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Log # TXX-93064
File # 10076

February 11, 1993

Wes M. Taylor
Executive Vice President

Dr. Thomas E. Murley, Director
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, DC 20555

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES)
DOCKET NOS. 50-445 AND 50-446
RESPONSE TO NRC REQUEST FOR INFORMATION

REF: NRC letter from Thomas E. Murley to William J. Cahill, Jr.
dated January 16, 1993

Dear Dr. Murley:

Pursuant to the referenced letter, TU Electric hereby encloses copies of the recently submitted letters to the former minority owners which affirm and clarify TU Electric's intent and resolve the NRC's Staff's concerns on the subject provisions of the settlement agreements.

TU Electric has advised Brazos Electric Power Cooperative, Inc., Texas Municipal Power Agency and Tex-La Electric Power Cooperative of Texas, Inc. that the subject provisions are not intended to prohibit the minority owners, their employees, or representatives from communicating safety concerns to the NRC, and accordingly TU Electric will not attempt to impose or enforce any such provisions.

Yours truly,

Wes M. Taylor
Wes M. Taylor

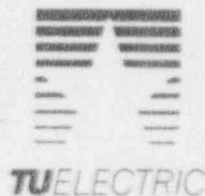
RSB/tg
Attachment
Enclosures

c - Mr. J. L. Milhoan, Region IV
Mr. T. A. Bergman, NRR
Mr. B. E. Holian, NRR
Resident Inspectors, CPSES (2)

See Attached List

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930301 0061 930211
PDR DOCK 05000445
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Log # TXX-93065
File # 10076

February 3, 1993

Wes M. Taylor
Executive Vice President

Mr. Richard E. McCaskill
Executive Vice President and General Manager
Brazos Electric Power Cooperative, Inc.
2404 LaSalle Avenue
Waco, TX 76702-2585

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES)
DOCKET NOS. 50-445 AND 50-446
RESPONSE TO NRC REQUEST FOR INFORMATION

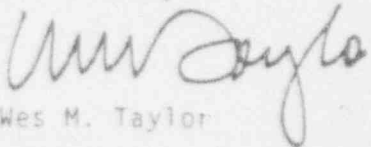
Dear Mr. McCaskill:

In a recent pleading filed by the Nuclear Regulatory Commission (NRC) Staff in connection with the Comanche Peak Steam Electric Station (CPSES) Construction Permit Extension matter, counsel for the NRC Staff took the position that certain provisions of the CPSES minority owner litigation settlement agreements (Section 9.2 and 9.7 [9.6 of the TMPA Agreement]) were in conflict with Commission policy, insofar as they preclude the minority owners from bringing information of regulatory concern to the NRC. On January 12, 1993, the Director of Nuclear Reactor Regulation wrote each of the minority owners (Brazos, TMPA, and Tex-La) and TU Electric expressing concerns about the potentially restrictive provisions of these settlement agreements and asking the minority owners and TU Electric to inform him of what actions have been or will be taken in order to assure that individuals and organizations do not believe that they are precluded by these settlement agreements from coming to the NRC with safety concerns.

TU Electric continues to believe that these settlement agreements, including the provisions cited by the NRC Staff, are consistent with official Commission policy. More particularly, Section 9.7 of each of the settlement agreements specifically provides that each minority owner (as well as those acting on behalf of the minority owners, such as its members, agents, servants, employees, officers, directors, consultants, attorneys, and representatives) was free to comply with Section 210 (now Section 211) of the Energy Reorganization Act, which in turn reflects a policy to ensure that employees of nuclear licensees (such as the minority owners) are free to report safety concerns to the NRC. Furthermore, in said same section of each agreement, each minority owner made affirmative representations and warranties that it did not know of any violation, actual or alleged, of Section 210 that had not previously been disclosed to TU Electric in writing. It was thus clearly the intention of TU Electric to insure that all safety concerns had or would be made known to the NRC.

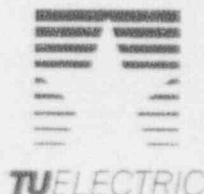
Nevertheless, in order to affirm and clarify TU Electric's intent and to resolve the NRC's Staff's concerns, TU Electric is hereby advising Brazos Electric Power Cooperative, Inc. that the subject provisions are not intended to prohibit the minority owners, their employees, or representatives from communicating safety concerns to the NRC, and accordingly TU Electric will not attempt to impose or enforce any such prohibition. These individuals or organizations may, at any time, bring safety information to the NRC, if the individual or organization so chooses. To the extent that these provisions prohibit the minority owners from initiating or participating in litigation involving Comanche Peak, including litigation before the NRC, they will continue to be effective and enforceable.

Yours truly,

A handwritten signature in dark ink, appearing to read "Wes M. Taylor", written in a cursive style.

Wes M. Taylor

RSB/ds



Log # TXX-93066
File # 10076

February 3, 1993

Wes M. Taylor
Executive Vice President

Mr. Ed Wagoner, General Manager
Texas Municipal Power Agency
P. O. Box 7000
Bryan, TX 77805

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES)
DOCKET NOS. 50-445 AND 50-446
RESPONSE TO NRC REQUEST FOR INFORMATION

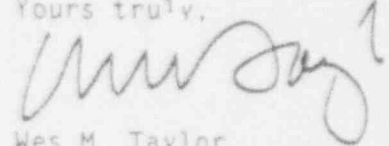
Dear Mr. Wagoner:

In a recent pleading filed by the Nuclear Regulatory Commission (NRC) Staff connection with the Comanche Peak Steam Electric Station (CPSES) Construction Permit Extension matter, counsel for the NRC Staff took the position that certain provisions of the CPSES minority owner litigation settlement agreements (Sections 9.2 and ~ 7 [9.6 of the TMPA Agreement]) were in conflict with Commission policy, insofar as they preclude the minority owners from bringing information of regulatory concern to the NRC. On January 12, 1993, the Director of Nuclear Reactor Regulation wrote each of the minority owners (Brazos, TMPA, and Tex-La) and TU Electric expressing concerns about the potentially restrictive provisions of these settlement agreements and asking the minority owners and TU Electric to inform him of what actions have been or will be taken in order to assure that individuals and organizations do not believe that they are precluded by these settlement agreements from coming to the NRC with safety concerns.

