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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

SECRETED
USNRC

'92 NOV 19 P7:02

In the Matter of)

TEXAS UTILITIES ELECTRIC COMPANY,)

(Comanche Peak Steam Electric
Station, Unit 2))

Docket No. 50-446-CPA
ASLBP NO. 92-668-01-CPA
(Construction Permit
Amendment)

MOTION TO COMPEL DISCLOSURE OF INFORMATION
SECRETED BY RESTRICTIVE AGREEMENTS

Petitioners B. Irene Orr, D.I. Orr, Joseph J. Macktal, Jr. and S.M.A. Hasan, hereby request that this Board declare null and void any and all provisions in the settlement agreements between the former minority owners of the Comanche Peak Steam Electric Station (CPSSES) which prohibit those minority owners, and their insurers, agents, servants, employees, officers, directors, consultants, attorneys and representatives, from disclosing any potential safety related information (including, but not limited to, information relevant to this proceeding) to Petitioners, the NRC and/or the general public. Petitioners likewise move that this Board also nullify those parts of the settlement agreements which prevent persons from filing safety related charges with the NRC.

Petitioners have been prejudiced by their inability to obtain information from the former minority owners of the Comanche Peak Steam Electric Station (CPSSES). Consequently, Petitioners request that this Board require TUEC and its present

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or former minority owners (including the Brazos Electric Power Cooperative, Inc., the Texas Municipal Power Agency and Tex-La Electric Cooperative) to comply with the following procedure in order to partially rectify the harm caused to the public and Petitioners by the execution of the restrictive agreements:

1) that the former minority owners meet with representatives of the Petitioners and fully disclose all safety related information (including documentation) which they (or their agents, consultants, employees, etc.) possess;

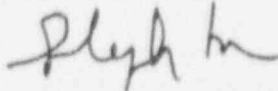
2) that TUEC produce a copy of all documents returned by the minority owners pursuant to the settlement agreements to the petitioners and produce copies of all documents referenced in the settlement agreements;

3) that once petitioners have copies of the documents and witnesses outlined above, that petitioners be given 20 days to file notices of deposition for the taking the sworn testimony of witnesses identified in numbers 1 and 2 above who may have evidence directly relevant to this proceeding. The depositions shall be completed in an expeditious manner;

4) that once the depositions are completed, the petitioners shall have 30 days to file additional contentions before this Board and/or to file additional information in support of the previously filed contention.

The grounds supporting this motion are contained in
Petitioners' Notice of Additional Evidence Supporting Petition to
Intervene and Petitioners' October 5, 1992 supplement to their
original intervention petition.

Respectfully submitted,



Michael D. Kohn
Stephen M. Kohn

KOHN, KOHN AND COLAPINTO, P.C.
517 Florida Ave., N.W.
Washington, D.C. 20001
(202) 234-4663

Attorneys for Petitioners

November 15, 1992

UNITED STATES OF AMERICA
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ATOMIC SAFETY AND LICENSING BOARD

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(Comanche Peak Steam Electric) Amendment)
Station, Unit 2))

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of: 1) Petitioners' Motion to Compel Disclosure of Information Secreted by Restrictive Agreements, and 2) Petitioners' Notification of Additional Evidence Supporting Petition to Intervene, were served upon the following parties by HAND DELIVERY on November 18, 1992:

Secretary,
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Hon. James H. Carpenter
Atomic Safety and Licensing Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Hon. Morton B. Margulies
Chairman, Atomic Safety and Licensing Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Hon. Peter S. Lam
Atomic Safety and Licensing Board
Nuclear Regulatory Commission
Washington, D.C. 20555

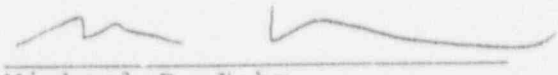
George Edgar, Esq.
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1615 L Street, N.W.,
Suite 1000
Washington, D.C. 20036

Janice E. Moore, Esq.
Office of the General Counsel
Nuclear Regulatory Commission
Washington, D.C. 20555

And that the following person was served by U.S. Mail, first class, on November 17, 1992:

R. Micky Dow
P.O. Box 875
Monroeville, PA 15146

By:


Michael D. Kohn

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

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