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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION '84 OCT -4 P2:25

Before Administrative Judges:

Peter B. Bloch, Chairman  
Herbert Grossman, Esq.  
Dr. Walter H. Jordan

OFFICE OF SECRETARY  
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SERVED OCT 4 1984

In the Matter of

Docket Nos. 50-445-0L2  
50-446-0L2

TEXAS UTILITIES ELECTRIC COMPANY

(Application for  
Operating License)

(Comanche Peak Steam Electric Station,  
Units 1 and 2)

October 4, 1984

MEMORANDUM

(Testimony of O.B. Cannon Witnesses)

It is the Board's preliminary judgment that apparent inconsistencies in J.J. Norris's testimony may be due to a failure to refresh his recollection by reviewing notes and documents. If the Board judges his further testimony accurate and complete, even though it may directly contradict portions of his prior testimony, we are inclined to view possible problems in prior testimony as due to his not being adequately prepared because he was not represented by counsel.

We expect that Mr. Norris will prepare himself for further testimony so that he can testify fully and truthfully.

On reflection, the Board has decided to call R.B. Roth, President of O.B. Cannon & Son, Inc. and Joseph L. Lipinsky as Board witnesses. Because of Mr. Lipinsky's established expertise in paint quality assurance we are concerned about whether Texas Utilities Electric Company, et al. (Applicants) paid proper attention to the preliminary findings communicated orally (or in writing) to site personnel, about whether O.B. Cannon's services were terminated or suspended when Mr. Lipinsky

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discovered and communicated serious problems in paint quality assurance, and about the circumstances surrounding Mr. Lipinsky's apparent decision to cooperate with Applicants by minimizing the validity and importance of his own work. Mr. Roth is being called because he apparently was involved in investigating and resolving the problem of the "leak" of the Lipinsky report.

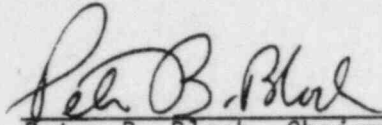
We are confident that these witnesses will testify to the truth, without regard to their professional positions or financial interests. At the Hearing we will announce the order of witnesses. However, the witnesses will be sequestered so that none will hear the testimony of the others.

The schedule of documents attached to the subpoena to the witnesses should be broadly interpreted in light of the purposes for which we are seeking testimony. For example, records relating to meetings prior to November 11 in which the witnesses discussed the Lipinsky report or its basis should be included in (2) of the schedule. Notes or recordings made at such prior meetings or memoranda or letters discussing those meetings are relevant. Similarly, any records that shed light on the termination or suspension of work under Applicants' purchase order are clearly relevant. Nothing in this paragraph should be interpreted to limit the scope of the attached schedule.

As announced at the Hearing, we prefer rapid submission of all records. We expect the documents to be filed on or before October 11. Failure to adhere to this deadline may precipitate a postponement of the hearing.

IT IS SO ORDERED.

FOR THE  
ATOMIC SAFETY AND LICENSING BOARD

  
Peter B. Bloch, Chairman  
ADMINISTRATIVE JUDGE

Bethesda, Maryland