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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONBEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
TEXAS UTILITIES ELECTRIC)	Docket Nos. 50-445
COMPANY, <u>et al.</u>)	50-446
)	
(Comanche Peak Steam Electric)	(Application for
Station, Units 1 and 2))	Operating License)

APPLICANTS' MOTION REGARDING ADVANCE
NOTICE OF CYGNA REVIEW OF DOCUMENT CONTROL

During the March 30, 1984, telephone conference in the captioned proceeding, Applicants expressed the view that the Licensing Board should close-out the question of advance notice of the Cygna review of document control and the implications of that notice.¹ The Licensing Board indicated that it was possible to do so but that the transcript of the interview by the Office of Investigation of Mr. Hutchinson "would have to be made available in advance of the hearing."²

Applicants understand that OI has not yet completed its investigation into the advance notice question and that it will not release the transcript of the interview with Mr. Hutchinson until such investigation is completed. Applicants have no way of predicting when that will occur. Indeed, the Licensing Board

¹ Texas Utilities Generating Co. (Comanche Peak Steam Electric Station, Units 1 and 2), Docket No. 50-445 and 50-446, Tr. at 12,009.

² Id. at 12,025.

apparently recognized the problem of predicting when OI material might be released when it decided in connection with litigation on intimidation not to wait for OI to complete an investigation into that matter because of delays in the OI investigation.

Consequently, if release of the OI transcript is to be a condition precedent to litigating this issue, it is difficult to assess when the advance notice question can in fact be closed-out.

The Licensing Board requested that the NRC Staff interview Mr. Hutchinson regarding the list of documents provided in advance of the Cygna review of document control in order to make a record of what Mr. Hutchinson knew at the time of the hearings last February.³ That goal has been accomplished. No reason exists, therefore, to refrain from litigating this matter now.

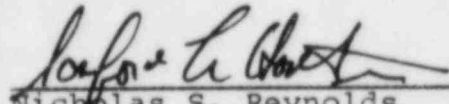
Further, Applicants have emphasized to the Licensing Board and parties the need to complete hearings on the advance notice issue during the round of hearings commencing on April 24 because of the possible impact that issue could have on the plan on pipe support design presently being implemented.⁴ Therefore, Applicants move the Licensing Board to schedule the advance notice question for the hearings commencing on April 24. We urge the Board to proceed to decision on the Cygna IAP, including the advance notice issue, on the basis of the record produced prior to and during the forthcoming hearings. Upon any subsequent release

³ Id. at 9,915-16.

⁴ Id. at 12,028.

of OI material that might contradict the testimony of Mr. Hutchinson elicited during the forthcoming hearing, the Board could entertain an appropriate motion of the parties at that time. Applicants have enclosed with this Motion pre-filed testimony on the advance notice issue in expectation of addressing that question during the upcoming hearing.

Respectfully submitted,



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