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OFFICE OF SECRETARY  
DOCKETING & SERVICE  
October 2, 1985

Robert A. Wooldridge, Esquire  
Worsham, Forsythe, Sampels  
& Wooldridge  
3200 2001 Bryan Tower  
Dallas, Texas 75201

SECRET NUMBER  
PROD. & UTIL. FACTS

50-445-446  
OL-2

Dear Bob:

This letter is to confirm our conversation on September 23, 1985, regarding the scheduling of depositions in Docket 2.

On the positive side we agreed to a process by which CASE would notify Applicants by letter of the names of those personnel whom we wish to depose and the subject areas we plan to cover. Counsel for all parties will then agree to a convenient time and place for conducting the deposition.<sup>1/</sup>

Notwithstanding our agreement on the process, we were not able to proceed with scheduling the specific depositions CASE requested in our September 4, 1985 letter. You indicated that your position was Applicants would not make the three witnesses available for depositions, because you intended to object to at least some of the categories of information we intended to pursue and, that until the Board ruled on the relevance of those categories it would be counterproductive to proceed. It is my understanding that the basis of Applicants' objections is that it was duplicative of information which had already been covered, and/or that it was irrelevant to these proceedings because issues into which we were proceeding were, in your opinion, not subjects in contention.

<sup>1/</sup> Our proposal to provide the Applicant with the subject matter of the depositions is not to be construed by Applicant as an indication that we will provide the type of detailed deposition briefings we provided Applicant during the Glen Rose depositions, or as a waiver of our intention to pursue relevant information and information likely to lead to relevant information as proscribed by the Federal Rules of Evidence.

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I told you that CASE had no intention of probing into the factual issues which have already been covered in the hearings and in depositions or through discovery previously, however, that it was our opinion that where there are new facts for old issues we were entitled to probe them. Additionally, I explained our position on the obvious relevance on such things as the current management position on the past management action regarding such things as the T-Shirt incident, the handling of the liner plate problems, etc. We believe that the Board has made it abundantly clear that these actions and opinions, and the basis for current opinions and actions, are clearly relevant issues in this proceeding. Further I explained to you that it is our view that the Board's order instructing us to proceed with discovery is controlling here. Since our conversation the Board has issued another Order which reconfirms our view. October 2, 1985, Memorandum and Order (Applicants' Motion For Modification).

You also rejected my offer to proceed with the deposition only in the areas with which Applicant had no quarrel as to relevancy.

In order to be clear I have included below a list of topics on which we intend to depose Mr. Spence, Mr. Brittain and Mr. Wells. The list is divided for your convenience into two categories: relevant information to an admitted contention or subissue in this proceeding, and information we are seeking which we believe will lead to relevant information. We reiterate our request that you make the named witnesses available for depositions as soon as possible and follow the normal practice of preserving proper objections for the record in response to specific questions during the deposition.

#### Relevant Information

- 1) Management and job responsibility changes
- 2) Speeches to workforce regarding organization and management
- 3) Documents provided to workforce
- 4) SAFETEAM documents
- 5) TRT evaluations
- 6) CYGNA documents re: QA/QC program
- 7) MAC Report
- 8) T-Shirt Incident/Electrical QA/QC
- 9) Liner Plate/QA/QC

- 10) Paint Coatings/QA/QC
- 11) Harassment and Intimidation

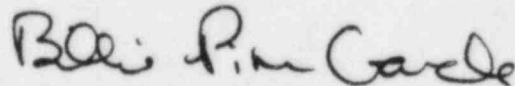
Information Likely to Lead to Relevant Information

- 1) Contracting documents
- 2) Documents regarding status and licensing of plant
- 3) Status of licensing and scheduling documents
- 4) Contractor information
- 5) Scheduling forecasts

CASE renews its request for depositions of Mr. Wells, Mr. Spence, and Mr. Brittain on the topics identified above. As I indicated in our telephone conference, we are most anxious to proceed with this discovery.

Frankly, your position appears to us to violate the spirit if not the letter of the Chairman's Order instructing us to cooperate on these matters in an effort to utilize this time period. Please provide a response to this letter within seven days by either suggesting a schedule for the three depositions, or indicating that we cannot reach any agreement and that we need to pursue our request for depositions formally.

Sincerely,



Billie Pirner Garde

cc: Service List