYoung, IE
GCunningham, ELD
JScinto, ELD
STreby, ELD
JLieberman, ELD
Tippolito, NRR
DEisenhut, NRR

United States of America

NUCLEAR REGULATORY COMMISSION

SUBPOENA AD TESTIFICANDUM AND DUCES TECUM

In the matter of:

Texas Utilities Generating Company
(Comanche Peak Steam Electric
Station, Units 1 and 2)

DOCKET NO.s 50-445
50-446

TO

Charles Atchison
P. O. Box 901
Azle, Texas 76020

(By Registered Mail. Return Receipt Requested)

YOU ARE HEREBY COMMANDED to appear at NRC, Region IV, Parkway
Central Plaza Building, 611 Ryan Plaza Drive, Suite 1000
in the city of Arlington, Texas 76011
on the 20th day of September 1984 at 1:00 o'clock p.m.

to provide NRC Comanche Peak Technical Review Team with sworn testimony
before a Court Reporter regarding the adequacy of the construction of
the Comanche Peak Steam Electric Station and to bring with you and make
available for inspection and copying any and all records in your possession,
including but not limited to documents and logs, concerning the adequacy of
such construction.

For the Nuclear Regulatory Commission

John T. Collins, Regional Administrator

ATTORNEY FOR Region IV
U.S. Nuclear Regulatory Commission
William L. Brown

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TELEPHONE (817) 860-8271

On motion made promptly, and in any event at or before the time specified in the subpoena for compliance by the person to whom the subpoena is directed, and on notice to the party at whose instance the subpoena was issued, the Commission may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion on just and reasonable terms. Such motion should be directed to the Secretary of the Commission, Washington, D.C. 20555.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

DRAFT

MEMORANDUM FOR: Chairman Palladino
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Commissioner Zech

FROM: William J. Dircks
Executive Director for Operations

SUBJECT: ISSUANCE OF SUBPOENA FOR TESTIMONY OF AN ALLEGER
(COMANCHE PEAK)

John T. Collins, Regional Administrator, Region IV, has requested my authorization to issue a subpoena for testimony and documents held by an alleger at the Comanche Peak Steam Electric Station. This material concerns the construction adequacy of the Comanche Peak facility.

The circumstances concerning the issuance of the subpoena are as follows.

Since July 8, 1984, the NRC has had an extensive staff of personnel at the Comanche Peak site to evaluate various technical issues, allegations, and concerns regarding the construction of this facility. As part of this evaluation, the staff has interviewed individuals who have raised allegations regarding Comanche Peak. In the course of these interviews, additional allegations or concerns were, in some cases, revealed. These additional matters have been included in the onsite staff review.

On August 2, 1984, the staff interviewed Mr. Charles Atchison, a former Comanche Peak employee, to clarify technical aspects of allegations he previously had provided to the NRC. In the course of that interview

Mr. Atchison provided a list of approximately 80 concerns. Also, he stated that he had approximately 1000 additional concerns regarding the construction of Comanche Peak which had not previously been revealed to the staff. Mr. Atchison declined to provide the substance of these concerns, but stated he held documents and logs regarding the concerns.

The staff has repeatedly sought the release of this material from Mr. Atchison, but he has continued to decline to provide the material. It is believed that the material may have the potential to identify new concerns as well as be relevant to other allegations being evaluated at Comanche Peak. The staff desires to complete its evaluation of the Comanche Peak allegations (currently numbering about 500) in a timely manner to support a licensing decision on the facility and to avoid the potential situation of additional allegations surfacing at the last minute. The applicants state that they would be ready to load fuel in early October 1984.

Therefore, unless otherwise directed by the Commission, the proposed subpoena will be issued by Mr. Collins on September 12, 1984.

William J. Dircks
Executive Director for Operations

cc: SECY
OGC
OPE
ELD