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September 16, 1986

RELATED CORRESPONDENCE

DOCKETED
Via Federal Express

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BRANCH

Re: Texas Utilities Electric Company, et al.
(Comanche Peak Steam Electric Station,
Units 1 & 2); Docket Nos. 50-445 and 50-446

Dear Bob:

We are in receipt of your August 28, 1986 letter to the Administrative Judges, in which, in response to Chairman Bloch's inquiry, you state that you and the other attorneys involved in the Comanche Peak licensing proceeding before the NRC appear in the proceeding on behalf of all Applicants.

Recently, in discussions with us on several different occasions, you and your partner, Merlyn Sampels, stated that you and your firm are not appearing as attorneys for Tex-La Electric Cooperative of Texas, Inc. ("Tex-La"), Texas Municipal Power Agency ("TMPA"), and Brazos Electric Power Cooperative, Inc. ("Brazos") before the NRC in the various Comanche Peak proceedings, with all of the duties, obligations and responsibilities inherent in such attorney-client relationship. In addition, we enclose a copy of an August 26, 1986, letter from Thomas Dignan, at Ropes & Gray, to William Vernon, at Fulbright & Jaworski, in which Mr. Dignan implies that neither he nor his firm serves as attorney in the NRC proceedings for any of the joint owners of Comanche Peak other than TUEC.

We view the foregoing statements as clearly inconsistent, and, based thereon, Tex-La, TMPA and Brazos are not sure whether the law firms mentioned in your August 28 letter as "appearing on behalf of all Applicants" are still attorneys for all of the Applicants in the NRC licensing proceedings. Obviously, Tex-La, TMPA, and Brazos, as joint owners of Comanche Peak, must have legal representation before the NRC by lawyers who are representing their interests in an attorney-client relationship, with all of the duties and obligations inherent in such relationship. We had assumed that such legal representation was being provided by the attorneys set forth in your letter of August 28. However, given the conflicts between your letter to the Administrative Judges and your statements to us, as well as Mr. Dignan's letter to Mr. Vernon, it is not clear whether those firms are still appearing as attorneys for Tex-La, TMPA and Brazos in the various NRC proceedings.

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It is of great importance and urgency to Tex-La, TMPA and Brazos that they have proper legal representation by lawyers who are representing their interests before the NRC with all of the duties, obligations and responsibilities inherent in an attorney-client relationship. To that end, we request that you please clarify, for the benefit of Tex-La, TMPA and Brazos, whether the law firms in question are still appearing as the lawyers for each of the joint owners before the NRC in the various Comanche Peak proceedings and are representing the interest of all such joint owners.

Sincerely,

William H. Burchette (by FDR)

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cc with Enclosure: Service List

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August 26, 1986

William W. Vernon, Esq.
Fulbright & Jaworski
1301 McKinney Street
Houston, Texas 77010

Re: Texas Utilities Electric Company, et al
(Comanche Peak Steam Electric Station Units 1 and 2)
NRC Docket Nos. 50-445-OL and 50-446-OL

Dear Bill:

This will respond to yours of August 22, 1986. As I advised you on the telephone today, we have obtained an extension as you requested in your letter. I have no way of explaining why the Motion, which is the subject of your letter, was not received by Mr. Tartt. We have been assured by our mail people that a copy was sent out by express carrier, and confirmation was received that delivery was made as I understand it. In any event, your letter does point up the need for better communication concerning these matters, and we certainly will endeavor to see to it that that is the case.

I also feel constrained to take issue with your reference to me as "our attorney", the possessive presumably referring to TMPA. Neither myself nor Ropes & Gray is an attorney for TMPA, or any other minority owner of Comanche Peak, except insofar as we are counsel in the NRC proceeding wherein, pursuant to the Joint Ownership Agreement, we take our direction and instructions solely from, and provide our legal advice solely to, TUEC.

Very truly yours,

Thomas G. Dignan, Jr.

TGD, JR/jc
cc: William H. Burchette, Esq.
Ben Finkelstein, Esq.