



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

1. *Warwick Riv*
2. *Zimmer files*

March 2, 1983

Docket No. 50-358

Cincinnati Gas and Electric
Company
ATTN: Mr. William H. Dickhoner
President
139 East 4th Street
Cincinnati, OH 45201

Dear Mr. Dickhoner:

Enclosed is a "Protocol Governing Communications Between CG&E and Independent Organizations Conducting Reviews or Audits Under the Commission's Order." This protocol has been prepared by the NRC staff to assure that contacts between CG&E and the independent reviewers required under the Commission's November 12, 1982 Order are documented and that all substantive communications between CG&E and the independent reviewers are accomplished in meetings which are open to public observation. The staff expects all contacts between CG&E and the independent reviewers to be conducted in accordance with this protocol, including all contacts and communications CG&E has with potential candidates for the independent reviewer roles prior to their approval by me.

Sincerely,

A. Bert Durre

f James G. Keppler
Regional Administrator

Enclosure: As stated

cc w/enclosure: See attached list

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PROTOCOL GOVERNING COMMUNICATIONS BETWEEN CG&E AND INDEPENDENT
ORGANIZATIONS CONDUCTING REVIEWS OR AUDITS UNDER THE COMMISSION'S ORDER

In order to ensure the "arms length" relationship between CG&E (including its contractors and subcontractors) and the independent organizations selected by CG&E and approved by the Administrator of NRC Region III to conduct reviews or audits under the provisions of the Commission's November 12, 1982 "Order to Show Cause and Order Immediately Suspending Construction," while at the same time not unduly restricting the ability of all to complete their efforts, the following protocol shall be adhered to:

1. Consistent with the Commission's November 12, 1982 Order, recommendations, findings, evaluations and all exchanges of correspondence, including drafts, between the independent management reviewer under Section IV.B(1)(a) of the Order or the independent auditor of the quality of construction under Section IV.B(2)(a) and CG&E will be submitted to the Regional Administrator at the same time as they are submitted to the licensee.

2. The independent reviewer and auditor have a clear need for prompt access to whatever information they require to fulfill their roles as described in the Commission's November 12, 1982 Order. To this end, the independent reviewer and auditor may request documentary material, meet with and interview individuals, conduct telephone conversations, or visit the site to obtain information without prior notification to the NRC. All communications and transmittals of information shall, however, be documented and such documentation shall be maintained in a location accessible for NRC examination. To the extent that any individual contacted or interviewed requests that his or her name not be revealed, that information need not be included in the documentation but shall, if requested, be made available to appropriate NRC personnel.
3. If the independent reviewer or auditor wishes to discuss with CG&E substantive matters related to information obtained, to provide an interim report to CG&E, or to discuss its findings or conclusions with CG&E in advance of completing its report, or if CG&E desires such communication, such discussions shall be accomplished in meetings open to public observation. In this regard, CG&E shall provide a minimum of five days advance notice to the Regional Administrator of any such meeting. The Regional Administrator shall make reasonable efforts to notify representatives of interested members of the public of the meeting, but the inability of any person to attend shall not be cause for delay or postponement of the meeting. Transcripts or written minutes of

all such meetings should be prepared by the organization ... requesting the meeting and provided to the NRC in a timely manner. Any portion of such meetings which deals with proprietary information may be closed to the public.

4. All meetings between the Staff and CG&E, the independent reviewer, and/or the independent auditor will be open to public observation, except where the Staff determines that it is appropriate to conduct a meeting(s) in private with CG&E, the independent reviewer, and/or the independent auditor.

5. All documents submitted to, or transmitted by, the NRC subject to this Protocol, unless exempt from mandatory public disclosure, will be placed in the NRC Public Document Rooms in Batavia, Ohio, and Washington, D.C., and will be available there for public examination and copying.