

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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USNR

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In the Matter of)	
TEXAS UTILITIES ELECTRIC)	Docket Nos. 50-445-OL 2
COMPANY, <u>et al.</u>)	50-146-OL 2
(Comanche Peak Steam Electric)	(Application for
Station, Units 1 and 2))	Operating Licenses)

Affidavit of Joseph J. Lipinsky

I, Joseph J. Lipinsky, being first duly sworn, do hereby depose and say:

- I am the Quality Assurance Director for Oliver B. Cannon & Son, Inc. During the course of that employment, I wrote a trip report, dated August 8, 1983, concerning my visit to the Comanche Peak nuclear plant on July 26-27, 1983. That report, which was intended as an internal Cannon document, was surreptitiously obtained from me, and subsequently it was made available to the U.S. Nuclear Regulatory Commission (NRC).

- The memorandum raised technical concerns about the protective coatings program at Comanche Peak and in this connection, the NRC sought to take my deposition. Cannon desired to cooperate with the NRC and I agreed to give the deposition. Messrs. Nicholas Reynolds and McNeill Watkins II of the firm of Bishop, Liberman, Cook, Purcell & Reynolds

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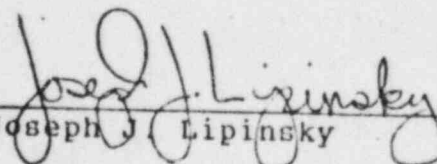
were retained as my attorneys.

3. I considered Messrs. Reynolds and Watkins as my attorneys in dealing with the NRC deposition matter. Mr. Reynolds provided me with advice regularly during November and December 1983 with respect to this matter. Mr. Watkins represented me on the day of the deposition, January 4, 1984.

4. Subsequently, I learned from Mr. Roth, President of Cannon, that he had retained Messrs. Reynolds and Watkins as my attorneys, and that Cannon had assumed responsibility for the payment of their fees.

5. I consider my consultations with my attorneys to be privileged, including the records I made of those consultations in the documents identified in Attachment D of Mr. Gallo's October 18, 1984 letter to the Licensing Board and the diary notes identified in Mr. Thornton's letter of October 19, 1984 to the Board. I have instructed Mr. Gallo to assert that privilege in connection with the request for their production.

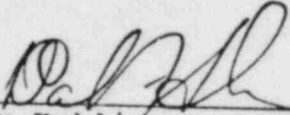
Further deponent sayeth not.


Joseph J. Lipinsky

COMMONWEALTH OF PENNSYLVANIA. :

COUNTY OF PHILADELPHIA :

Subscribed and sworn to before me this 5th
day of November, 1984.



Notary Public

My Commission Expires:

DANIEL F. ECKMAN, NOTARY PUBLIC
PHILADELPHIA, PHILADELPHIA COUNTY
MY COMMISSION EXPIRES APRIL 2, 1987
Member, Pennsylvania Association of Notaries