TU Electric continues to believe that these settlement agreements, including the provisions cited by the NRC Staff, are consistent with official Commission policy. More particularly, Section 9.7 of each of the settlement agreements specifically provides that each minority owner (as well as those acting on behalf of the minority owners, such as its members, agents, servants, employees, officers, directors, consultants, attorneys, and representatives) was free to comply with Section 210 (now Section 211) of the Energy Reorganization Act, which in turn reflects a policy to ensure that employees of nuclear licensees (such as the minority owners) are free to report safety concerns to the NRC. Furthermore, in said section of each agreement, each minority owner made affirmative representations and warranties that it did not know of any violation, actual or alleged, of Section 210 that had not previously been disclosed to TU Electric in writing. It was thus clearly the intention of TU Electric to insure that all safety concerns had or would be made known to the NRC. enforceable.

Nevertheless, in order to affirm and clarify TU Electric's intent and to resolve the NRC's Staff's concerns, TU Electric is hereby advising Texas Municipal Power Agency that the subject provisions are not intended to prohibit the minority owners, their employees, or representatives from communicating safety concerns to the NRC, and accordingly TU Electric will not attempt to impose or enforce any such prohibition. These individuals or organizations may, at any time, bring safety information to the NRC, if the individual or organization so chooses. To the extent that these provisions prohibit the minority owners from initiating or participating in litigation involving Comanche Peak, including litigation before the NRC, they will continue to be effective and enforceable.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Wes M. Taylor', with a stylized flourish at the end.

Wes M. Taylor

RSB/ds



Log # TXX-93067
File # 10076

TU ELECTRIC

February 3, 1993

Wes M. Taylor
Executive Vice President

Mr. John H. Butts, Manager
Tex-La Electric Cooperative of Texas, Inc.
P. O. Box 1623
Nacagdoches, TX 75963-1623

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES)
DOCKET NOS. 50-445 AND 50-446
RESPONSE TO NRC REQUEST FOR INFORMATION

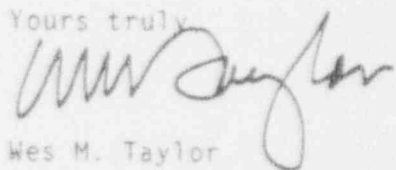
Dear Mr. Butts:

In recent pleading filed by the Nuclear Regulatory Commission (NRC) Staff in connection with the Comanche Peak Steam Electric Station (CPSES) Construction Permit Extension matter, counsel for the NRC Staff took the position that certain provisions of the CPSES minority owner litigation settlement agreements (Sections 9.2 and 9.7 [9.6 of the TMPA Agreement]) were in conflict with Commission policy, insofar as they preclude the minority owners from bringing information of regulatory concern to the NRC. On January 12, 1993, the Director of Nuclear Reactor Regulation wrote each of the minority owners (Brazos, TMPA, and Tex-La) and TU Electric expressing concerns about the potentially restrictive provisions of these settlement agreements and asking the minority owners and TU Electric to inform him of what actions have been or will be taken in order to assure that individuals and organizations do not believe that they are precluded by these settlement agreements from coming to the NRC with safety concerns.

TU Electric continues to believe that these settlement agreements, including the provisions cited by the NRC Staff, are consistent with official Commission policy. More particularly, Section 9.7 of each of the settlement agreements specifically provides that each minority owner (as well as those acting on behalf of the minority owners, such as its members, agents, servants, employees, officers, directors, consultants, attorneys, and representatives) was free to comply with Section 210 (now Section 211) of the Energy Reorganization Act, which in turn reflects a policy to ensure that employees of nuclear licensees (such as the minority owners) are free to report safety concerns to the NRC. Furthermore, in said same section of each agreement, each minority owner made affirmative representations and warranties that it did not know of any violation, actual or alleged, of Section 210 that had not previously been disclosed to TU Electric in writing. It was thus clearly the intention of TU Electric to insure that all safety concerns had or would be made known to the NRC.

Nevertheless, in order to affirm and clarify TU Electric's intent and to resolve the NRC's Staff's concerns, TU Electric is hereby advising Tex-La Electric Power Cooperative of Texas, Inc. that the subject provisions are not intended to prohibit the minority owners, their employees, or representatives from communicating safety concerns to the NRC, and accordingly TU Electric will not attempt to impose or enforce any such prohibition. These individuals or organizations may, at any time, bring safety information to the NRC, if the individual or organization so chooses. To the extent that these provisions prohibit the minority owners from initiating or participating in litigation involving Comanche Peak, including litigation before the NRC, they will continue to be effective and enforceable.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Wes M. Taylor', is written over the printed name.

Wes M. Taylor

RSB/ds

Jim McKnight:

Please enter the attached through RIDS.
Distribution should be as follows:

	<i>LT</i>	<i>Encl</i>
PD4-2 PD	1	1
PD4-2 LA	1	1
T. Bergman	1	1
Docket <i>el</i>	1	1
NRC PDR/Local PDR	2	2
NSIC	1	1
OGC	1	1
RHoefling, OGC	1	1
TMurley	1	1
FMiraglia	1	1
JGPartlow	1	1
JRoe	1	1
MVirgilio	1	1
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