

October 18, 1985



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
TEXAS UTILITIES GENERATING)	Docket Nos. 50-445-2
COMPANY, et al.)	
)	and 50-446-2
(Comanche Peak Steam Electric)	
Station, Units 1 and 2))	

APPLICATION FOR ISSUANCE OF SUBPOENAS
DUCES TECUM FOR NRC STAFF WITNESSES

CASE requests that the Board issue the attached subpoenas
duces tecum to the following named NRC Staff members pursuant to
10 C.R.F. 2.720(h)(2)(i):

Mr. Vince Noonan
Mr. Thomas Ippilito
Mr. Herbert Livermore
Mr. Jose Calvo
Mr. Larry Shao
Mr. Conrad McKracken
Mr. Richard Bangert

According to Section 2.720(h)(2)(i), "in a proceeding in
which the NRC is a party, the NRC Staff will make available one
or more witnesses designated by the Executive Director for
Operations (EDO) for oral examination at the hearing or on
deposition regarding any matter, not privileged, which is
relevant to the issues in the proceeding." Further, this section
states that "attendance and testimony of the Commissioners and
named NRC personnel" may not be required by the presiding officer
officer, by subpoena or otherwise: Provided, that the presiding

officer may, upon a showing of exceptional circumstances, such as a case in which a particular named NRC employee has direct personal knowledge of a material fact not known to the witnesses made available by the EDO require the attendance and testimony of named NRC personnel. (emphasis added)

To date the NRC Staff has not named the witnesses it intends to call to support its position in this case. However, it is clear that the Staff position will be based on the Technical Review Team's work as presented in SSERs 7, 8, 9, 10 and 11, and that the Board considers the SSERs extremely important (Memorandum, Importance of SSERs, April 30, 1985). Each of the named individuals, with the exception of Mr. Noonan and Mr. Ippilito, were group leaders for specific SSERs.¹ Mr. Noonan, and Mr. Ippilito before him, managed the TRT effort which began² in March of 1984.

Intervenors request that the depositions be scheduled for October 29, 30 and 31. These dates are prior to the November 5 and 6 meeting between the Staff and the Applicant regarding the responses to the Staff questions on the CPRT. Our request is consistent with the request we have been pursuing informally,

¹ Mr. Jose Calvo was the group leader for electrical issues, Mr. Richard Bangert for miscellaneous items, Mr. Larry Shaw for mechanical/civil/structural, Mr. Herb Livermore for QA/QC, and Mr. Conrad McKracken for paint coatings.

² Mr. Thomas Ippilito was in charge of the Special Review Team's April 1984 inspection and the production of the July 13, 1984 SRT report (Letter from Darrell Eisenhut to Michael Spence, TUGCO, re: Report of the Special Review Team), and of the Technical Review Team work through October 1984 when Mr. Ippilito resigned as head of the TRT and Mr. Vince Noonan was appointed.

albeit unsuccessfully, with the Staff since March 1985.

Intervenors' urgent request is prompted by recent events which convince us that the discovery blackout which Intervenors have been required to tolerate has now placed CASE at a significant disadvantage in relation to events which are scheduled to occur within the next several weeks. First, we know that the CPRT reinspection effort, although not yet formally approved by the Staff, is 38% completed. (See statements of John Beck in Ft. Worth Star Telegram, October 13, 1985 (Attachment 1)). We understand that Applicants will seek to have the Staff accept the work they have already completed, and that will be on their agenda for the November 5 and 6 meeting between the Staff and Applicant.

We also have been told that the NRC Staff approval of the CPRT is being predicted within a month. Theoretically it will be based on the Staff's analysis of the adequacy of the reinspection plan to resolve those specific and generic issues raised in the SSERs. CASE's comments on the plan, pro or con, will be effectively irrelevant after Staff approval is given. Simultaneously, in this hearing, CASE is expected to identify any problems or deficiencies in the CPRT plan prior to resubmitting our request for an evidentiary standard and Board action regarding the CPRT. (See Board Order denying CASE's request for an evidentiary standard, March 12, 1985). CASE will be unable to protect its interests without access to the basis of the TRT's findings and conclusions.

