

March 3, 1986

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'82 MAR -7 AM 1:34

In the Matter of:)
COMMONWEALTH EDISON COMPANY)
(Braidwood Nuclear Station,)
Units 1 and 2))

Docket Nos. 50-456
50-457

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

INTERVENORS' APPLICATION FOR
DEPOSITION SUBPOENA FOR RICHARD M. SAKLAK

Pursuant to 10 CFR §2.720, Intervenors Bridget Little Rorem, et al., (Intervenors) hereby apply to the Atomic Safety and Licensing Board for issuance of the attached deposition subpoena to Richard M. Saklak commanding him to appear to give his deposition and to produce specified documents at the time and place indicated on the attached subpoena.

In support of this application, Intervenors state as follows:

1. A quality control inspector harassment issue has been admitted as part of the quality assurance contention of Intervenors Bridget Little Rorem, et al. (Intervenors) in the Braidwood proceeding. The individual identified above is a former L.K. Comstock QC inspector supervisor who is believed to have information relevant to the claims of harassment.

2. By Request of January 31, 1986, Intervenors sought from Applicant the production of certain documents "compiled or maintained by former QC Supervisor R.M. Sakalak (sic) reflecting adverse, derogatory or other information regarding Comstock QC inspectors - the so-called "Pearl Harbor File" as described by QC Inspector Larry Phillips in his deposition testimony on January 29, 1986." Applicant's response of February 13, 1986, stated that it was not in possession, custody or control of such documents. If such documents are still in existence, they are likely in the possession of Mr. R.M. Saklak.

3. Intervenors will be unable to adequately prepare their case in the Braidwood proceeding unless they are permitted to depose this individual and gain access to documents in his possession.

4. Appropriate fees will be paid to the deponent in accordance with 10 CFR §2.720(d). Once the requested subpoena is issued, Intervenors will arrange to have the subpoena served by a non-party pursuant to 10 CFR §2.720(c).

WHEREFORE, Intervenors respectfully request that the Licensing Board issue the attached deposition subpoena to Richard M. Saklak.

DATED: March 3, 1986

Douglass W. Cassel, Jr.
Robert Guild
Timothy W. Wright, III
109 N. Dearborn, #1300
Chicago, IL 60602
(312) 641-5570

Respectfully submitted,


Robert Guild
One of the Attorneys for
Intervenors Rorem, et al.

United States of America

NUCLEAR REGULATORY COMMISSION

In the matter of:

COMMONWEALTH EDISON COMPANY

(Braidwood Station, Units 1 and 2)

50-456
DOCKET NO. 50-457

TO

Richard M. Saklak
314 North Pleasant
Schaumburg, Illinois

YOU ARE HEREBY COMMANDED to appear at Isham, Lincoln & Beale,
Three First National Plaza, Suite 5200
in the city of Chicago, Illinois
on the 26th day of March 19 86 at 10:00 o'clock A.M.
to ~~testify on behalf of~~ be deposed

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 _____

Intervenors Rorem, et al.
ATTORNEY FOR
Robert Guild
109 North Dearborn, #1300
Chicago, IL 60602
TELEPHONE (312) 641-5570

.....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

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

SCHEDULE OF DOCUMENTS TO BE PRODUCED

1. All documents relating to your employment by L.K. Comstock at the Braidwood Nuclear Station including particularly any documents reflecting any evaluations, reviews, promotions, warnings, disciplinary actions, work performance and termination of employment.

2. All documents relating to any complaints, concerns, or allegations by QC inspectors of harassment, intimidation, threats, abuse or pressure, or performance of work in violation of requirements or procedures.

3. All documents reflecting adverse, derogatory or other information regarding Comstock QC inspectors - the so-called "Pearl Harbor File".

RELATED CORRESPONDENCE

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'82 MAR -7 AM 1:34

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF REGULATORY
DOCKETING & SERVICE
BRANCH

In the Matter of:

COMMONWEALTH EDISON COMPANY

(Braidwood Nuclear Station,
Units 1 and 2)

)
)
)
)
)
)

Docket Nos. 50-456
50-457

CERTIFICATE OF SERVICE

I hereby certify that I have served copies of Intervenor's Application for Deposition Subpoena for Richard M. Saklak, subpoena and schedule of documents to be produced, on each party listed on the attached Service List, by having said copies placed in envelopes, properly addressed and postaged, and deposited in the U.S. mail at 109 North Dearborn, Chicago, Illinois, 60602, on this 3rd day of March, 1986; except that Chairman Herbert Grossman was served via Federal Express overnight delivery.

BRAIDWOOD SERVICE LIST

Herbert Grossman, Esq.
Chairman and Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington D.C. 20555

Richard F. Cole
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington D.C. 20555

A. Dixon Callihan
Administrative Judge
102 Oak Lane
Oak Ridge, Tennessee 37830

Stuart Treby, Esq.
NRC Staff Counsel
U.S. Nuclear Regulatory Commission
7335 Old Georgetown Road
Bethesda, Maryland 20014

Joseph Gallo, Esq.
Isham, Lincoln & Beale
1150 Connecticut Avenue N.W.
Suite 1100
Washington D.C. 20036

Region III
Office of Inspection &
Enforcement
U.S. Nuclear Regulatory
Commission
799 Roosevelt Road
Glen Ellyn, Illinois 60137

Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington D.C. 20555

Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington D.C. 20555

Michael I. Miller, Esq.
Peter Thornton, Esq.
Isham, Lincoln & Beale
Three First National Plaza
Chicago, Illinois 60602

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

C. Allen Bock, Esq.
P.O. Box 342
Urbana, Illinois 61801

Bridget Little Porem
117 North Linden Street
Essex, Illinois 60935

Thomas J. Gordon, Esq.
Waller, Evans & Gordon
2503 South Neil
Champaign, Illinois 61820

Lorraine Creek
Route 1, Box 182
Manteno, Illinois 60950