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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

84 OCT -3 P2:19

ATOMIC SAFETY AND LICENSING APPEAL BOARD

OFFICE OF SECRETARY
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BRANCH

Administrative Judges:

Christine N. Kohl, Chairman
Dr. W. Reed Johnson
Howard A. Wilber

October 3, 1984

SERVED OCT 3 1984

In the Matter of)
)
LOUISIANA POWER & LIGHT COMPANY)
)
(Waterford Steam Electric Station,)
Unit 3))

Docket No. 50-382 OL

ORDER

In a memorandum dated September 26, 1984, and served on all parties to this proceeding, the General Counsel responded to our request for his views concerning whether Gunnar Harstead may have violated the Commission's conflict of interest regulations by serving as a consultant to both the NRC staff and Louisiana Power & Light Company on matters relating to the Waterford facility. The General Counsel has preliminarily determined that Mr. Harstead may have violated 18 U.S.C. §§ 203, 205 and 10 C.F.R. §§ 0.735-23, 0.735-25. Consequently, the Commission's Inspector and Auditor has referred the matter to the U.S. Department of Justice.

We express no view whatsoever on the merits of this inquiry. Nonetheless, we are concerned about what effect, if any, a finding of such a violation might have on the

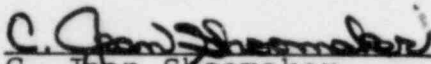
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matters pending before us.¹ We therefore request applicant, Joint Intervenors, and the NRC staff to comment on this matter by November 2, 1984.

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Shoemaker
Secretary to the
Appeal Board

¹ Three reports prepared by Mr. Harstead's firm, Harstead Engineering Associates, Inc., have been submitted to us in connection with two motions to reopen on the basemat cracking issue. See ALAB-753, 18 NRC 1321 (1983); ALAB-786, 20 NRC ___ (Oct. 2, 1984).