Additionally, CASE faces a continuing defense by the

Applicant that the issue of specific deficiencies or a pervasive QA breakdown is irrelevant based on the existence of the CPRT Program Plan. CASE cannot demonstrate the inadequacies in the CPRT to address the identified deficiencies without having the basis for the Staff's conclusions. Nor can CASE evaluate the adequacy of the CPRT Issue Specific Action Plans (ISAPs) without knowing the basis of the Staff's findings and conclusions as outlined in the SSERs.

The Applicant has had the benefit of numerous meetings, conversations, communication with the Staff since January, as they sought to understand the basis of the various Staff conclusions and findings in order to develop their plan. CASE has not been a party to those communications. Only after we fully understand the basis of Staff findings and conclusions will we be able to agree or disagree with Applicants' specific proposals, the scope of the CPRT program, or the merits of their position.

Finally, CASE now learns -- through the press -- that Applicant anticipates going to hearing in January or February. Following nine months of discovery and information blackout from both the Applicant and the Staff, CASE has significant amounts of work to do prior to hearings. That work cannot begin until we have had adequate discovery. The cornerstone of the remaining work is discovery into the Staff's conclusions.

We are prepared to cooperate on this matter in any way -- we will conduct the depositions as evidentiary depositions to save substantial hearing time, we will delay the depositions if the Staff goes forward with its long promised CASE-Staff meeting

prior to the November 5, 6 CPRT meeting. However, we believe it is critical that such a meeting be scheduled prior to the November meeting with Applicant.

By way of background to this request, the information sought here is more than ripe for discovery. It has now been over a year since the TRT members completed the majority of the actual site inspection work that served as the basis for the various conclusions in the SSERs, and months since the majority of the written work was completed on the SSERs which are now issued.

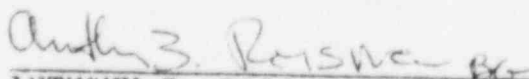
Additionally we have attempted to pursue this information informally for over six months. Intervenor's first sought depositions of ten named Staff members in a March 29, 1985 letter from Stuart E. Treby, Esq. to Anthony Z. Roisman, Esq., in which we sought discovery on the basis of the TRT findings as reflected in the SSERs available at the time. After SSER 11 was issued CASE again sought to have the preliminary meeting scheduled with the Staff. We formally requested that meeting again in a July 17, 1985 letter to Mr. Treby. Following that letter the Staff agreed to make the appropriate knowledgeable individuals available informally for a "meeting" with the Intervenor's, after the issuance of the original SSERs. This position was discussed and confirmed in numerous telephone conversations between counsel. That meeting has been scheduled and postponed at least three times since July, and now appears to be postponed until the completion of the Staff's work on approving the CPRT. That significant schedule change was never agreed upon between Staff and CASE. It has always been our position that we needed the

basis of the Staff's findings before we could take our final position on the CPRT.

Intervenors originally agreed to a meeting instead of depositions at the Staff's request. We have operated on a good faith belief that a meeting with the individuals named below would have been held informally months ago, prior to any formal depositions, and prior to a final CPRT. However, based on the most recent cancellation of that meeting with no reschedule date, as well as the announced intention by Applicant to move these matters to hearing in January or February of 1985, CASE believes that it has no choice but to formally move for these depositions immediately.

We have included subpoenas duces tecum for the named individuals, all of whom have direct material knowledge about the issues in the SSERs for which they were responsible, as defined by 10 C.F.R. 2.7200(h)(2).

Respectfully submitted,



ANTHONY Z. ROISMAN
Trial Lawyers for Public Justice, P.C.
2000 P Street, N.W., Suite 611
Washington, D.C. 20036
(202) 463-8600

Counsel for CASE

October 18, 1985

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
TEXAS UTILITIES GENERATING)	
COMPANY, et al.)	Docket Nos. 50-445-2
)	and 50-446-2
(Comanche Peak Steam Electric)	
Station, Units 1 and 2))	

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that true and correct copies of CASE's Application For Issuance Of Subpoenas Duces Tecum For NRC Staff Witnesses have been sent to the names listed below this 18th day of October, 1985, by: Express mail where indicated by *; Hand-delivery where indicated by **; and First Class Mail unless otherwise indicated.

Administrative Judge Peter B. Bloch
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Herbert Grossman
Alternate Chairman
ASLB Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Kenneth A. McCollom, Dean
Division of Engineering, Architecture
and Technology
Oklahoma State University
Stillwater, Oklahoma 74074

Dr. Walter H. Jordan
881 W. Outer Drive
Oak Ridge, Tennessee 37830

Ms. Ellen Ginsberg, Law Clerk
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Robert A. Wooldridge, Esquire
Worsham, Forsythe, Sampels
& Wooldridge
2001 Bryan Tower, Suite 2500
Dallas, Texas 75201

Nicholas Reynolds, Esquire
Bishop, Liberman, Cook,
Purcell & Reynolds
1200 17th Street, N.W.
Washington, D.C. 20036

Stuart Treby, Esquire
Geary S. Mizuno, Esquire
Office of Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Docketing & Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Renea Hicks, Esquire
Assistant Attorney General
Environmental Protection Division
Supreme Court Building
Austin, Texas 78711

Mrs. Juanita Ellis
President, CASE
1426 S. Polk
Dallas, Texas 75224

Mr. W.G. Council
Executive Vice President
Texas Utilities Generating Co.
Skyway Tower, 25th Floor
400 N. Olive Street
Dallas, Texas 75201

Mr. Roy P. Lessy, Jr.
Morgan, Lewis & Bockius
1800 M Street, N.W.
Washington, D.C. 20036

Mr. Thomas G. Dignan, Jr.
Ropes & Gray
225 Franklin Street
Boston, Massachusetts 02110

Anthony Z. Roisman
ANTHONY Z. ROISMAN

United States of America

NUCLEAR REGULATORY COMMISSION

In the matter of:

TEXAS UTILITIES GENERATING COMPANY,
et. al.
(Comanche Peak Steam Electric Station,
Units 1 and 2)

DOCKET NO. 50-445-2
50-446-2

TO

Mr. Vince Noonan
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

YOU ARE HEREBY COMMANDED to appear 1555 Connecticut Ave., NW
Suite 202
in the city of Washington, D.C.
on the 29 day of October 19 85 at 9:00 o'clock AM.
to testify on behalf of Citizens Association for Sound Energy (CASE)

in the above entitled action and bring with you the document(s) or object(s) described
in the attached schedule.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

BY _____

Anthony Z. Roisman, Esq.

ATTORNEY FOR CASE
2000 P Street, NW # 611
Washington, D.C. 20036

TELEPHONE (202) 463-8600

.....19.....

10 C.F.R. 2.720 (f)

On motion made promptly, and in any event
at or before the time specified in the subpoena
for compliance by the person to whom the sub-
poena is directed, and on notice to the party at
whose instance the subpoena was issued, the

presiding officer or, if he is unavailable, the
Commission may (1) quash or modify the sub-
poena if it is unreasonable or requires evidence
not relevant to any matter in issue, or (2) con-
dition denial of the motion on just and reasonable
terms.

RETURN ON SERVICE

Received this subpoena at.....on
.....and on.....at.....
served it on the within named.....
by delivering a copy to h..... and tendering to h..... the fee for one day's
attendance and the mileage allowed by law.¹

Dated.....19..... BY.....

Service Fees

Travel..... \$
Services..... \$

.....
Total..... \$

Subscribed and sworn to before me, athis.....
day of.....19.....

NOTE - Affidavit required only if service is made by a person other than a United States
Marshal or his deputy.

¹ Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the
United States or an officer or agency thereof

Schedule of Documents

CASE requests that the deponent bring with him to the deposition all documents or documentation generated in connection with the preparation of Supplemental Safety Evaluation Report No. 7, January 1985; No. 8, February 1985; No. 9, March 1985; No. 10, April 1985; and No. 11, May 1985.*

"Documents" include, but are not limited to, all drafts of the SSERs, interim or final reports, memoranda, notes, summaries, tapes, transcripts, interview reports, procedures, instructions, drawings, engineering analyses, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, notebooks, books, telephone messages, computer runoffs, and allegation tracking system computer runoffs generated during the SRT/TRT work related to this specific SSER, or other Staff work which served as a basis for any Staff conclusion on the issues/ allegations raised in this SSER.

* This request is similar to information already requested and being compiled in response to several Freedom of Information Act (FOIA) Requests from the Government Accountability Project. When the information responsive to this subpoena duces tecum has been produced in response to the FOIA, CASE will accept a digest of the information with its location or production date and/or accession number. (Those FOIA requests are 85-15, 19, 33, 34, 50, 59 and 299).

United States of America

NUCLEAR REGULATORY COMMISSION

In the matter of:

TEXAS UTILITIES GENERATING COMPANY.
et.al.
(Comanche Peak Steam Electric
Station, Units 1 and 2)

DOCKET NO. 50-445-2
50-446-2

TO

Mr. Herbert Livermore
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

YOU ARE HEREBY COMMANDED to appear at 1555 Connecticut Avenue, NW
.....Suite 202.....
in the city of Washington, D.C.....
on the 29 day of October 1985 at 1:00 o'clock P.M.
to testify on behalf of Citizens Association for Sound Energy (CASE)

in the above entitled action and bring with you the document(s) or object(s) described
in the attached schedule.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

BY _____

Anthony Z Roisman, Esq.

ATTORNEY FOR CASE
2000 P Street, NW, #611
Washington, D.C. 20036

TELEPHONE (202) 463-8600

.....19.....

10 C.F.R. 2.720 (f)

On motion made promptly, and in any event
at or before the time specified in the subpoena
for compliance by the person to whom the sub-
poena is directed, and on notice to the party at
whose instance the subpoena was issued, the

presiding officer or, if he is unavailable, the
Commission may (1) quash or modify the sub-
poena if it is unreasonable or requires evidence
not relevant to any matter in issue, or (2) con-
dition denial of the motion on just and reasonable
terms.

RETURN ON SERVICE

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attendance and the mileage allowed by law.¹

Dated.....19..... BY.....

Service Fees

Travel..... \$
Services..... \$

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Total..... \$

Subscribed and sworn to before me, athis.....
day of.....19.....

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United States or an officer or agency thereof

Schedule of Documents

CASE requests that the deponent bring with him to the deposition all documents or documentation generated in connection with the preparation of Supplemental Safety Evaluation Report No. 11, May 1985.*

"Documents" include, but are not limited to, all drafts of the SSERs, interim or final reports, memoranda, notes, summaries, tapes, transcripts, interview reports, procedures, instructions, drawings, engineering analyses, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, notebooks, books, telephone messages, computer runoffs, and allegation tracking system computer runoffs generated during the SRT/TRT work related to this specific SSER, or other Staff work which served as a basis for any Staff conclusion on the issues/ allegations raised in this SSER.

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United States of America

NUCLEAR REGULATORY COMMISSION

In the matter of:

TEXAS UTILITIES GENERATING
COMPANY, et.al.
(Comanche Peak Steam Electric
Station, Units 1 and 2)

DOCKET NO. 50-- 445-1
50 - 446-2

TO

Mr. Jose Calvo
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

YOU ARE HEREBY COMMANDED to appearat 1555 Connecticut Ave., NW
.....Suite 202.....
in the city ofWashington, D.C.....
on the 30 day of October 1985 at 9:00 o'clock A M.
to testify on behalf of Citizens Association for Sound Energy (CASE)

in the above entitled action and bring with you the document(s) or object(s) described
in the attached schedule.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

BY _____

Anthony Z. Roisman, Esq.

ATTORNEY FOR CASE

2000 P Street, NW, # 611

Washington, D.C. 20036

TELEPHONE (202) 463-8600

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10 C.F.R. 2.720 (f)

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Schedule of Documents

CASE requests that the deponent bring with him to the deposition all documents or documentation generated in connection with the preparation of Supplemental Safety Evaluation Report No. 7, January 1985.*

"Documents" include, but are not limited to, all drafts of the SSERs, interim or final reports, memoranda, notes, summaries, tapes, transcripts, interview reports, procedures, instructions, drawings, engineering analyses, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, notebooks, books, telephone messages, computer runoffs, and allegation tracking system computer runoffs generated during the SRT/TRT work related to this specific SSER, or other Staff work which served as a basis for any Staff conclusion on the issues/allegations raised in this SSER.

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United States of America

NUCLEAR REGULATORY COMMISSION

In the matter of:

TEXAS UTILITIES GENERATING
COMPANY, et.al.
(Comanche Peak Steam Electric
Station, Units 1 and 2)

DOCKET NO. 50-445-2
50-446-2

TO

Mr. Conrad McKracken
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

YOU ARE HEREBY COMMANDED to appear ..1555 Connecticut Avenue...NW,
.....Suite 202.....
in the city of ..Washington, D.C.....
on the.....30.....day of.....October.....1985.....at.....1:00.0'clock p M.
to testify on behalf of Citizens Association for Sound Energy (CASE)

in the above entitled action and bring with you the document(s) or object(s) described
in the attached schedule.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

BY _____

Anthony Z. Roisman, Esq.
ATTORNEY FOR ~~CASE~~

2000 P St., NW
Washington, D.C. 20036
TELEPHONE (202) 463-8600

.....19.....

10 C.F.R. 2.720 (f)

On motion made promptly, and in any event
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whose instance the subpoena was issued, the

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Dated..... 19..... BY.....

Service Fees

Travel..... \$
Services..... \$

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Total..... \$

Subscribed and sworn to before me, athis.....
day of.....19.....

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Marshal or his deputy.

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United States or an officer or agency thereof

Schedule of Documents

CASE requests that the deponent bring with him to the deposition all documents or documentation generated in connection with the preparation of Supplemental Safety Evaluation Report No. 9, March 1985.*

"Documents" include, but are not limited to, all drafts of the SSERs, interim or final reports, memoranda, notes, summaries, tapes, transcripts, interview reports, procedures, instructions, drawings, engineering analyses, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, notebooks, books, telephone messages, computer runoffs, and allegation tracking system computer runoffs generated during the SRT/TRT work related to this specific SSER, or other Staff work which served as a basis for any Staff conclusion on the issues/ allegations raised in this SSER.

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United States of America

NUCLEAR REGULATORY COMMISSION

In the matter of:

TEXAS UTILITIES GENERATING
COMPANY, et.al.
(Comanche Peak Steam Electric
Station, Units 1 and 2)

TO

Mr. Richard Bangert
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

DOCKET NO. 50-445-2
50-446-2

YOU ARE HEREBY COMMANDED to appear at 1555 Connecticut Avenue, NW
Suite 202

in the city of Washington, D.C.
on the 30 day of October 1985 at 3:00 o'clock P M.
to testify on behalf of Citizens Association for Sound Energy (CASE)

in the above entitled action and bring with you the document(s) or object(s) described
in the attached schedule.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

BY _____

ATTORNEY FOR CASE
Anthony Z. Roisman, Esq.
2000 P Street, NW Suite 611
Washington, D.C. 20036
TELEPHONE (202) _____

_____, 19____

10 C.F.R. 2.720 (f)

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United States or an officer or agency thereof

Schedule of Documents

CASE requests that the deponent bring with him to the deposition all documents or documentation generated in connection with the preparation of Supplemental Safety Evaluation Report No. 8, February 1985.*

"Documents" include, but are not limited to, all drafts of the SSERs, interim or final reports, memoranda, notes, summaries, tapes, transcripts, interview reports, procedures, instructions, drawings, engineering analyses, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, notebooks, books, telephone messages, computer runoffs, and allegation tracking system computer runoffs generated during the SRT/TRT work related to this specific SSER, or other Staff work which served as a basis for any Staff conclusion on the issues/ allegations raised in this SSER.

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United States of America

NUCLEAR REGULATORY COMMISSION

In the matter of:

TEXAS UTILITIES GENERATING
COMPANY, et. al.
(Comanche Peak Steam Electric
Station, Units 1 and 2)

DOCKET NO.

50-445-2

50-446-2

TO

Mr. Larry Shao
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

YOU ARE HEREBY COMMANDED to appearat 1555 Connecticut Avenue, N.W.
.....Suite 202.....
in the city ofWashington D.C.....
on the.....31.....day of.....October.....1985.....at.....9:00.....0'clock A M.
to testify on behalf ofCitizens Association for Sound Energy...(CASE)

in the above entitled action and bring with you the document(s) or object(s) described
in the attached schedule.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

BY _____

Anthony Z. Roisman, Esq.

ATTORNEY FOR CASE

2000 P St., NW

Washington, D.C.

TELEPHONE (202) 463-8600

.....19.....

10 C.F.R. 2.720 (f)

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United States or an officer or agency thereof

Schedule of Documents

CASE requests that the deponent bring with him to the deposition all documents or documentation generated in connection with the preparation of Supplemental Safety Evaluation Report No. 10, April 1985.*

"Documents" include, but are not limited to, all drafts of the SSERs, interim or final reports, memoranda, notes, summaries, tapes, transcripts, interview reports, procedures, instructions, drawings, engineering analyses, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, notebooks, books, telephone messages, computer runoffs, and allegation tracking system computer runoffs generated during the SRT/TRT work related to this specific SSER, or other Staff work which served as a basis for any Staff conclusion on the issues/ allegations raised in this SSER.

* This request is similar to information already requested and being compiled in response to several Freedom of Information Act (FOIA) Requests from the Government Accountability Project. When the information responsive to this subpoena duces tecum has been produced in response to the FOIA, CASE will accept a digest of the information with its location or production date and/or accession number. (Those FOIA requests are 85-15, 19, 33, 34, 50, 59 and 299).

United States of America

NUCLEAR REGULATORY COMMISSION

In the matter of:

TEXAS UTILITIES GENERATING
COMPANY, et.al.
(Comanche Peak Steam Electric
Station, Units 1 and 2)

DOCKET NO.

50-445-2
50-446-2

TO

Mr. Thomas Ippilito
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

YOU ARE HEREBY COMMANDED to appear1555 Connecticut Avenue NW,
.....Suite 202.....

in the city ofWashington, D.C.....

on the.....31.....day of.....October.....1985.....at.....3:00.0'clock P M.

to testify on behalf ofCitizens Association for Sound Energy...(CASE)

in the above entitled action and bring with you the document(s) or object(s) described
in the attached schedule.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

BY _____

Anthony Z. Roisman, Esq.
ATTORNEY FOR ~~CASE~~

2000 P Street, NW Suite 611
Washington, D.C. 20036

TELEPHONE (202) 463-8600

19

10 C.F.R. 2.720 (f)

On motion made promptly, and in any event
at or before the time specified in the subpoena
for compliance by the person to whom the sub-
poena is directed, and on notice to the party at
whose instance the subpoena was issued, the

presiding officer or, if he is unavailable, the
Commission may (1) quash or modify the sub-
poena if it is unreasonable or requires evidence
not relevant to any matter in issue, or (2) con-
dition denial of the motion on just and reasonable
terms.

RETURN ON SERVICE

Received this subpoena at.....on
.....and on.....at.....
served it on the within named.....
by delivering a copy to h..... and tendering to h..... the fee for one day's
attendance and the mileage allowed by law.¹

Dated.....19..... BY.....

Service Fees

Travel..... \$
Services..... \$

.....
Total..... \$

Subscribed and sworn to before me, athis.....
day of.....19.....

NOTE - Affidavit required only if service is made by a person other than a United States
Marshal or his deputy.

¹ Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the
United States or an officer or agency thereof.

Schedule of Documents

CASE requests that the deponent bring with him to the deposition all documents or documentation generated in connection with the preparation of the July 13, 1984 letter from Darrell Eisenhut to Michael D. Spence, with the report of the Special Review Team inspection.

"Documents" include, but are not limited to, all drafts of the SSERs, interim or final reports, memoranda, notes, summaries, tapes, transcripts, interview reports, procedures, instructions, drawings, engineering analyses, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, notebooks, books, telephone messages, computer runoffs, and allegation tracking system computer runoffs generated during the SRT/TRT work related to this specific SSER, or other Staff work which served as a basis for any Staff conclusion on the issues/allegations raised in this SSER.

* This request is similar to information already requested and being compiled in response to several Freedom of Information Act (FOIA) Requests from the Government Accountability Project. When the information responsive to this subpoena duces tecum has been produced in response to the FOIA, CASE will accept a digest of the information with its location or production date and/or accession number. (Those FOIA requests are 85-15, 19, 33, 34, 50, 59 and 299).